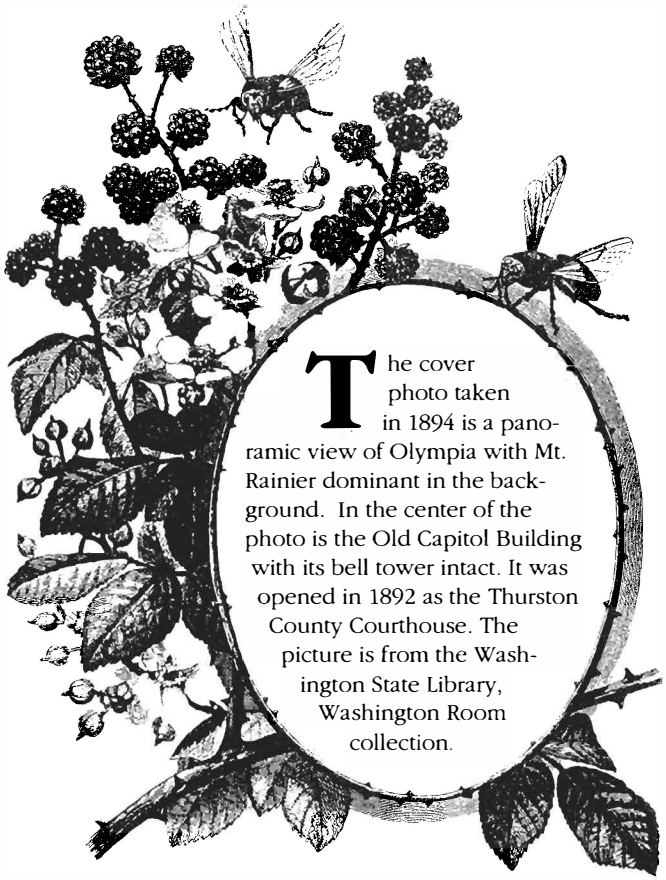
Final Legislative Report

Fifty-first Washington State Legislature
1989 Regular, First and Second Special Sessions

Centennial Edition

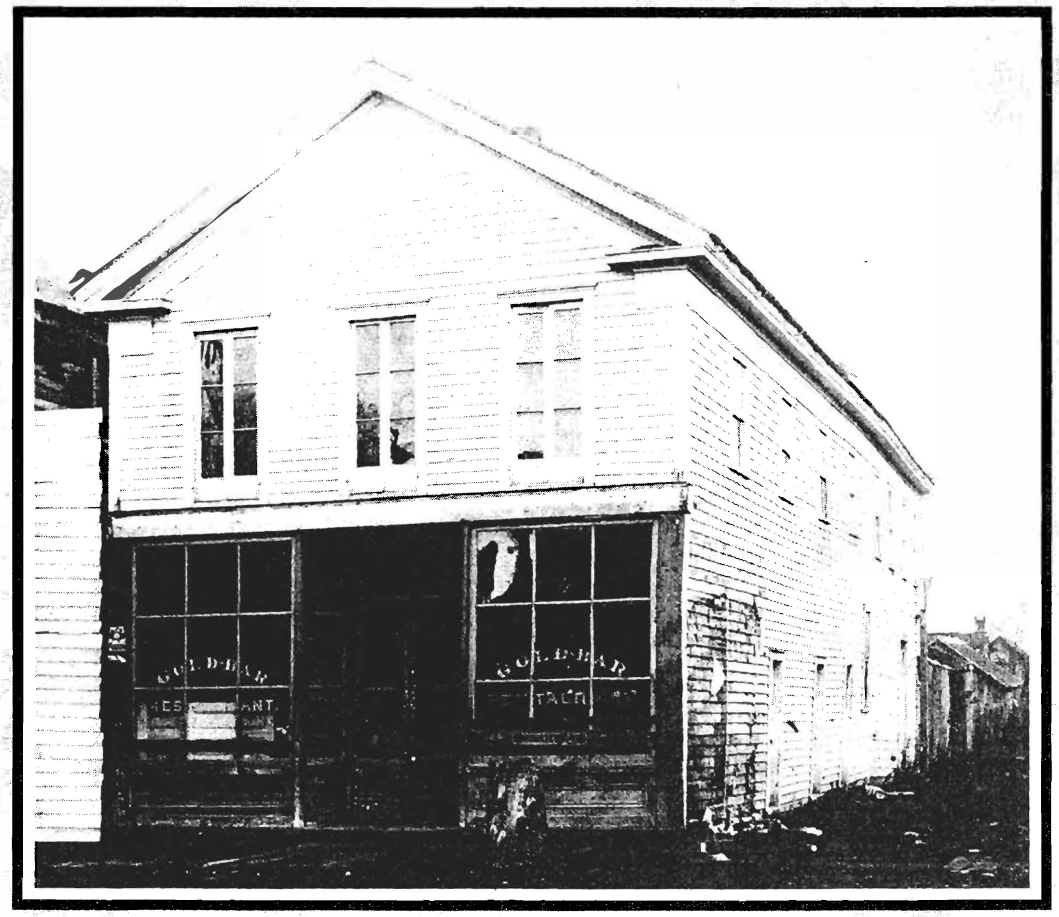


The cover photo taken in 1894 is a panoramic view of Olympia with Mt. Rainier dominant in the background. In the center of the photo is the Old Capitol Building with its bell tower intact. It was opened in 1892 as the Thurston County Courthouse. The picture is from the Washington State Library, Washington Room collection.

Fifty-first
Washington State Legislature

❦

1989 Regular, First and Second Special Sessions



The first territorial legislature met in the frame building constructed by Edmund Sylvester in 1852 as a general store in what is now downtown Olympia (above). At first the Sylvester family had living quarters on the second floor. In 1854 the legislature convened there. The building became the Parker and Coulter express office and later the Gold Bar Restaurant. It was later moved to the back of a lot and abandoned.

Olympia's first Masonic Temple (right) built in 1854 was used as the territorial capitol for at least one session, probably in 1855. It was considered a very handsome structure by the pioneers.

(Photo courtesy of the Washington State Library, Washington Room.)

This final edition of the 1989 Legislative Report is available from:

The Legislative Bill Room
Legislative Building
Olympia, Washington 98504

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For more detailed information regarding 1989 legislation, contact:

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

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

Washington State Legislature

Legislative Building • Olympia, Washington 98504

June 1989

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

This final edition of the **Legislative Report** is a summary of legislative action during the 1989 Regular, First and Second Special Sessions of the 51st Legislature. It provides summaries of legislation which passed the Legislature, budget highlights and a record of all gubernatorial actions.

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

Sincerely,

Jeannette Hayner
Senate Majority
Leader

Joseph E. King
Speaker of the
House of Representatives

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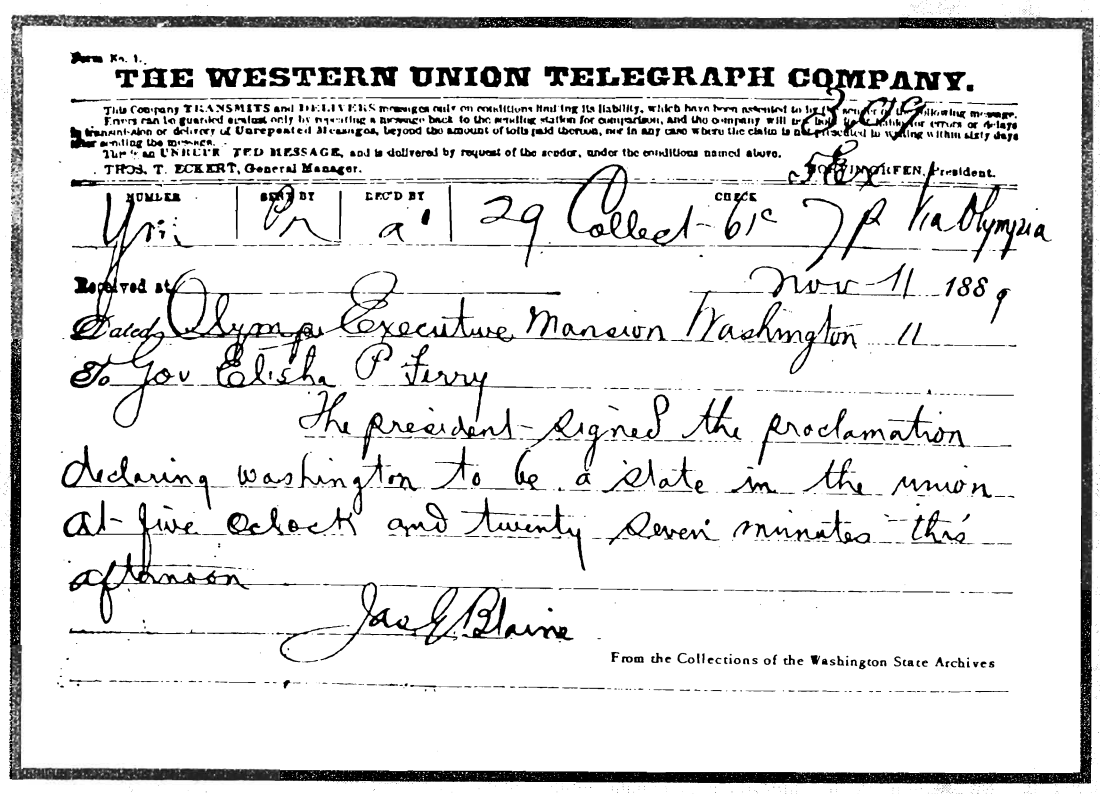

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THOS. T. ECKERT, General Manager. JOHN JULIAN, President.

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Yri | Wn | a 1 | 29 Collect 61c JP Via Olympia

Received at Nov 11 1889

Dated Olympia Executive Mansion Washington 11

To Gov Elisha P Ferry

The president signed the proclamation declaring washington to be a state in the union at five oclock and twenty seven minutes this afternoon

Jas G Blaine

From the Collections of the Washington State Archives

Notification of statehood came to Elisha Ferry by Western Union Telegram.

(Original telegram is in the office of the Secretary of State.)

Statistical Summary – 1989 *Regular, First and Second Special Sessions of the 51st Legislature*

Bills Before Legislature	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
1989 Regular Session (January 9 - April 23)					
House	1,239	231	10	39	221
Senate	1,149	215	8	21	207
1989 First Special Session (April 24 - May 10)					
House	8	10	0	2	10
Senate	5	9	0	3	9
1989 Second Special Session (May 17 - May 20)					
House	4	1	0	0	1
Senate	9	2	0	0	2
TOTALS	**2,414**	**468**	**18**	**65**	**450**

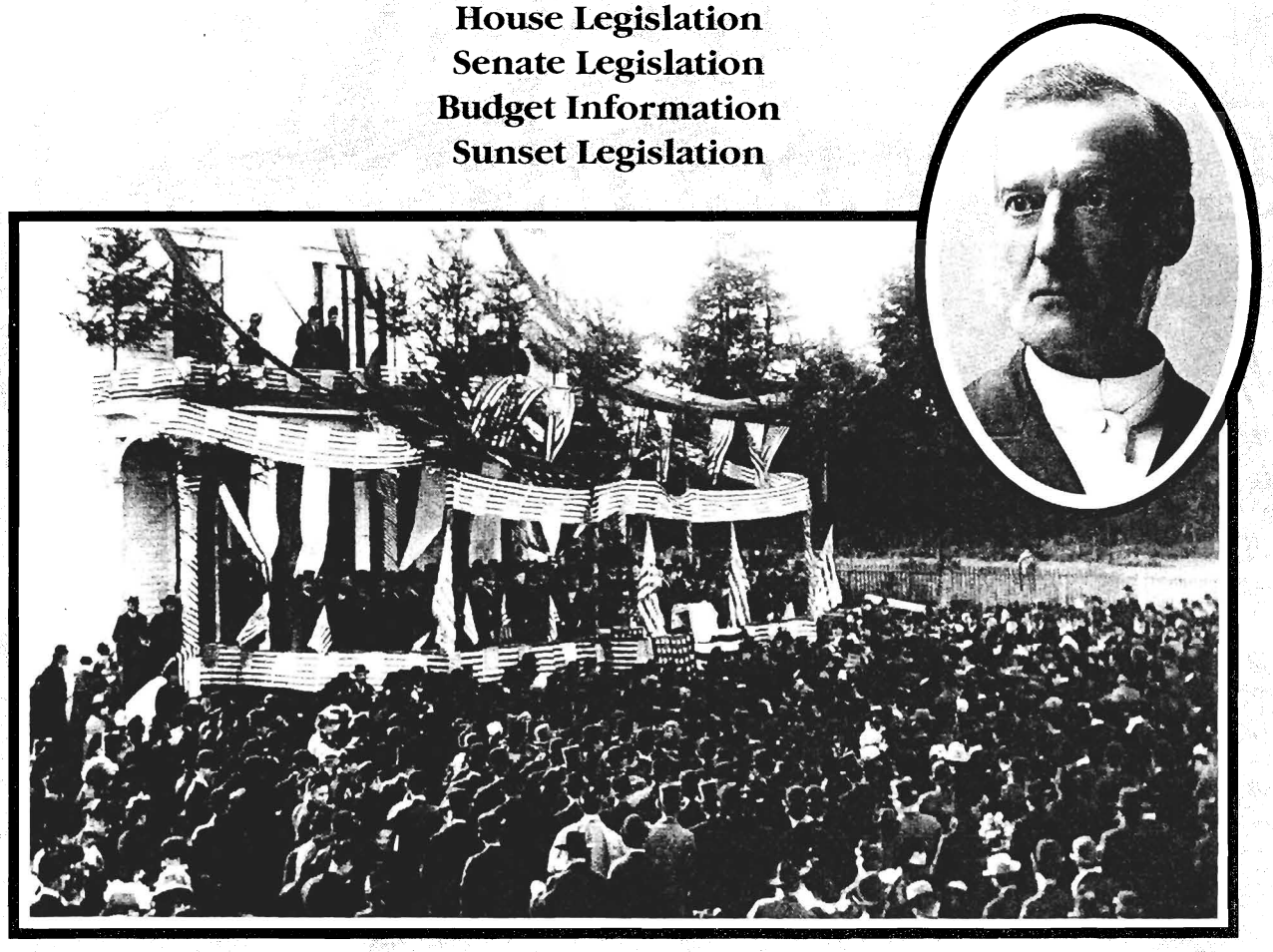
Initiatives, Joint Memorials, Joint Resolutions and Concurrent Resolutions Before Legislature	Introduced	Filed with Secretary of State
1989 Regular Session (January 9 - April 23)		
House	64	15
Senate	65	13
1989 First Special Session (April 24 - May 10)		
House	8	2
Senate	5	4
1989 Second Special Session (May 17 - May 20)		
House	4	3
Senate	2	2
TOTALS	**148**	**39**
Initiatives	**2**	**3**

Gubernatorial Appointments	Referred	Confirmed
1989 Regular Session (January 9 - April 23)	133	91
1989 First Special Session (April 24 - May 10)	4	2
1989 Second Special Session (May 17 - May 20)	1	0

Section I

Legislation Passed

Initiatives
House Legislation
Senate Legislation
Budget Information
Sunset Legislation



Inauguration of Elisha Ferry as the first governor of Washington occurred on November 18, 1889, a week after admission to statehood. Although heavy rains preceded inauguration day, the morning dawned bright and clear. The building had been decorated with flags, bunting and evergreens. The streamer mounted under the eaves included the words, "Elisha P. Ferry, first in the hearts of the people of the State of Washington". Under the speaker's stand were Native American words meaning, "Living hitherto in the past, we now begin to live in the future."

Elisha Ferry (right inset) twice had been appointed territorial governor. Among the words spoken a hundred years ago to the 3,000 people assembled for his inauguration were these predictive ones, "The Occident is looking to the Orient for supplies. Here will spring up a trade which will vastly outmeasure the old Oriental trade. As a consequence there will arise upon the waters of Puget Sound cities which will rank with the great commercial cities of the world."

Erected in 1855-56, the old Territorial Capitol Building (left) served as the capitol until the Thurston County Courthouse was taken over for legislative use in 1901.

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Washington's Initiative and Referendum: 75 Years of Direct Democracy

In 1911, the Washington Legislature approved a number of significant reforms, including a proposed amendment to the state Constitution that was, at the time, unique in the nation. This measure, which was destined to have a far-reaching impact on the state, was approved in the 1912 general election. It became the Seventh Amendment, and provided, in part:

> The legislative authority of the state of Washington shall be vested in the legislature . . . but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any bill, act or law passed by the legislature. *(Washington Constitution, Article II, Section 1)*

Despite four subsequent amendments to this section, its guaranteed rights of initiative and referendum have remained essentially unchanged for almost 77 years.

From 1914 to May 1989, Washington citizens had filed:

- 532 initiatives to the people, of which 84 (16 percent) were certified, with 42 (8 percent) adopted;
- 112 initiatives to the Legislature, of which 18 (16 percent) were certified, with 12 (10 percent) adopted by either the Legislature or the people;
- 45 referendum measures, of which 31 (69 percent) were certified, with 27 (60 percent) successful in preventing acts of the Legislature from taking effect;
- 41 referendum bills (measures referred by the Legislature to the people for final approval), of which 31 (76 percent) were adopted.

Notable Initiatives and Referenda

Since 1914, many significant laws have been adopted through the initiative process or prevented from taking effect through the referendum process, some of which are:

- Initiative to the Legislature #2 (adopted by the Legislature in 1935), enabling Washington citizens to cast votes for a party's candidates in a "blanket primary," without the requirement that they be a registered member of that party;
- Initiative #207 (1960), establishing a civil service system for state employees;
- Initiative #276 (1972), the state public disclosure law, requiring officials and lobbyists to reveal financial information and mandating public access to most government records;
- Referendum #3 (1916), nullifying a law that severely restricted initiative and referendum signature gathering;
- Referendum #36 (1972), nullifying a law lowering the drinking age from 21 to 19;
- Referendum #39 (1977), nullifying a law providing for mail-in voter registration.

Initiative 97

C 2 L 89

Providing for the clean–up of hazardous wastes.

Background: In 1987, the Legislature enacted a comprehensive hazardous waste cleanup law. An initiative also providing for a comprehensive hazardous waste cleanup law was submitted to the Legislature during the 1988 regular session. The Legislature did not pass the initiative but did pass a measure to place its 1987 law on the ballot as an alternative to the initiative. The voters in 1988 enacted the initiative.

Summary: The existing law is changed in numerous respects, including: More limitations are placed on state financial assistance to liable parties. The process for settlement of claims and the state's authority to enter into settlement agreements are revised. The penalty for failure to comply with cleanup orders is increased. The tax on hazardous substances is reduced and fewer exemptions are provided.

Effective: March 1, 1989

Initiative 99

C 4 L 89

By request of the Citizens of Washington State

Presidential Primary.

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

Background: In presidential election years, delegates from this state to the national nominating conventions of the major political parties are allocated to candidates through caucus and convention systems. In contrast, approximately two–thirds of the states have established presidential primaries in which delegates are allocated to candidates based upon the results of votes cast in a primary.

Rules of the major political parties have required persons wishing to participate in the delegate selection process for their national conventions to be identified as members of that party. In recent decisions of the U.S. Supreme Court, party rules have been held to override state election laws in certain circumstances, including eligibility to participate in primaries. These decisions are based upon freedom of association rights guaranteed in the federal Constitution.

Washington conducts open primaries for the selection of party nominees for election to state and local offices. Voters are not required to register as members of a political party in order to vote for a party's nominees. Most states require such registration before voters are eligible to cast votes for a party's nominees.

Summary: An initiative to the Legislature establishes a presidential preference primary. Voters can participate in the primary by requesting the ballot of one major political party and casting a vote for a candidate of that party. Delegates will be selected to national conventions based upon the result of the primary. The Secretary of State is granted the authority to adopt administrative rules to facilitate the operation of the primary.

The current nominating caucus system is declared to be restrictive of voter participation and discriminatory against certain voters. The declared intent is to make the nominating process more open and representative of the will of the people. To the extent practicable, party rules will continue to dictate the selection of delegates, according to the result of the primary.

The primary will be held on the fourth Tuesday in May of each presidential election year, unless the Secretary of State selects another date "to advance the concept of a regional primary."

The names of presidential candidates may be placed on the ballot of a major political party in two ways. First, the Secretary of State may include a candidate on the ballot if he or she determines that the candidacy is "generally advocated or recognized in the news media." Second, a candidate's name will be placed on the ballot if the Secretary of State receives a petition signed by at least 1,000 registered voters claiming affiliation with the candidate's party and advocating the candidacy. The petition must be filed with the Secretary of State at least 39 days prior to the primary. A candidate may prevent the placing of his or her name upon the ballot by filing an affidavit disclaiming his or her candidacy. The affidavit must be filed with the Secretary of State at least 35 days before the primary.

A separate ballot will be prepared for each major political party (one in which a candidate for national or statewide office received at least 5 percent of the vote cast in the last preceding even–year general election). The names of all authorized candidates will be listed in alphabetical order, with a box next to each name to indicate preference. A blank space for write–in candidates will also be provided.

Voters will specify, on a ballot request form, their name and address and the party primary in which they wish to participate. The completed forms will be maintained by the county auditor for a period specified by the Secretary of State and then destroyed.

The Secretary of State is authorized to prescribe rules for providing each party a list of voters who participated in the party's presidential primary.

The results of the primary will determine the percentage of delegate positions allocated to each candidate in the Washington delegation at a party's national convention. Candidates must receive at least 15 percent of the vote cast for the party's candidates (or the percentage set by the party's national rules) in order to be allocated delegate positions. These candidates will receive (proportionately) the votes cast for candidates who do not receive at least 15 percent of the vote cast. Delegates are committed to vote for the candidate for which they were selected for the first two ballots at the national convention, or until the candidate formally releases them. If a candidate dies, his or her delegates will be considered uncommitted.

The state will assume the cost of the presidential primary. If any other elections are held at the same time, the state is liable only for its prorated share.

Votes on Final Passage:

Senate	38	10
House	89	6

Effective: July 23, 1989

Initiative 518

C 1 L 89

State minimum wage.

Background: The Washington State Minimum Wage Act provides that employees 18 years of age or older must be paid at least $2.30 per hour. Exceptions are made for agriculture workers, workers engaged in domestic service in a private home, outside salesmen, persons engaged in forest protection and fire protection activities, and others. The state minimum wage has not changed since 1977.

The federal minimum wage is established at $3.35 per hour. Employees of enterprises engaged in interstate commerce are covered by the federal minimum wage. When the federal and state minimum wage laws apply to the same employment, the employee must be paid whichever wage is highest.

In 1988 bills were introduced in both houses to raise the state minimum wage, but none passed the Legislature.

Summary: Effective January 1, 1989, the state minimum wage for workers 18 years of age or older is raised from $2.30 to $3.85 an hour. Effective January 1, 1990, the state minimum wage is raised to $4.25 an hour.

The Director of the Department of Labor and Industries is required to establish the minimum wage for minors by regulation.

Beginning January 1, 1991, the Office of Financial Management is directed to review the state minimum wage each odd-numbered year and make recommendations to the Legislature and the Governor regarding its increase. There are no automatic escalators contained in the measure.

The general exemption from the minimum wage for agriculture employees is removed and is replaced by a more limited exemption.

The general exemption for domestic service is removed and replaced with an exemption for individuals employed in casual labor in or about a private home, unless the work is performed in the course of the employer's business.

Effective: January 1, 1989

SHB 1007

C 241 L 89

By Committee on Natural Resources & Parks (originally sponsored by Representatives Ballard, Ferguson, McLean and K. Wilson)

Promoting safety in water skiing.

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

Background: Washington's boating accident fatality rate is more than double the national average. From 1984 to 1988, three deaths were reported related to water skiing. During the same period, 49 water skiing accidents were reported.

The state Parks and Recreation Commission has adopted boating safety standards. The standards adopted are the United States Coast Guard safety standards, that do not deal with water skiing safety. There are, therefore, no statewide standards for water skiing safety. Some counties and other local governments have adopted water skiing safety regulations, but these vary widely from area to area.

Summary: Any recreational boat operating on any state waters and towing any number of people on water skis or similar contrivances must have at least an operator and an observer on board. The operator is the person in physical control of the boat, and the observer is a person riding in the boat who is responsible for observing the water skier. The operator and the observer cannot be the same person. A recreational boat is any vessel manufactured or used primarily for non–commercial use, or leased, rented, or chartered for non–commercial use.

The observer must watch the skier at all times. Any time the skier is in the water, whether because the skier has fallen or because the skier is preparing to ski, the observer must display a 12 inch square, bright red flag that is mounted on a handle at least 24 inches long. The flag must be displayed so as to be visible from every direction.

An exception is established for any U.S. Coast Guard approved recreational boat, if the design makes no provision for carrying an operator or any other person on board, and the boat is actually operated by the person or persons being towed.

Any person who is water skiing or attempting to water ski must wear a Coast Guard approved personal flotation device or a wet suit that is designed for and capable of floating the water skier. Water skiing is prohibited on state waters from one hour after sunset until one hour prior to sunrise. Water skiing in a negligent manner is prohibited. Water skiers and boaters in authorized tournaments, competitions, or exhibitions are exempted from these provisions.

Votes on Final Passage:

House	95	0	
Senate	35	12	(Senate amended)
House	94	1	(House concurred)

Effective: May 5, 1989

HB 1010

C 21 L 89

By Representatives Sayan, Patrick, Wang, Wineberry, R. King, Rector, Dellwo, Winsley, Basich and Day

Revising provisions for disability leave supplement for law enforcement officers and fire fighters.

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

Background: Law enforcement officers and fire fighters in the LEOFF II system receive a disability supplement to augment the workers' compensation benefits they are paid because of duty–related injury. The supplement is an amount that, in combination with workers' compensation temporary total disability payments, provides the officer or fire fighter with the same net pay that he or she received for active duty. The disability supplement cost is shared by the employer and employee. The supplement payments begin on the sixth day of absence from work. The program expires on June 30, 1989.

The Legislative Budget Committee reviewed the program in 1987 and reported that the program had minimal financial effects on local governments.

Summary: The temporary disability leave supplement program for law enforcement officers and fire fighters under LEOFF II is made permanent. The date on which the disability supplement payments will begin is changed from the sixth day of absence from work to the sixth calendar day after the injury.

Votes on Final Passage:

House	93	0
Senate	45	0

Effective: April 18, 1989

HB 1019

C 394 L 89

By Representatives P. King and Scott

Allowing home detention for certain burglars.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Home detention is a program of partial confinement of an offender in a private residence subject to electronic surveillance. Part of the Sentencing Reform Act of 1981 sets out a list of felony offenders who are not eligible for the home detention program. Among those who are not eligible are offenders convicted of second degree burglary. Participation in the home detention program requires an offender to obtain or maintain employment or be enrolled in school.

Summary: Offenders convicted of second degree burglary are no longer ineligible for home detention. Offenders convicted of second degree burglary are eligible for home detention if the offender: (1) has successfully completed 21 days in a work release facility; (2) has had no burglary convictions during the preceding two years and not more than two prior convictions for burglary; (3) has had no violent felony convictions during the preceding two years and not more than two prior convictions for a violent felony offense, and (4) has had no prior convictions for escape.

Offenders convicted of any drug offense are not eligible for home detention. An exception is created for offenders convicted of possession of a controlled substance or a forged prescription for a controlled substance if the offender meets the program's other requirements and is monitored for drug use by Treatment Alternatives to Street Crime (TASC) or a comparable program.

The home detention program is expanded to include those persons who are otherwise eligible for the program and who comply with program rules but are unemployed or not in school if (a) the person has to perform parental duties to minors in the person's custody or (b) the person is ill and the health of the person, other inmates, or the custodial staff would be jeopardized by the offender's incarceration.

Votes on Final Passage:

House	75	19	
Senate	43	3	(Senate amended)
House	87	7	(House concurred)

Effective: July 23, 1989

HB 1020

C 275 L 89

By Representatives Vekich, Winsley, Patrick, Sayan, Prentice, Rector, Dellwo, Basich, Spanel and P. King

Authorizing collective bargaining for district court employees.

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

Background: The Public Employees Collective Bargaining Act covers all municipal and county employees, with specified exceptions. In 1975, the Washington State Supreme Court decided that certain superior court employees who are paid by the county are only covered under the collective bargaining act with respect to bargaining over wages. The court determined that because the operation of the courts is a matter of state concern rather than local concern, the judicial branch, as opposed to the county, is the employer for purposes of hiring, firing and working conditions.

In a 1986 decision, the Public Employment Relations Commission applied the court's reasoning to district court employees and held that these employees are "state employees" for personnel matters other than wages. Therefore, these employees are entitled to collectively bargain with the county employer only over wages. The commission did not find a statutory requirement for district court judges to collectively bargain over other personnel matters.

Summary: The public employee collective bargaining laws are made applicable to district courts. The public employer of the district court employees with respect to collective bargaining over wage-related matters is the county legislative authority. The public employer with respect to nonwage-related matters is the judge or judge's designee. Each judge or court commissioner may exclude no more than one personal assistant from a bargaining unit.

Votes on Final Passage:

House	61	26	
Senate	44	0	(Senate amended)
House	88	9	(House concurred)

Effective: July 23, 1989

HB 1024

C 30 L 89

By Representatives Appelwick, Padden, Wineberry, Locke, O'Brien, Zellinsky, Heavey, R. King, Anderson, Wolfe, Moyer, Ballard, Wang, S. Wilson, Pruitt, Sprenkle, Jesernig, Valle, Inslee, Tate, Winsley, P. King, Walker, Brough, Dellwo, Rector, Cooper, Jones, Todd, H. Myers, Patrick, Jacobsen, Kremen, Van Luven, D. Sommers, R. Fisher, Gallagher, Crane, Miller, Morris, Fraser, Schmidt, Silver, Phillips, Rasmussen, Scott, Cole, K. Wilson, Spanel and Bowman; by request of Department of Corrections

Notifying victims and witnesses of sex offenses of escape, release, or furlough of inmates.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: If requested in writing, notice concerning parole, work release or furlough of a violent offender must be sent within 10 days prior to release to (1) the police chief of the city where the inmate will reside, (2) the county sheriff where the inmate will reside, (3) the victim or victim's next of kin, (4) witnesses who testified against the inmate, and (5) anyone else specified by the prosecuting attorney. Notice is also sent in the event of an offender's escape or emergency furlough. The Department of Corrections is required to provide victims and witnesses involved in violent offense cases with a statement of their right to request and receive this notification.

Summary: In addition to providing notice of release of violent offenders, the Department of Corrections must provide notice of release of sex offenders. The Department of Corrections must also provide the victims and witnesses involved in sex crimes with a statement of their right to request and receive notification of the offender's release.

Votes on Final Passage:

House	97	0
Senate	46	0

Effective: July 23, 1989

HB 1025

C 47 L 89

By Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel; by request of Department of Fisheries

Changing standards for commercial fishing licenses.

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

Background: Current law contains a variety of standards and requirements for various commercial fishing licenses.

A Washington state commercial fishing license may be issued to a person who is 16 years of age or older, who is a citizen of the United States, and who is a bona fide resident of the United States. Requiring that a person be a citizen of the United States in order to get such a license has been declared a violation of the equal protection clause of the U.S. Constitution by the United States Supreme Court in cases originating in other states.

Vessels may be licensed for both charter boat sport fishing and commercial fishing. A particular vessel may not engage in both sport and commercial fishing on the same day. If a vessel holds both licenses, only one license may be on the vessel while the vessel is involved in fishing. The unused license must be deposited with the area fisheries patrol officer or any agent designated by the director of the Department of Fisheries.

A person who assists in taking salmon on a troll vessel or who assists in taking Columbia River smelt must have a personal commercial fishing license.

The director of the Department of Fisheries, under legislative directive, sought to eliminate the commercial set line fishery for Columbia River sturgeon through the Columbia River Compact. The compact provides for joint management of the commercial fishery on the Columbia River by the Washington Department of Fisheries and the Oregon Fish & Wildlife Commission.

The Department of Fisheries relies on information obtained from fishers by fish dealers to assist in managing the commercial fishery. The department has changed the scheme of regulation for wholesale fish dealers. Earlier regulation was based on a location permit that included a branch plant license. The regulation scheme based on location made it difficult to hold individuals accountable for submitting false information. The current regulation scheme licenses an individual wholesale dealer, and additional buyers must have a fish buying permit.

Summary: A person is not required to be a United States citizen to obtain a commercial fishing license.

A vessel may be licensed for either sport fishing or commercial fishing, but may not engage in both on the same day. A vessel owner no longer must deposit the license not in use with a fisheries agent.

The following requirements are repealed: (1) the personal commercial fishing license required for those who assist in taking salmon on a commercial troll vessel or who assist in taking Columbia River smelt; (2) a set line license for Columbia River sturgeon; and (3) the branch plant license for wholesale fish dealers.

Votes on Final Passage:

House 89 0
Senate 46 0

Effective: July 23, 1989

HB 1026

C 37 L 89

By Representatives Spanel, R. King, S. Wilson, Haugen, Nelson, Brekke and K. Wilson; by request of Department of Fisheries

Regulating sea urchin fishing.

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

Background: The state of Washington has had a sea urchin fishery since the early 1970s. However, the number of vessels involved in the fishery has more than doubled in just the last two years (78 vessels in 1987; 203 vessels in 1988). The catch of urchins increased from approximately 400,000 pounds in 1983 to over 8.5 million pounds in 1988.

Three species of sea urchins are identified as harvestable: reds, greens, and purples. Reds are the predominantly harvested species and are regulated by size, season restriction (normally October to March, although, the 1988–89 season has been shortened), and by harvest area (five districts). Green sea urchins have no restrictions and may be harvested with permission of the director of of the Department of Fisheries. Purples are not harvested commercially.

This fishery is open to any vessel owner with a shellfish diver's license. The urchins are harvested by divers who are not required to be licensed. The department has adopted an emergency rule that limits the number of divers per vessel to two.

Summary: A limited entry program is established for the Washington sea urchin fishery. After October 1, 1989, the commercial harvest of sea urchins will require a sea urchin endorsement to the shellfish diver's license. To qualify for the endorsement, a vessel must have held a shellfish diver's license during the 1988 calendar year and must have landed a minimum of 20,000 pounds of sea urchins during the period of April 1, 1986 through March 31, 1988 which is two fishing seasons.

After the initial qualification, subsequent endorsements will be limited to those vessels that qualified during the previous season and that landed 20,000 pounds of sea urchins during a two–year period ending March 31 of each odd–numbered year.

Licenses that are not reissued due to a revocation or suspension will still be eligible to be licensed for the following season. The director may reduce or waive the 20,000 pound landing requirement upon the recommendation of a review board. Such a recommendation is to be based on "extenuating circumstances" as defined by administrative rules adopted by the director.

Sea urchin endorsements are not transferable except on death of the owner or from parent to child, or between spouses either during marriage or upon dissolution of marriage.

When the fishing fleet has been reduced to 45 vessels, the director may issue additional endorsements by random selection. The selection process will be established by rules adopted by the director upon recommendation of the review board.

Votes on Final Passage:

House 88 1
Senate 43 2

Effective: July 23, 1989

HB 1027

C 130 L 89

By Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel; by request of Department of Fisheries

Clarifying the authority of the director of fisheries.

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

Background: The authority of the director of the Department of Fisheries is limited by federal law with respect to certain waters. These waters include offshore waters (marine waters off the coast beyond the three–mile limit) and concurrent waters of the Columbia River (waters that coincide with the Washington–Oregon boundary). Several international, national, and interstate bodies adopt regulations affecting fisheries in these waters. The director may adopt rules consistent with these regulations.

The International Pacific Halibut Commission, established in 1923, provides for joint management of halibut between the United States and Canada.

In 1985, the United States and Canada signed the Salmon Interception Treaty which, in part, terminated and replaced an earlier series of agreements that provided for the protection and preservation of the Fraser River sockeye salmon fishery.

Summary: The director of the Department of Fisheries is authorized to adopt rules consistent with the International Pacific Halibut Commission along with other fishery management bodies covering areas outside the territorial boundaries of the state of Washington. The 1985 U.S.–Canada Salmon Interception Treaty replaces earlier agreements as the basis for the director's authority in dealing with the Fraser River sockeye salmon fishery.

Votes on Final Passage:

House	93	0
Senate	45	0

Effective: July 23, 1989

SHB 1028

PARTIAL VETO

C 305 L 89

By Committee on Fisheries & Wildlife (originally sponsored by Representatives R. King, S. Wilson, Haugen, Spanel and Rasmussen; by request of Department of Fisheries)

Changing requirements for fishing licenses.

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

Background: Over the years, the Legislature has imposed an assortment of license fees and punchcard requirements on the catch of food fish, game fish, and shellfish by recreational anglers. Licenses or punchcards are required to catch food fish, game fish, steelhead, salmon, sturgeon, razor clams, and Hood Canal shrimp. Two–day and three–day licenses are also available.

Exemptions from the recreational fishing license and punchcard requirements have been made for different groups, such as the blind, senior citizens, developmentally disabled, children, and disabled veterans. When making the exemptions, no apparent effort was made to ensure that the exemptions were similar for the licenses and punchcards. Also, the fees established for different recreational food fish licenses have varied.

The complexity and inconsistency of the different requirements have made the issuance of recreational fishing licenses difficult, and sometimes have made it difficult for the public to understand when a license is required.

Summary: The age and residency requirements for recreational fishing licenses and punchcards issued by the Departments of Fisheries and Wildlife are made consistent, as are provisions for the issuance of free licenses for children, senior citizens, disabled veterans over 65 years of age, developmentally disabled, handicapped, and the blind.

The age at which children are required to purchase fishing licenses issued by the Department of Fisheries is lowered from 16 to 15 to be consistent with the age requirement for Department of Wildlife licenses.

Fees for non–resident adults are raised from $9 to $10 for annual personal use fishing licenses. In addition, the taking and possession of smelt and albacore is exempted from the personal use license requirement. Fees for resident razor clam licenses are increased from $2.50 to $3.00.

Veterans who are residents and who have a service connected disability of 30 percent or greater shall receive Department of Wildlife fishing and hunting licenses for one–half price.

A $5 steelhead punchcard is created for persons under 15 years of age and persons 70 years of age and over. The punchcard entitles the holder to 10 steelhead.

Votes on Final Passage:

House	90	6	
Senate	42	1	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	46	0	
House	97	0	

Effective: January 1, 1990

Partial Veto Summary: The veto eliminated the provision that allowed veterans with a 30 percent or greater disability to purchase Department of Wildlife fishing and hunting licenses for one–half price. Provisions also were vetoed that would have reduced the length of the residency requirement to 90 days for free Department of Wildlife licenses for disabled veterans who are over 65 years of age and for persons 70 years of age or older.

The newly created $5 steelhead punchcard for persons under 15 years of age and 70 years of age and older also was vetoed. (See VETO MESSAGE)

SHB 1031

PARTIAL VETO

C 311 L 89

By Committee on Capital Facilities & Financing (originally sponsored by Representatives Fuhrman, Sayan, Silver, Holland, Heavey, Winsley and Betrozoff; by request of Legislative Budget Committee)

Making changes to state budget requests.

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

Background: The 1986 Legislature, in the supplemental budget, directed the Legislative Budget Committee to study the state's debt issuance practices. The main objective of the study was to seek means of reducing the cost of capital projects by either (1) reducing the bond issuance cost, or (2) using "pay as you go" financing rather than debt financing.

The Legislative Budget Committee completed its study in September, 1987, and forwarded its recommendations to the full Legislature. Three of the recommendations from the committee involved transferring certain types of expenditures between the capital budget and the operating budget. The committee recommended that routine maintenance expenses be clearly identified in the Governor's operating budget document.

Summary: Five provisions are added to the State Budget and Accounting Act. These provisions: (1) Require annual routine or ongoing maintenance costs to be programmed in the state operating budget rather than the capital budget; (2) Require all debt financed pass through money to local governments to be programmed in the state capital budget; (3) Direct the Office of Financial Management to conduct a technical and program analysis of all major buildings included in the Governor's budget recommendation. The analysis shall include space requirements, construction costs, and other building features; (4) Require the Governor's budget document to identify the amount of general fund obligations for debt service and other transfers that would otherwise be available for legislative appropriation; and (5) Require the Governor's budget document to identify the purpose and amount of lease purchase contracts.

Votes on Final Passage:

House	93	0	
Senate	45	0	(Senate amended)
Senate	43	0	(Senate receded)

Effective: July 23, 1989

Partial Veto Summary: The Governor vetoed the third provision in the bill that required the Office of Financial Management to conduct technical and program analysis of all major construction projects in the Governor's budget recommendation. While the Governor concurred with the need for greater technical review and analysis of capital projects by a group independent of the requesting agency, the bill did not, nor did the state operating budget, include funding for this function. The Governor vetoed the technical review requirement because the Legislature did not provide the requisite funding for this additional function. (See VETO MESSAGE)

HB 1032

C 136 L 89

By Representatives Holland, H. Sommers, Fuhrman, Sayan, Heavey and Betrozoff; by request of Legislative Budget Committee

Providing for general obligation bonds.

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

Background: The 1986 Legislature, in the supplemental budget, directed the Legislative Budget Committee to study the state's debt issuance practices. The main objective of the study was to seek means of reducing the cost of capital projects by either (1) reducing the bond issuance cost, or (2) using "pay as you go" financing rather than debt financing.

The Legislative Budget Committee completed its study in September 1987, and forwarded its recommendations to the full Legislature. One of the recommendations was to amend Referenda 26, 38, and 39 to allow the remaining authorized bonds to be sold at a discount. The advantage of discounted bonds is that bonds may be sold to the public at face value rather than at a premium after the underwriters add their cost of marketing the bonds to the price of the bonds. Discounted bonds will make state bonds more attractive in the bond market and, therefore, result in lower interest rates to the state.

Summary: The State Finance Committee is authorized to issue these bond authorizations at a discounted rate:

a) Referendum 26 waste disposal facilities, 1972
b) Referendum 38 water supply facilities, 1979
c) Referendum 39 waste disposal and management facilities, 1980
d) Salmon enhancement facilities, 1977.

The discounted rate will increase the size of the bond issue but will have no effect on the amount of money available for projects financed by the bond issues. The January 1, 1990 expiration date for referendum 39 bonds is also removed.

Votes on Final Passage:
House 94 0
Senate 44 0

Effective: April 20, 1989

HB 1033
C 137 L 89

By Representatives H. Sommers, Fuhrman, Brekke, Silver and Sayan; by request of Legislative Budget Committee

Amending committee voucher authority.

House Committee on State Government
Senate Committee on Governmental Operations

Background: To pay expenses incurred while conducting business, the Legislative Budget Committee (LBC) uses vouchers provided by the State Auditor. The chair or vice chair of the LBC is authorized to sign the vouchers to pay the committee's bills. The vouchers must also be attested to by the secretary of the committee.

Other joint legislative committees, such as the Legislative Evaluation and Accountability Program Committee and the Legislative Committee on Economic Development, use similar voucher systems to pay expenses.

Summary: The Legislative Budget Committee's executive committee may authorize the Legislative Auditor to sign vouchers. A dollar limitation shall be set for vouchers signed by the auditor. If the auditor is not granted authorization, the chair, or vice chair in the chair's absence, is authorized to sign vouchers. The secretary of the committee no longer attests to the vouchers.

Votes on Final Passage:
House 95 0
Senate 45 0

Effective: July 23, 1989

HB 1038
C 16 L 89

By Representatives Haugen, S. Wilson, Cooper, May, Leonard, Horn, Nutley, Ferguson, Jones and D. Sommers

Changing provisions relating to county legislative authority meetings.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Boards of county commissioners are required to hold regular sessions at the county seat on the first Mondays of January, April, July and October. Boards of county commissioners are permitted to hold special sessions at other times upon giving notice of the special meetings, but the statute authorizing special meetings does not specify where such meetings must or may be held.

No appellate court decisions have been rendered in this state on whether or not a board of county commissioners can adopt an ordinance at a special meeting held outside of the county seat. Courts in other states with similar statutes vary on this issue. The Attorney General has opined that a board of county commissioners in this state may not adopt an ordinance at a meeting held outside of the county seat.

Summary: County legislative authorities are required to hold regular meetings at the county seat, but are no longer required to do so on a quarterly basis. County legislative authorities are permitted to hold special meetings outside of the county seat, but within the county, if the agenda items are of unique interest to the citizens of the portion of the county in which the special meeting is to be held.

Votes on Final Passage:
House 93 0
Senate 46 0

Effective: July 23, 1989

SHB 1039
C 17 L 89

By Committee on Natural Resources & Parks (originally sponsored by Representatives Haugen, S. Wilson, R. King, May, Zellinsky, Spanel, Horn, Jones, Leonard, Heavey, P. King and Phillips)

Providing oil dump and holding tank pump station information to boaters.

House Committee on Natural Resources & Parks

Senate Committee on Environment & Natural Resources

Background: The growth in Washington's recreational boater population has raised environmental concerns, including concerns about pollution of the state's waterways through illegal discharge of sewage and petroleum products.

Oil refuse can be collected and recycled under a Department of Ecology recycling program. Because direct discharge of raw sewage is illegal, sewage must be treated by an approved marine sanitation device before discharge, or held in a holding tank to be pumped out on shore.

Some, but not all, of the marinas in the state have oil dumping or sewage pumpout facilities. The State Parks and Recreation Commission and the Department of Ecology have created a flier containing information about the laws and programs relating to sewage treatment and oil recycling. The flier also lists the marinas that have sewage pumpout and oil dumping facilities. These two agencies, however, have no method of providing this information to all boaters.

In Washington, state boat licensing regulations require annual boat registration with the Department of Licensing.

Summary: The State Parks and Recreation Commission and the Department of Ecology are required to prepare written information about the locations of marine oil refuse dumps and holding tank pumping stations. This information must be provided, in a form ready for distribution, to the Department of Licensing. Whenever the Department of Licensing issues either a notice to renew a vessel registration or decals for new or renewed vessel registrations, it must also provide the boat owners with the information on the location of marine oil refuse dumps and holding tank pumping stations. The three agencies must enter into a written agreement to implement this process.

Votes on Final Passage:

House	95	0
Senate	46	0

Effective: July 23, 1989

HB 1042

C 221 L 89

By Representatives G. Fisher, Baugher, Schmidt, R. Meyers, Hankins, Winsley and Gallagher; by request of Washington State Patrol

Revising braking equipment requirements for trucks.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1987 a federal law became effective which requires all trucks manufactured on or after July 25, 1980 with three or more axles to be equipped with operable front brakes. The legislation was in response to extensive federal testing that concluded that the practice of disconnecting front brakes creates a serious safety hazard. Some truckers were disconnecting the front brakes in the belief that this prevented a brake lock up and subsequent loss of steering when the brakes were suddenly applied in snow, ice or rain.

The federal law does allow the use of automatic restricter valves. A restricter valve is a device installed on the front brakes that regulates the percentage of braking efficiency on the front wheel brakes. In inclement weather conditions, the braking efficiency on the front brakes can be reduced by up to 50 percent to prevent a brake and steering lock up in a sudden stop. Restricter valves are allowed only on the front brakes; rear brakes must operate at 100 percent braking efficiency.

Vehicles with air brakes that tow trailers are required to have two means for emergency application of the brakes. However, air brake equipped vehicles that do not tow trailers including certain classes of school buses and fire trucks, are not required to be equipped with a manual backup braking system. There have been accidents involving school buses and fire trucks with malfunctioning air brakes, such as a leak in the line. When a malfunction occurs, the air pressure builds to a level that allows the brakes to release on their own.

Summary: Washington statutes are brought into compliance with federal law by requiring trucks manufactured on or after July 25, 1980, with three or more axles, to have brakes on the front wheels. If the vehicle has two or more steerable axles, the wheels of one steerable axle do not need to be equipped with front brakes. Automatic restricter valves that can reduce the front wheel braking efficiency by up to 50 percent are permitted.

All vehicles equipped with air brakes that do not tow trailers are required to have a manual backup braking system.

Votes on Final Passage:

House	85	6	
Senate	47	1	(Senate amended)
House	94	1	(House concurred)

Effective: July 23, 1989

HB 1043

C 222 L 89

By Representatives Inslee, R. Meyers, Schmidt, Heavey, Baugher, Rayburn, Ballard, Winsley, P. King, Gallagher and Phillips; by request of Washington State Patrol

Providing a procedure for unclaimed property in the hands of the Washington state patrol.

House Committee on Judiciary
House Committee on Transportation
Senate Committee on Law & Justice

Background: The state's Uniform Unclaimed Property Act generally governs the disposition of intangible property that remains unclaimed by its owner while in the hands of another party. That law requires the holders of unclaimed intangible property to turn the property over to the Department of Revenue after specified periods of time and specified attempts to notify the owner. The state thereafter holds the property, and may liquidate it, with the proceeds of liquidation going to the state general fund. The owner of the property may claim it or the proceeds at any time.

Governmental agencies that come into possession of intangible property are generally subject to the unclaimed property law.

Law enforcement agencies often hold property as the result of criminal investigations or other activities. The property may range from intangible property, such as money or securities, to tangible items, such as cars or weapons. Special statutes have been enacted for local law enforcement agencies to exempt them from the unclaimed property law with respect to intangible property. These statutes also provide procedures for handling tangible property. Local agencies may keep, sell or destroy property. Proceeds from the sale of property go first to pay expenses of holding and selling the property and then to the county or city current expense fund.

Special rules apply to the disposition of unclaimed firearms or firearms that have been forfeited to law enforcement agencies under the state's firearms statute. Illegal firearms are to be destroyed. Other firearms are to be auctioned. Up to 10 percent of forfeited firearms may be kept for use by local law enforcement agencies.

Summary: The Washington State Patrol is given authority similar to that possessed by local law enforcement agencies with respect to disposing of unclaimed personal property. The authority differs from that of local agencies in one respect. The proceeds of the sale of patrol–held property go to a state patrol account, whereas such proceeds from a local agency sale go to the local government's current expense fund.

The patrol is exempted from the Uniform Unclaimed Property Act.

If tangible or intangible personal property remains in the possession of the patrol for 60 days after written personal notice by mail or delivery to any known owner, the patrol may keep, sell, trade or destroy the property. Property may be sold, retained or traded after 10 days notice by publication in a newspaper. If property is kept by the patrol, an inventory must be sent to the Office of Financial Management. The property may be destroyed if it has no value and is illegal or unsafe. If the property remains unclaimed for a year, it may be destroyed under any circumstances.

Money from the sale of unclaimed property goes first to pay the expenses of handling and selling the property. Any remaining money goes to the Washington State Patrol's highway account. The owner of property sold by the patrol has up to three years to claim any proceeds of the sale, plus interest, that were deposited in the highway account.

The statute on disposition of forfeited or unclaimed firearms is amended. A law enforcement agency must conduct a sale once a year, if it has accumulated 10 or more weapons. Agencies may conduct joint auctions. The Washington State Patrol is given the same authority as local law enforcement agencies to retain up to 10 percent of forfeited or unclaimed firearms.

Votes on Final Passage:

House	96	0	
Senate	45	2	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1047

C 251 L 89

By Representatives R. Meyers, Schmidt, Inslee and P. King

Modifying secured transaction requirements as they apply to crops.

House Committee on Judiciary
Senate Committee on Agriculture

Background: The 1972 version of the Uniform Commercial Code (UCC), was adopted by the state of Washington in 1982. Generally, the UCC applies to any transaction which is intended to create a security interest in personal property or fixtures including

goods, documents, instruments, general intangibles, chattel paper or accounts.

The UCC provides a formula for determining who has priority when two parties have conflicting security interests in crops. The formula gives a perfected security interest priority over an already existing security interest if new value is given within three months of when the crops become growing crops, and if the earlier interest secures obligations due more than six months before the crops become growing crops.

To amend a filed financing statement under the UCC, one must file a writing signed by both the debtor and the secured party, regardless of the nature of the amendment.

Summary: Lien priority rights of security interests in crops are made subject to Washington law on crop liens instead of being subject to the Uniform Commercial Code. This change gives the highest lien priority to persons who furnish work or labor upon the land. Next priority is given to a later filed lien or security interest if the obligations secured by an earlier filed security interest or lien were not incurred to produce the crops. A landlord's lien has priority over an earlier filed security interest. Aside from these three situations, the rule of priority is that the first party to file has priority.

An exception is made to the general rule that a debtor must sign any amendment to a filed financing agreement. The debtor's signature is unnecessary if the only change is the secured party's name or address.

Votes on Final Passage:

House	89	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1049

C 39 L 89

By Representatives Locke, Inslee, Appelwick, P. King and Wineberry

Relating to permitting prosecutors to perform certain legal services.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Several statutes affect the ability of county prosecutors and assistant attorneys general to perform legal work outside of their regular employment.

Prosecutors in counties of the first class and above (population of at least 125,000) are generally prohibited from the private practice of law and are required to serve full time as prosecutors. In second, third and fourth class counties (population from 18,000 to 125,000), the county legislative authority may authorize deputy prosecutors to serve part time and to practice privately. In the smallest counties (below 18,000 population) there is no prohibition on part time service or the private practice of law.

The attorney general has concluded that this combination of statutes means that full time assistant county prosecutors in class four and above counties cannot engage in charitable legal work or legal work for family members.

Under another statute, assistant state attorneys general are prohibited from any outside paid employment for work as private attorneys. However, charitable legal work and legal work for family members is expressly exempted from this prohibition.

Summary: An exception is provided to the general rule that county prosecutors in counties of the fourth class and above may not engage in the private practice of law. Such prosecutors are not prohibited from doing legal work for their own families or from doing charitable legal work. Any such work is deemed to be beyond the scope of a prosecutor's normal employment, and may not be engaged in if it would conflict with that employment.

Votes on Final Passage:

House	90	0
Senate	43	0

Effective: July 23, 1989

SHB 1051

PARTIAL VETO

C 420 L 89

By Committee on Human Services (originally sponsored by Representatives Todd, Winsley, Crane, Walker, Moyer, Jacobsen, Bristow, Heavey, Appelwick, Prentice, D. Sommers, Leonard, Basich, Hine, Rust, Rector, Haugen, Valle, Jones, Brekke, Rasmussen, Dorn, Walk, O'Brien, Dellwo, Kremen, Sayan, Locke, Ferguson, Wineberry, H. Myers, G. Fisher, K. Wilson, Patrick, Fuhrman, Van Luven, McLean, May, Schoon, Brumsickle, Phillips and Anderson)

Regarding developmentally disabled adults.

House Committee on Human Services

House Committee on Appropriations
Senate Committee on Health Care & Corrections and Committee on Ways & Means

Background: Persons who are developmentally disabled and who have committed felonies and are considered dangerous, but who are found by a court either to be incompetent to stand trial or not guilty by reason of insanity are referred to state mental hospitals for mental illness treatment. No unique program for involuntary commitment and treatment of these persons exists.

A developmental disability includes an indefinite neurological condition related to mental retardation, originating before the individual attains 21 years of age and constituting a substantial handicap.

Under the involuntary commitment statutes, a patient at a mental institution may be temporarily released under authority of the treating mental health professional or the superintendent of the institution. There is no requirement that anyone be notified of a temporary release.

Summary: Subject to available funds, the Department of Social and Health Services (DSHS) is required to provide an appropriate program for developmentally disabled persons who have been charged with felony crimes and have been found by a court either incompetent to stand trial or not guilty by reason of insanity. The program must be separate and discrete from other treatment or habilitation programs.

Evaluations of developmentally disabled defendants must be performed by developmental disabilities professionals.

Defendants found to be a substantial danger to others, or presenting a substantial likelihood of committing felonious acts, must be evaluated by the secretary of DSHS and treated at a program specifically reserved for the developmentally disabled. The program includes habilitation services specific to the behavior that was the subject of the criminal proceedings and must be housed separately from any program for non–developmentally disabled persons. The program must provide an environment affording appropriate security necessary to protect the public safety.

Developmentally disabled defendants may be held for no more than 90 days to determine competency if the incompetence is the result of developmental disabilities and competency is not likely to be regained during an extension.

Persons determined incompetent may be detained for a subsequent 180 day period if presenting a substantial danger to others, or a substantial likelihood of committing felony acts jeopardizing public safety or security, and less restrictive alternatives are not appropriate.

Developmentally disabled defendants may also be civilly committed if they present a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety.

A notification requirement is established for the temporary release of certain mentally ill persons from a state mental institution. The requirement applies to the unsupervised temporary release of persons committed as the result of a finding of incompetency or a verdict of not guilty by reason of insanity. The notification must be made to the prosecuting attorney in the county from which the person was committed and in the county to which the person is to be temporarily released. Either prosecuting attorney may contest the temporary release on the same grounds as are provided for contesting a final discharge from the institution.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 13, 1989

Partial Veto Summary: The bill required a state mental institution to notify the prosecuting attorney prior to the unsupervised, temporary release of any person who was committed as a result of a finding of incompetency, or a verdict of not guilty by reason of insanity. This notification requirement is similar to another bill that received the Governor's approval. The veto removes the duplication. (See VETO MESSAGE)

SHB 1056

C 176 L 89

By Committee on Fisheries & Wildlife (originally sponsored by Representatives Sayan, R. King, Smith, Vekich and Belcher; by request of Department of Fisheries)

Regulating herring spawn on kelp.

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

Background: Two major herring fisheries are conducted in Puget Sound: a sport bait fishery, and a sac–roe fishery. A general purpose herring fishery has been conducted in Bellingham Bay, but this fishery has not occurred since 1984.

The sport bait fishery operates primarily in northern Hood Canal and central and south Puget Sound. The fishery harvests primarily juvenile herring, with an average of approximately 550 tons harvested each year.

The sac–roe fishery operates in northern Puget Sound where commercial fishers harvest adult herring immediately prior to spawning. The egg sacs are removed from the females and exported to Japan. The number of fish available for this fishery has been low since 1983. From 1983 through 1986, no sac–roe fishing took place, and in 1987 and 1988, only a limited amount of herring were harvested.

Another method of obtaining herring eggs is to have herring lay eggs on kelp, and then to harvest the kelp and eggs. The egg– covered kelp is cut into pieces, and sold as an oriental delicacy.

A spawn–on–kelp fishery can be conducted in two ways: by placing the kelp in bays where the herring are likely to spawn, or by collecting the egg–filled herring and placing them in a closed saltwater net pen filled with kelp. Of the two methods, closed net pens hold the most promise for Puget Sound.

Several Indian tribes have conducted closed net pen spawn–on–kelp fisheries in the last two years, and in 1988, the Department of Fisheries conducted a small experimental fishery to better understand the biology and economics of the fishery. The experiment showed that a closed net pen spawn–on–kelp fishery can be very profitable with greater than 100 percent return on investment, and that the biological ramifications are minor if the fishery is permitted only when herring stocks are in abundance.

Spawn–on–kelp fisheries are allowed in Alaska, British Columbia, and California. In 1987, Oregon allowed an experimental fishery.

Washington's herring fishery is a limited–entry fishery, with a current total of 139 validations. The validations are transferable, and the Department of Fisheries may issue additional validations if the herring population would not be jeopardized.

Summary: A herring spawn–on–kelp permit, issued by the Department of Fisheries, is created. No more than five permits may be issued annually.

In addition to a commercial fishing license and a herring validation, a herring spawn–on–kelp permit is required to commercially take herring eggs that have been deposited on vegetation of any type.

Herring spawn–on–kelp permits shall be sold at an auction to the highest bidder. Only fishers with a herring validation may participate in the auction.

If the proceeds from the auction exceed estimates made in the department's legislatively approved budget, the excess proceeds may be allocated as unanticipated receipts. These excess proceeds shall be used only for herring management, enhancement, and enforcement.

Spawn–on–kelp products are specifically exempted from the definition of "private sector cultured aquatic products" and, therefore, are not subject to oversight by the Department of Agriculture.

Votes on Final Passage:

House	96	0	
Senate	41	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 23, 1989

HB 1060

C 225 L 89

By Representatives Cooper, Ferguson and Haugen; by request of Department of Community Development

Revising provisions on issuing state and local government bonds.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Legislation was enacted in 1985 requiring local governments to provide the Department of Community Development with certain information about bonds that they issue. The department prepares a standard form on which this information is provided. The department publishes summaries of this information twice a year.

Summary: The Department of Community Development also must include information about state government bond issues in its summaries of information on recent bond issues.

The requirement is added that information must be supplied on the costs of issuing the bonds. The bond counsel for the issuer must supply information on the amount of any fees that are charged for services rendered regarding the bond.

Information about a bond issue is to be provided by the underwriter. In cases where the sale of the bonds is made directly to a purchaser, without using an underwriter, the issuer must supply the information. The time limit for providing the information to the department is reduced.

The Department of Community Development is authorized to adopt rules requiring underwriters and bond counsel to submit information concerning bond issues.

Votes on Final Passage:

House	94	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 23, 1989

HB 1062

C 48 L 89

By Representatives Appelwick, Padden, Inslee, Tate, Jacobsen and P. King; by request of State Military Department

Revising provisions in the Washington code of military justice.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: In 1956, Congress specifically authorized states to adopt individual codes of military justice to provide for discipline within the state militia. In 1963, the state of Washington adopted the present Washington Code of Military Justice (WCMJ). This statute sets up procedures for non-judicial punishments and courts-martial within the state militia. For the most part, it covers military offenses such as being absent without leave, disobeying orders and disrespecting superiors. Serious crimes such as murder and assault are excluded from the WCMJ and are left to civilian courts. Federal law requires that state military codes conform to the Uniform Code of Military Justice (UCMJ). The UCMJ was substantially revised in 1969 and again refined in 1984. These changes modernized the UCMJ by providing for independent judges and defense counsel as well as by instituting many of the legal procedures which exist in the civilian court systems.

Summary: The 1963 Washington Code of Military Justice (WCMJ) is amended to reflect subsequent changes in the federal Uniform Code of Military Justice.

The revisions allow unit commanders broader discretion in imposing non-judicial punishment. Such punishment is essentially administrative in nature and is imposed when an individual fails to perform his or her duties as required. The punishments primarily affect the pay an individual receives and are directly related to his or her rank. The amendments create the position of a military judge and provide for the independence of judges, defense counsel and court members. The changes include providing for pre-trial motions, voting on challenges to court members, arraignment of the accused and other legal procedures which approximate those practiced in civilian criminal courts and in the federal military court system. Review of charges by judge advocate officers is required prior to trial.

No changes are made in the substantive criminal offenses covered by the WCMJ.

Many technical changes in the WCMJ are made to delete gender references and to make terminology consistent throughout the act.

Votes on Final Passage:

House	90	0
Senate	42	0

Effective: July 23, 1989

SHB 1065

PARTIAL VETO

C 332 L 89

By Committee on Judiciary (originally sponsored by Representatives Jones, Hargrove, Patrick, Walker, S. Wilson, Haugen, Basich, Brough, Todd, Ferguson, Holland, Crane, Cole, Rayburn, Jesernig, Rector, Heavey, Pruitt, Leonard, Kremen, Winsley, P. King, Bowman, Moyer, Silver, Cantwell, D. Sommers, Wineberry, H. Myers, G. Fisher, K. Wilson, Morris, Miller, Wolfe, Youngsman, Van Luven, McLean, Nealey, Tate, May, Schoon, Brumsickle, Doty, Phillips, Betrozoff and Anderson)

Changing provisions relating to sex crimes.

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice

Background: The Sentencing Reform Act (SRA) provides for special sentencing alternatives to prison for offenders convicted of certain sexual offenses. Those alternatives include outpatient and inpatient sexual deviancy treatment. The SRA also allows but does not require the Department of Corrections to provide sexual deviancy treatment to prisoners convicted of sexual offenses. Some sexual offenses have a seven year statute of limitations while other sexual offenses have a three year statute of limitations. Prosecutorial standards in the SRA provide recommendations for prosecutors' filing and disposition policies without abridging prosecutorial discretion. No specific provisions govern filing of sexual abuse cases. Judges currently have broad discretion to grant or deny continuances of trials.

Summary: Several provisions affecting sexual abuse crimes and special sentencing alternatives are adopted.

Prosecutors are encouraged to avoid prefiling diversion agreements in sexual assault cases. The sentencing court may require the defendant to pay for sexual deviancy evaluations and sexual deviancy treatment. The statute of limitations is increased from three years to seven years for incest, first degree rape and second degree rape if the victim was under 14 at the time of the offense. A blue ribbon panel is established to study the effectiveness of the special sexual offender sentencing alternative to prison available to some persons convicted of certain sexual offenses. The Sentencing Guidelines Commission is directed to evaluate the effectiveness of mandatory treatment for sexual offenders incarcerated in prison.

Continuances of trials in child sexual abuse cases are restricted. The court will not approve a continuance of an original trial date when the victim is under 18 years of age unless the court finds that substantial and compelling reasons exist to continue the trial and the benefits outweigh the disadvantages.

Votes on Final Passage:

House	96	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: The provisions granting the sentencing court authority to require the defendant to pay for sexual deviancy treatment and evaluations are vetoed because the provision gave priority to payment and collection of those financial obligations above other financial obligations except restitution. The statute of limitations extensions section is vetoed because another bill supersedes its provisions, creating a double amendment problem. (See VETO MESSAGE)

SHB 1067

C 121 L 89

By Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Day and P. King; by request of Insurance Commissioner)

Making technical changes in the state Health Insurance Coverage Access Act.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: The Washington State Health Insurance Access Pool was created in 1987 to provide health insurance for persons who are denied adequate coverage because of poor health or because cost of coverage would be prohibitive. The Insurance Commissioner requested several amendments to the act to improve the operations of the pool.

Summary: A definition of "accounting year" is added to the Washington State Health Insurance Access Pool statute to provide flexibility to the Access Pool's governing board. The board is expanded from nine to 11 members when self–insured organizations become eligible to participate in the pool. The board's reporting requirement is changed from March 1 to 120 days after the end of each accounting year to coincide with insurance practices.

The commencement of the "administrator role" bidding process is changed from one year to six months prior to the expiration of the administrator's term. The period for selection of the administrator is reduced from six months to three months to expedite the process. Out–of–state insurers are permitted to bid.

The time limitation of four years on pool member abatement or deferment responsibility is deleted. Pool member debt will continue until paid. The board is permitted to waive the requirement that applicants be rejected for other coverage prior to enrollment. Enrollee participation payments are set on a calendar, not policy, year basis.

Medicare supplement provisions are clarified. Liability protection is extended to members of the pool's board of directors.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: July 23, 1989

HB 1070

C 276 L 89

By Representatives Rector, Youngsman, G. Fisher, Padden, H. Myers, Patrick, Wolfe, Ferguson, D. Sommers, Walker, Wood, Dellwo, Kremen, P. King, Silver, Morris and Crane

Revising procedures on criminal procedure.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: An appeal by a defendant in a criminal trial stays imposition of the defendant's sentence. Court rules give the trial court authority to fix the terms of release pending an appeal and to revoke, modify or suspend the terms of a release previously ordered. If the defendant is unable to post bail pending

the appeal, the time the defendant spends in confinement is credited towards the term of imprisonment imposed by the court.

The sentencing court may require a convicted defendant to pay restitution and may impose fines and penalties. Currently, no interest accrues on these monetary obligations. Civil judgments, on the other hand, accrue interest at the rate specified in the contract, if any, or at the maximum rate allowable under the state usury statute, which is the higher of either (a) 12 percent or (b) 4 percentage points over the 26-week Treasury Bill rate.

Summary: Several changes are made in the criminal sentencing law. First, an appeal by a defendant in a criminal case does not stay the sentence if the court finds by a preponderance of the evidence any of the following: (1) the defendant is likely to flee or to pose a danger to the community; (2) the delay resulting from a stay will unduly diminish the deterrent effect of the punishment; (3) a stay will cause unreasonable trauma to the victims of the crime; or (4) the defendant, to the extent of his or her financial ability, has not undertaken to pay the financial obligations imposed by the judgment or has not posted an adequate performance bond.

Second, a defendant who has been convicted of a felony and is awaiting sentencing must be detained unless the court finds by clear and convincing evidence that the defendant is unlikely to flee or to pose a danger to the community.

Third, the court is authorized to place conditions on the release of a defendant who is appealing a verdict or awaiting sentencing in order to minimize trauma to the victim.

Finally, financial obligations imposed by the court will bear interest until paid at the rate applicable to civil judgments.

Votes on Final Passage:

House	88	1	
Senate	44	1	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	42	0
House	97	0

Effective: July 23, 1989

SHB 1071

C 395 L 89

By Committee on Judiciary (originally sponsored by Representatives H. Myers, Padden, Nealey, Patrick, Wolfe, Wood, P. King and Crane)

Regarding collateral attacks on convictions.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: After a defendant is convicted of a crime, the defendant may appeal the conviction directly to the appellate court if the defendant did not plead guilty and waive the right to an appeal. Court rules require the defendant to file a notice of appeal within 30 days after entry of the judgment and sentence or the defendant waives the right of appeal.

In addition to direct appeals, the constitution, statutes and court rules allow a convicted defendant to challenge a judgment by a collateral attack. One mechanism of collateral attack is the writ of habeas corpus which a defendant may pursue by filing a "personal restraint" petition. A defendant may also move to withdraw a guilty plea, move for a new trial, or move to vacate a judgment.

Court rules establish the grounds for challenging a conviction through a personal restraint petition. Those grounds include: (1) the convicting court lacked jurisdiction, (2) the conviction was obtained in violation of state law or the state or federal constitution; (3) material facts, not disclosed at trial, exist that in the interest of justice require the petitioner's release; (4) sufficient reasons exist to retroactively apply a post conviction change in the law; (5) there are "other grounds" for a collateral attack on the conviction; (6) the conditions or manner of the petitioner's restraint violate the state or federal constitution; or (7) "other grounds" exist to challenge the legality of the detention.

Current law imposes no time limit on filing a personal restraint petition. Also, no limit exists on the number of petitions a petitioner may file if the petitioner asserts different grounds each time. Consequently, a person may file numerous petitions years after conviction.

Summary: The law governing personal restraint petitions is amended to restrict a convicted person's right to file personal restraint petitions. A convicted person who has either pled guilty, failed to exercise appellate rights or has exhausted appellate rights must file a personal restraint petition within one year of final judgment. The new one year time limit prohibits filing of personal restraint petitions except on theses

grounds: (1) newly discovered evidence if the defendant acted with reasonable diligence in discovering the evidence; (2) the statute under which the defendant was convicted is unconstitutional on its face; (3) double jeopardy bars the conviction; (4) the defendant pled not guilty and the evidence at trial was insufficient to convict; (5) the sentence imposed was in excess of the court's jurisdiction; or (6) the Legislature or a court has determined that a significant change in the law material to the conviction should be applied retroactively.

Defendants and incarcerated persons will receive notice of the time limit and exceptions. A one–year "grandfather" provision allows prisoners whose judgements have been final for over one year an additional year to file petitions. Additional restrictions require the petitioner to certify that the basis for the petition is not repetitive of prior petitions. If the petitioner has filed prior petitions, the petitioner must show good cause why the petitioner failed to raise the basis for relief in the previous petitions. The court of appeals will dismiss a petition without requiring the state to respond to the petition, if the court finds that the position is repetitive, frivolous, or fails to show good cause why the petitioner did not request the relief in previous petitions.

Votes on Final Passage:

House	74	20	
Senate	37	6	(Senate amended)
House	78	19	(House concurred)

Effective: July 23, 1989

HB 1072

C 219 L 89

By Representatives Rasmussen, Dorn, Brumsickle, Betrozoff, Rayburn, Fuhrman, Peery, Pruitt, Walker, Valle, Spanel, R. Meyers, Prentice, Kremen, Rust, Wineberry, Heavey, Rector, Morris, Patrick, Leonard, Basich, Wang, Winsley, P. King, Bowman, G. Fisher, K. Wilson, Miller, Wolfe, Nealey, Brough, Crane, Walk, Schoon, Todd, Phillips and Anderson

Prohibiting air guns on school premises.

House Committee on Judiciary
Senate Committee on Education

Background: Current law makes it a gross misdemeanor for a student under the age of 21 to carry certain weapons onto public or private school premises. The prohibited weapons include firearms, switch–blade knives, brass knuckles, nun–chu–ka sticks, and throwing stars.

Exceptions to the prohibition are allowed for private military academy students, martial arts students, firearm safety class students and students engaged in military activities sponsored by the government.

Summary: Air guns are added to the list of weapons that students may not take onto school premises. Illegal possession of a weapon is a ground for expulsion from school. An exception from the prohibitions on weapons is provided for firearm or airgun competitions.

Votes on Final Passage:

House	93	2	
Senate	43	0	(Senate amended)
Senate	96	0	(House concurred)

Effective: July 23, 1989

SHB 1074

C 338 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Haugen, Walker, Winsley, Leonard, Cole, Hankins, S. Wilson, Ferguson, Nutley, Scott, Belcher, Anderson, Basich, Dellwo, Spanel, Braddock, Brough, Horn, Todd, Nelson, Brekke, Rector, Appelwick, Hine, Heavey, Baugher, Kremen, Cooper, Zellinsky, K. Wilson, Wood, Rayburn, Jesernig, Jacobsen, R. Fisher, R. King, Rust, Pruitt, Wang, Grant, Jones, Moyer, Cantwell, Locke, Inslee, H. Myers, G. Fisher, Morris, Patrick, Miller, Wolfe, O'Brien, Rasmussen, Walk, May, Doty, Phillips, Betrozoff and Ballard)

Requiring health insurance to cover mammograms.

House Committee on Financial Institutions & Insurance
House Committee on Appropriations
Senate Committee on Financial Institutions & Insurance

Background: Health insurance policies, health care contracts, and health maintenance agreements provide coverage for mammograms used for detection of breast cancer. However, many contracts and agreements do not provide coverage for routine mammograms conducted whether or not a patient is suspected of having breast cancer.

Summary: After January 1, 1990, all health insurance policies, health care contracts, health maintenance agreements, and health plans administered by the state must provide coverage for routine mammograms that are recommended by a patient's physician, physician's assistant, or an advanced registered nurse practitioner.

Insurance policy or contract provisions governing health care benefits including co–payments and deductibles, apply equally to required coverage for routine mammograms. The coverage requirement does not apply to medicare supplemental insurance or specified disease insurance.

Votes on Final Passage:

House	96	0	
Senate	45	0	(Senate amended)
House	91	0	(House concurred)

Effective: July 23, 1989

HB 1077

C 173 L 89

By Representatives Ebersole, Crane, Walk, Dellwo, Haugen, Todd, Smith, Gallagher, O'Brien, Brough, Ballard, Rector, Heavey, Jones, D. Sommers, Ferguson, Wineberry, H. Myers, G. Fisher, Miller, Phillips and Valle

Modifying requirements for curb ramps for handicapped persons.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Counties, cities, and towns are required to provide handicapped–access ramps of a certain size on or near the crosswalks at intersections whenever curbs are constructed on any county, city, or town street, or on any connecting street or town road, for which curbs and sidewalks have been prescribed by the governing body.

Summary: The requirement that curb cuts with handicapped access ramps be located on or near crosswalks at intersections, whenever city or town street or county road construction work is done that includes the construction of curbs, is limited to situations where curbs are to be constructed "in combination with sidewalks, paths, or other pedestrian access ways."

Votes on Final Passage:

House	90	0	
Senate	47	0	(Senate amended)
House	91	0	(House concurred)

Effective: July 23, 1989

HB 1085

C 345 L 89

By Representatives Ferguson, Dellwo, Day, Heavey, May, Haugen, D. Sommers, Brough, Winsley, Nelson, Beck, R. Meyers, Moyer, Van Luven, Doty, Betrozoff, Sayan, Chandler, Miller, Silver, Rector, Holland, Walker, Rasmussen, Valle and Anderson

Providing insurance coverage for neurodevelopmental therapy.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: Health insurance policies, health care contracts, and health maintenance agreements commonly provide coverage for rehabilitative care or treatment. The purpose of such treatment is to restore a person to the level of functioning existing before a disabling injury or disease. Coverage for habilitative care or treatment, which attempts to create functioning where none has existed, is less common and often unavailable. Habilitative care or treatment is needed primarily by small children born with a disability.

Summary: Employer–sponsored group health care contracts, policies, and agreements, including any health plan offered to state employees, must provide coverage for neurodevelopmental therapies for covered individuals age 6 and under.

Coverage for neurodevelopmental therapies may be conditioned upon medical referral by a licensed physician or osteopath, and may be limited to the services of contracting therapy providers.

Coverage may be limited to medically necessary treatment, and treatment necessary to prevent deterioration of a physical condition. However, coverage must include treatment to restore and improve function.

Insurers, health care service contractors, health maintenance organizations, and the state retain freedom to design neurodevelopmental coverage to include deductibles, co–insurance, and benefit utilization restrictions.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 23, 1989

SHB 1086

C 346 L 89

By Committee on Environmental Affairs (originally sponsored by Representatives Ferguson, Rust, Wang, May, Haugen, Winsley, R. Meyers, Betrozoff, Beck, Sayan, Nelson, Miller, Moyer, Dellwo, Heavey, Pruitt, D. Sommers, Walker, Brough, Schoon, Phillips, Spanel, Valle and Anderson)

Regulating underground storage tanks.

House Committee on Environmental Affairs
House Committee on Revenue
Senate Committee on Environment & Natural Resources and Committee on Ways & Means

Background: Leaking underground tanks that store petroleum products or hazardous substances may pose a serious threat to state and national groundwater resources. It has been estimated that a one gallon leak of gasoline can render one million gallons of groundwater unpalatable. According to the federal Environmental Protection Agency (EPA), approximately 96 percent of the fresh water in the United States is groundwater and most groundwater aquifers are within a half mile of the surface.

According to the Department of Ecology (Ecology):

–Over 40 percent of the 34,000 underground storage tanks (UST's) in Washington are over 15 years old; at which time they are considered statistically likely to begin leaking due to corrosion or structural failure.

–Over 95 percent of the UST's in the state store petroleum products.

–More than two–thirds of these tanks are in western Washington, where soil corrosivity is relatively high.

–Approximately 75 percent of the tanks are located at commercial facilities, with over 25 percent located at gasoline service stations.

–Most tanks lack protection from corrosion and many lack adequate leak detection systems.

Subtitle I of the Resource Conservation and Recovery Act (RCRA), gives the EPA the authority to regulate UST's containing petroleum products and hazardous substances. The EPA has established an underground storage tank regulatory program that requires leak detection systems, upgrading of tanks, record–keeping systems, corrective or cleanup actions in response to releases, reporting of releases and corrective actions, standards for tank closure, and financial responsibility assurances.

States may apply to the EPA for authority to administer the UST's regulatory program at the state level. In 1988, the Legislature established the Joint Select Committee on Storage Tanks to develop legislation establishing a Washington Underground Storage Tank Regulatory Program.

Summary: The Washington Underground Storage Tank Regulatory Program is established in the Department of Ecology. Ecology is directed to:

(1) Adopt statewide regulations for underground storage tanks that are consistent with and no less stringent than the federal regulations;

(2) Adopt rules to be used in designating local environmentally sensitive areas and in approving local regulations that are more stringent than the statewide standards in these areas;

(3) Establish an administrative and enforcement program that meets minimum federal requirements and encourages the delegation of program responsibilities to local governments;

(4) Establish a tank tagging program to identify to persons delivering petroleum or hazardous products whether the tank is in compliance with state requirements; and

(5) Consult with the State Building Code Council when adopting rules.

In addition, Ecology is authorized to establish certification programs for persons who conduct underground storage tank inspections, testing, closure, cathodic protection, interior tank lining, corrective action, or other required activities.

Ecology is required to establish a statewide underground storage tank administration and enforcement program. Cities and counties may apply to Ecology for delegation of program responsibilities. Fire protection districts are authorized to enter into interlocal agreements with the city or county to assume some or all of the delegated responsibilities. Ecology is required to administer and enforce the program where no delegation has occurred.

Ecology is directed to establish physical site criteria to be used in designating local environmentally sensitive areas. Cities and counties may apply to Ecology separately or jointly to obtain this designation. If approved by Ecology, cities and counties may set UST standards in these areas that are more stringent than the statewide regulations and impose annual local tank fees if necessary for enhanced program administration and enforcement. If a local government applies for designation as an environmentally sensitive area later than five years after the date of Ecology's final rules, more stringent local regulations may be adopted only for new tank installations. To be approved by Ecology, local regulations in environmentally sensitive areas must be reasonably consistent with previously

approved local regulations for similar environmentally sensitive areas.

Delivery of regulated substances to untagged UST's is prohibited. This prohibition only applies to direct transfers and does not apply to suppliers who sell regulated substances to persons delivering regulated substance to UST's.

Ecology and local agencies enforcing underground storage tank requirements may: (1) Require information and documents from owners and operators and may subpoena relevant witnesses and documents; (2) require an owner or operator to conduct testing or monitoring; and (3) enter private property to conduct inspections, copy records, or obtain samples.

The director of the Department of Ecology is authorized to issue orders or sue in Thurston County Superior Court to: (1) Enjoin threatened or continuing violations of program requirements; (2) restrain persons engaging in unauthorized activities that violate program requirements and endanger or damage public health or the environment; (3) require compliance with requests for information, access, testing, or monitoring; and (4) assess and recover civil penalties.

Penalties not to exceed $5,000 per tank per day of violation are established for violations of program requirements.

An annual state tank fee of $60 for the first two years and $75 thereafter, is required of UST owners. The fees will be deposited in a new UST account. Money in the account is subject to legislative appropriation and may only be spent for the administration and enforcement of the UST program.

Ecology is authorized to approve additional annual local tank fees in designated environmentally sensitive areas when necessary for enhanced program administration or enforcement. Local fees may not exceed 50 percent of the annual state fee.

As of July 1, 1990, the statewide UST regulations will preempt other state and local regulations governing the same areas of regulation. There are five exceptions to preemption: (1) Local regulations pertaining to local authority to respond immediately to releases; (2) existing local underground storage tank regulations that are more stringent than the federal regulations and the uniform building and fire codes; (3) existing local regulations pertaining to permits and fees for using UST's in street right of ways; (4) existing local regulations authorizing permits and fees for UST's in street right of ways, and (5) more stringent local regulation of environmentally sensitive areas.

Ecology is required to submit five annual reports to the Legislature on the implementation of the underground storage tank program.

The Washington UST regulatory program is scheduled to sunset July 1, 1999.

Votes on Final Passage:

House	93	1	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 12, 1989
July 1, 1990 (Sections 6, 12 & 19)

HB 1096
FULL VETO

By Representatives Appelwick and May

Recording of federal liens.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: In 1988 the Legislature enacted the Uniform Federal Lien Registration Act. Notices of federal liens, certificates, and other notices affecting federal tax liens or other federal liens are covered by this act.

Notices of federal liens, certificates and notices affecting federal liens upon real property must be recorded in the county where the property is located.

Notices of federal liens, certificates and notices affecting liens upon personal property, whether tangible or intangible, must be recorded as follows: (1) liens against corporations or partnerships whose principal executive office is in Washington must be filed with the Department of Licensing; (2) in all other cases liens must be filed in the county of residence of the person against whom the lien applies.

Security interests on personal property arising under state laws are filed with the Department of Licensing rather than with county auditors.

Summary: All notices of federal liens on personal property are to be filed with the Department of Licensing.

Votes on Final Passage:

House	89	0
Senate	46	0

FULL VETO: (See VETO MESSAGE)

SHB 1097

C 379 L 89

By Committee on Revenue (originally sponsored by Representatives Appelwick, Locke, O'Brien, Kremen, R. King and Sprenkle)

Exempting property used by homes for the aged from taxation.

House Committee on Revenue
Senate Committee on Ways & Means

Background: In the first Washington territorial revenue act, in 1854, "charitable institutions" were exempted from property tax. In 1891, the Legislature enacted a specific list of charitable exemptions that included "homes for the aged and infirm." In 1893, the Legislature limited this exemption to homes for the aged and infirm that "are supported in whole by public appropriations or by private charity, or are supported in part by charity, and all of the income and profits of such institutions are devoted to charitable purposes." In addition, the 1893 Legislature required that the institution's books be open to public health and tax officials. The Legislature continued to strengthen the non–profit and reporting requirements for the various charitable exemptions several times over the years.

In 1965, the Legislature granted relief to senior citizens and disabled persons with low incomes. A $50 property tax exemption was granted for persons living in their own homes with incomes below $3,000. In 1971, the exemption was changed from a flat amount to one based on the value of the property. The Legislature adjusted the exemption for inflation every three to five years. In 1987, the income levels for exemption were increased: $18,000 or less to be exempt from special levies; $12,000 to $14,000 to be exempt from regular levies on the greater of $24,000 or 30 percent of assessed value; and less than $12,000 is exempt on the greater of $28,000 or 50 percent of assessed value. Eligibility is based on a statutory definition of "disposable income" which in turn is based in part on adjusted gross income as defined for federal income tax.

Interpretations varied as to whether the exemption for "homes for the aged and infirm" meant "homes for persons who are aged and at the same time infirm," or "homes for aged persons and homes for infirm persons." In 1973, the Legislature amended the statute to provide clearly separate exemptions for homes for the aged and homes for the infirm. The 1973 legislation also defined "non–profit" as meaning no part of income may be paid directly or indirectly to members, directors, stockholders, officers, or trustees except for services rendered.

In 1986, concern arose regarding a "luxury condominium" style retirement complex that became exempt from property taxes by qualifying as a non–profit home for the aged. Local government officials and others expressed two concerns: (1) the provision of city services to the complex without revenues paid by the complex for those services; and (2) the inequity of senior citizens living in their own home having to pay property taxes while those living in the complex did not. Legislation was proposed which would have limited the exempt status of "homes for the aged" based on the income of the residents in those homes. The bill failed to pass.

In 1987, a retirement community changed from profit to non–profit and met the statutory requirements for property tax exemption as a "home for the aged." This action resulted in an unexpected revenue loss to the surrounding city, the state, and the local school district. The equity of property tax exemptions between residents of the retirement community and other seniors living in their own residences was raised because residents of the retirement community tend to have higher incomes than seniors in the general population. As a result, legislation similar to the 1986 bill was introduced in 1988. The bill would have "grandfathered" all homes for the aged which had obtained tax exempt status before 1987. Those not grandfathered would have had to meet various criteria in order to achieve tax exempt status. A key criterion was that at least 60 percent of the residents of the home had to meet the senior citizen property tax exemption requirements. The bill failed to pass.

If the status of any property changes from exempt to taxable, the property taxes that would have been paid during the preceding three years are due, plus interest.

Summary: Prior property tax exemptions for "homes for the aged" are eliminated and replaced by new exemptions for "homes for the aging."

A home for the aging is exempt from property tax if it is exempt from federal income tax as a charity, and either (1) 50 percent of the occupied dwelling units in the home are occupied by eligible residents or (2) the home is operated by the U.S. Department of Housing and Urban Development.

Homes for the aging are defined as residential housing facilities that: (1) are chosen voluntarily by residents; (2) have residents who are at least 62 years of age or who have care needs compatible with persons 62 years of age or older, and (3) provide varying levels of care and supervision according to resident needs.

Eligible residents of a home for the aging are defined as persons who would qualify for a senior citizen property tax exemption if they owned a separate residence. Residents are required to submit a form to the county assessor by July 1 of each year in order to determine eligibility.

Homes that cannot meet the 50 percent eligible residency or federal subsidy requirements are entitled to partial property tax exemptions. For each 1 percent of the dwelling units that are occupied by eligible residents, 2 percent of the assessed value of the home is exempt.

Homes for the aging receiving a partial property tax exemption are to be taxed on the basis of the current use of the land on which the home is located.

For homes that will lose all or some of their exemption under this act, a phase–out of existing exemptions is provided. For taxes levied for collection in 1991, two–thirds of the assessed value that would otherwise be subject to tax will be exempt. For taxes levied for collection in 1992, one–third of the assessed value that would otherwise be subject to tax will be exempt.

Homes for the aging will not be subject to back taxes merely because a portion of the home becomes taxable when the number of eligible residents declines from year to year. A previously exempt home for the aging will not be liable to back taxes as a result of the phasing out of its exemption under this act.

The definition of federal adjusted gross income, which is the basis of the disposable income definition used for eligibility standards, is linked to the federal internal revenue code in effect on January 1, 1989, or such later date as provided by rule by the director of the Department of Revenue.

Votes on Final Passage:

House	97	0	
Senate	40	6	(Senate amended)
House	96	1	(House concurred)

Effective: April 1, 1990

HB 1103

C 347 L 89

By Representatives Vekich, Cole, Patrick, O'Brien, Wang, Winsley, P. King, Beck and May; by request of Attorney General

Revising provisions for motor vehicle warranties.

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

Background: In 1987, the Legislature made substantial changes in the law governing enforcement of warranties on new motor vehicles – the "lemon law". If a manufacturer is unable to correct a defect covered by warranty in a reasonable number of repair attempts, the consumer may request the manufacturer to replace or repurchase the vehicle. A reasonable number of attempts is deemed to have occurred if the same defect has been subject to diagnosis or repair four or more times and the defect continues to exist. If the defect is a serious safety defect, the defect must have been subject to repair two or more times. Diagnosis alone does not count as an attempt to repair a serious safety defect. There is no explicit requirement that the serious safety defect continue to exist.

As part of the 1987 legislation, the Attorney General was directed to contract for arbitration boards to settle disputes between consumers and manufacturers. Upon receiving a request for arbitration, an arbitration board has 30 days to hear the dispute and 60 days to render a decision. If the consumer accepts the board's decision, the manufacturer has 40 days to comply with the decision or 30 days to appeal to superior court. No time limit is specified for the consumer to accept or reject a board decision or to appeal.

The board may award repurchase or replacement of the vehicle. When repurchasing the vehicle, the manufacturer must refund all collateral charges to the consumer. Collateral charges are sales related charges.

If a manufacturer fails to comply with the board decision or to file an appeal, the attorney general may impose fines on the manufacturer.

If the consumer prevails in an appeal, the consumer is entitled to attorneys' fees and costs incurred in the superior court action. There is no provision, however, for the recovery of attorneys' fees and costs incurred at the board hearing.

Manufacturers do not have a cause of action against dealers under the lemon law, but may pursue rights and remedies in other proceedings in accordance with the manufacturer–dealer franchise agreement.

Summary: A number of changes are made to the lemon law.

The determination of whether the required repair attempts have occurred to establish a consumer's rights is modified in the case of serious safety defects. Diagnostic attempts to repair the vehicle, as well as actual repair attempts, are counted. The serious safety defect must continue to exist for a lemon law claim to be made.

Time limits are modified and established. The requirement that an arbitration board hold a hearing within 30 days is changed to 45 days. The consumer

has 60 days to accept or reject a board decision. Failure to respond in 60 days is considered a rejection. A consumer has 120 days from rejection to appeal to superior court.

Several changes are made in the calculation of awards. The definition of collateral charges is clarified to include sales and lease related charges. Prepayment penalties are specifically included as collateral charges. Language is added to clarify the calculation in cases where the vehicle is leased and where the consumer is a subsequent owner. Also clarified is the manufacturer's responsibility to pay sales tax and license and registration fees when providing a replacement vehicle.

If the attorney general prevails in an enforcement action regarding fines against a manufacturer, the attorney general is entitled to attorneys' fees and costs.

If a manufacturer is represented by counsel at a board hearing and the consumer prevails, the board shall award attorneys' fees and costs to the consumer.

The provision expressly allowing manufacturers to pursue rights and remedies in other proceedings in accordance with the manufacturer–dealer franchise agreement is deleted.

Other changes include authorizing arbitrators to impose sanctions for failure to comply with subpoenas and making vehicles which are issued nonresident military temporary licenses eligible for arbitration.

Votes on Final Passage:

House	93	0	
Senate	43	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	44	0	
House	97	0	

Effective: June 1, 1989

SHB 1104

C 240 L 89

By Committee on Environmental Affairs (originally sponsored by Representatives Valle, Van Luven, Rust, Brekke and Phillips; by request of Department of Ecology)

Revising provisions for motor vehicle inspection and maintenance.

House Committee on Environmental Affairs
Senate Committee on Health Care & Corrections and Committee on Ways & Means

Background: Under the federal Clean Air Act (CAA), states are required to meet national ambient air quality standards (NAAQS) for certain pollutants, including carbon monoxide (CO) and ozone. States with areas that do not meet these standards are required to have a State Implementation Plan (SIP) that provides for the attainment of these standards. SIP's must include motor vehicle emission inspection and maintenance (I/M) programs in all urban areas not in compliance with the NAAQS for CO and ozone. The Environmental Protection Agency (EPA) is directed to impose a Federal Implementation Plan (FIP) in any state that does not have an adequate SIP.

The CAA also requires manufacturers to warrant emission control devices in new motor vehicles for the useful life of the vehicle (five years or 50,000 miles for light duty vehicles) and to bear all costs in remedying any failure of those devices that results in any sanction under state or federal law.

In 1979, legislation was enacted that directed the Department of Ecology (Ecology) to establish I/M programs in areas of the state unable to meet the NAAQS for CO or ozone. Ecology established the I/M program in Seattle in 1982 and in Spokane in 1985.

Under the state I/M program, motor vehicles registered in "emission contributing areas" must be tested each year before vehicle licenses can be renewed. The test costs $9 and includes one free retest within 60 days for vehicles failing the initial test. If a vehicle fails a retest, a waiver may be obtained if more than $50 has been spent attempting to meet the emission standards after the initial test failure.

Certain categories of vehicles are not subject to I/M testing requirements. These include federal, state, and local government motor pools and vehicles 15 years old and older.

According to Ecology test data, the I/M program reduced carbon monoxide emissions from tested vehicles in 1988 by approximately 28 percent in Seattle and 24 percent in Spokane. However, despite the existence of these programs, both areas continue to violate the national carbon monoxide standard.

The CAA authorizes the following penalties for nonattainment of the CO standard: (1) Loss of federal highway funds; (2) loss of federal sewage treatment funds; (3) loss of federal air program grants; (4) a ban on construction of new industrial sources of air pollution in nonattainment areas; and (5) the implementation of a FIP. Ecology has estimated that $105 million could be lost over the next three years in sewage treatment construction grants and $7.2 million could be lost over the next three years in air program grants

if sanctions are imposed. The Department of Transportation has estimated that up to $500 million in federal highway funds could be lost if full sanctions are imposed.

According to the EPA, Seattle and Spokane do not face any immediate prospect of federal sanctions as long as they continue to implement existing SIP programs (including the I/M program) and make progress toward meeting the CO standard. However, the statute authorizing the state I/M program expires on January 1, 1990.

Summary: The Motor Vehicle Emission Inspection and Maintenance (I/M) Program is reauthorized until January 1, 1993. The current annual testing schedule for vehicles less than 15 years old is replaced by a biennial schedule for vehicles with a model year of 1968 or newer. Motor vehicles with a model year of 1967 or earlier are exempt from the testing requirements.

Waivers for vehicles failing the test are only available: (1) For vehicles that have been in use for more than five years or 50,000 miles; and (2) where emission reduction equipment is still installed and operative. A waiver may only be obtained if repairs are made by a certified emission specialist. The amount that must be expended on 1981 and later model vehicles before a waiver may be obtained is raised to $150. The $50 amount for pre–1981 vehicles is retained. Information on federal warrantees and certified emission specialists must be provided to persons failing the initial test.

Local governments and state agencies with motor vehicles garaged or regularly operated in emission contributing areas are required to: (1) Test vehicle emissions biennially; (2) ensure compliance with emission standards; and (3) report test results to Ecology.

A high rpm test is added to the testing requirements. The current idle test is retained. The $10 cap on test fees is raised to $18. Fees will be set at the minimum whole dollar amount required to run the program and cover Ecology's administrative costs.

If EPA NAAQ standards are changed, Ecology must reevaluate noncompliance areas. Ecology is directed to study: (1) CO emission trends that would be expected over the next five years without the I/M program; and (2) sub–populations of vehicles failing the test.

Persons residing in emission contributing areas must register their vehicles in that area unless business reasons require otherwise. Violations of this requirement are subject to a civil penalty of up to $100.

Ecology is authorized to make grants to local governments for planning efforts aimed at reducing motor vehicle emissions in areas where I/M programs are not required.

Votes on Final Passage:

House	54	42	
Senate	26	20	(Senate amended)
House	56	40	(House concurred)

Effective: January 1, 1990

SHB 1115

C 242 L 89

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Zellinsky, Schmidt, Baugher, Pruitt, Sayan, Haugen, Scott, Vekich, Padden, Cooper and R. Meyers)

Authorizing purchase of legend drugs by animal control agencies.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The state's prescription drug laws define "legend drugs" as drugs that may be dispensed on prescription only or that are restricted to use by practitioners only.

With certain exceptions, persons who manufacture, distribute, or dispense certain controlled substances are required by the state's Uniform Controlled Substances Act to register with the State Board of Pharmacy. Under the provisions of the act, a humane society and animal control agency may apply to the board for registration for the sole purpose of being authorized to purchase, possess, and administer sodium pentobarbital to euthanize injured, sick, or unwanted domestic pets and animals.

Summary: Humane societies and animal control agencies registered with the State Board of Pharmacy under the Uniform Controlled Substances Act and authorized to euthanize animals may also purchase, possess, and administer certain legend drugs for the purpose of sedating animals prior to euthanasia and for use in chemical capture programs. The legend drugs that may be used are those designated by the Board of Pharmacy by rule as being approved for this use and do not include substances regulated under the Uniform Controlled Substances Act. The board must adopt rules to regulate the purchase, possession, and administration of legend drugs by the humane societies and animal control agencies and to ensure strict compliance. The rules for the storage, inventory control, administration, and recordkeeping must conform to

the same standards adopted by the board for the use of controlled substances by these societies and agencies.

A society or agency registered with the board may not permit a person to administer any legend drugs unless the person has demonstrated, to the satisfaction of the board, adequate knowledge of the potential hazards and proper techniques involved. In addition to any other authority for suspending or revoking a registration, the board may suspend or revoke a registration upon determining that the required knowledge has not been demonstrated by the persons administering the drugs.

Votes on Final Passage:

House	91	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1117

C 49 L 89

By Representatives Patrick, Vekich, R. King, Sayan, Winsley and McLean; by request of Department of Labor and Industries

Changing conditions for workers' compensation insurance.

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

Background: The Department of Labor and Industries offers retrospective rating plans for qualified individual employers or groups of employers. The retrospective rating plan allows adjustment of the employer's premium after the coverage period, based on the claims costs incurred during that period.

To qualify for a group retrospective rating program, the following conditions must be met: (1) all employers in the retrospective rating group must belong to an organization that has been in existence for at least two years; (2) the organization must have been formed for a purpose other than obtaining workers' compensation coverage; (3) the occupations or industries of the employers in the organization must be similar; (4) the employers in the retrospective rating group must constitute at least 50 percent of the total employers in the organization; and (5) the formation of the group program will substantially improve accident prevention and claim management for employers in the group.

Summary: The requirement is eliminated that the employers in an industrial insurance retrospective rating group constitute at least 50 percent of the total employers in the industry organization sponsoring the retrospective rating group.

Votes on Final Passage:

House	95	0
Senate	31	16

Effective: July 23, 1989

SHB 1133

C 381 L 89

By Committee on Trade & Economic Development (originally sponsored by Representatives Wineberry, Cantwell, Brough, Kremen, Schoon, Hine, Holland, Rasmussen, Miller, Ebersole, Doty, Locke, Winsley, H. Sommers, Anderson, Wang, Valle, Rust, R. King, Bristow, Sprenkle, Leonard, Vekich, Prentice, Beck, K. Wilson, Rector, Spanel, Cole, Basich, Jones, Braddock, Betrozoff, Nelson, Walker, Tate, Heavey, G. Fisher, Crane, O'Brien, Walk, Scott, Patrick, Dellwo, Zellinsky, Jesernig, Belcher, R. Fisher, Sayan, Pruitt, Wood, Brekke, Inslee, Fuhrman, Moyer, Todd, H. Myers, Brumsickle, Van Luven, Phillips, May and P. King)

Regarding employer involvement in child care.

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

Background: Child care is licensed and coordinated by the Department of Social and Health Services (DSHS). In addition to regulating child care providers, DSHS also provides technical assistance and other programs to help child care providers.

In 1987, the Legislature created a Child Care Resources Coordinator in DSHS, and directed the coordinator to help encourage employer–provided assistance for child care. This legislation expires in June, 1989.

In 1988, the Legislature established a Child Care Coordinating Committee to help coordinate state agencies' efforts regarding child care and to provide recommendations to the Legislature on child care subsidy programs.

The Legislature also established a child care policy in statute in 1988. The policy encourages the participation of families and businesses in operating and expanding the child care system in the state to meet

the needs of the labor market and to assist families. The policy encourages traditional at–home parenting, but also promotes the availability and affordability of quality child care for families that need child care assistance.

Summary: The state role in child care is expanded to encourage employer involvement in the provision of child care.

The Child Care Resource Coordinator is reestablished in DSHS to: (1) seek money for operating a child care information and referral system; (2) maintain a state–wide child care referral system; (3) coordinate training and technical assistance to child care providers; (4) assemble information regarding the availability of insurance and funding for providing child care; and (5) staff the child care coordinating committee.

Representatives of the Departments of Labor and Industries, Revenue, and Employment Security are added as members to the Child Care Coordinating Committee in the Department of Social and Health Services (DSHS). The Departments of Revenue, Labor and Industries, Employment Security, and Trade and Economic Development are to assist DSHS by providing information to employers and businesses through routine agency communications with employers and businesses.

The Child Care Coordinating Committee is to provide advice and assistance to the Child Care Resource Coordinator. The coordinating committee must also report annually to the Legislature on its reviews and recommendations regarding child care.

A Child Care Partnership is established as a subcommittee of the Child Care Coordinating Committee. The subcommittee is to : (1) facilitate partnerships between the public and private sectors to increase the availability, quality, and affordability of child care in the state; (2) propose statutory and administrative changes to increase employer involvement in child care; (3) study liability insurance issues; and (4) advise and assist an employer liaison.

An employer liaison position is created in DSHS and co–located in the Business Assistance Center in the Department of Trade and Economic Development. This staff position will assist the child care partnership and help businesses provide child care. The employer liaison position will also help local resource and referral organizations increase their capacity to provide assistance to businesses regarding child care.

Votes on Final Passage:

House	92	0	
Senate	45	1	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	46	0	
House	97	0	

Effective: May 13, 1989

HB 1138

C 5 L 89

By Representatives Baugher, McLean, Crane, Heavey, Rayburn, Haugen, Scott, Grant, Jesernig, Sayan, Hargrove, Rasmussen, Bristow, Ballard, Moyer, Smith, Patrick, Zellinsky, S. Wilson, R. King, Pruitt, Doty, Nealey, Fuhrman, Walk, H. Myers, Rector and Sprenkle

Creating a honey bee commission.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: Several agricultural commodity commissions have been created by statute. Others have been created under marketing agreements or orders created and approved under the 1955 and 1961 Agricultural Enabling Acts. The Department of Agriculture administers the Agricultural Enabling Acts and the state's laws regarding honey bees.

Summary: The Washington State Honey Bee Commission is established subject to approval by a referendum voted upon by apiarists, brokers, manufacturers, processors, and first handlers. The commission is an 11 member board composed of: seven elected apiarists from certain designated districts; three persons appointed by the Director of Agriculture representing manufacturers and brokers of apiary industry products, processors and first handlers, and out–of–state residents who are affected parties; and the Director of Agriculture as a nonvoting, ex–officio member.

An "apiarist" is defined as a person who owns, operates, manages, or brokers ten or more honey bee colonies or any volunteer participant.

If the referendum is approved, an annual assessment of 25 cents per colony is established which is to be collected by the commission. A minimum assessment of $10 is established.

Referenda. A referendum on the creation of the commission, and on any increases in the assessment

later proposed by the commission, is considered approved if approved by:

(1) 51 percent of the apiarists and brokers representing 66 percent of the colonies, or 66 percent of the apiarists and brokers representing 51 percent of the colonies; and

(2) 51 percent of the manufacturers, processors, and first handlers representing 66 percent of industry products sold, or 66 percent of the manufacturers, processors, and first handlers representing 51 percent of industry products sold.

If the creation of the commission is approved, a referendum must be held seven years later to determine whether the commission will or will not continue to exist.

Commission. The powers and duties of the commission are prescribed. Commission members are to be reimbursed for their travel expenses. Nomination and election procedures for commission members are established. The commission must reimburse the Director of Agriculture for the costs of conducting elections and referenda.

The state is not liable for the acts of the commission. No member or employee of the commission is liable for contracts of the commission. All liabilities are limited to and payable only from funds collected as assessments.

Records, Audits, and Violations. Affected parties are required to keep certain records and the commission is authorized to conduct audits. Violations of the Honey Bee Commission statutes or the rules of the commission are misdemeanors.

Votes on Final Passage:

House	93	0
Senate	47	0

Effective: July 23, 1989

HB 1157

FULL VETO

By Representatives Holland, Peery, Betrozoff, Ferguson, Cole, Fuhrman, Jones, Walker, Pruitt, Schoon, Rayburn, Winsley, Ebersole, Nealey, Leonard, Brumsickle, May, Prentice, Horn, Rasmussen, Wineberry, Miller, Grant, Anderson, Dorn, Bowman, Moyer and Spanel

Exempting vocational–technical institutes from competitive bidding in the case of sole source suppliers.

House Committee on Education
Senate Committee on Education

Background: A vocational technical institute seeking to purchase materials from a single source of supply, must comply with the competitive bidding process. The institute may not negotiate directly with the sole supplier.

Summary: A vocational technical institute may purchase materials, facilities or services from a single source of supply and waive the competitive bidding procedure. The waiver must be authorized by the school district board of directors based on a written request from the vocational technical institute. There must be evidence that there is clearly or justifiably a single source of supply. The waiver granted by the school district board of directors may cover specified periods of time and/or particular items.

Votes on Final Passage:

House	95	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

FULL VETO: (See VETO MESSAGE)

HB 1162

C 76 L 89

By Representatives Hine, G. Fisher, Horn, Ferguson and Haugen

Changing provisions relating to cities annexed by fire protection districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Whenever a city or town annexes or incorporates territory that is located in a fire protection district, the territory is removed from the fire protection district. On the other hand, a special annexation procedure exists to annex all the territory in a city or town under which all of a city or town is annexed to a fire protection district.

If territory located in a fire protection district that constitutes at least 60 percent of the assessed valuation of the fire protection district were annexed by, or incorporated into, a city or town, then all the assets of the fire protection district vest in the city or town upon the city or town paying to the district an amount equal to the total assets of the fire protection district multiplied by the percentage of the district's assessed valuation that remains outside of the city or town. Such payments must be made in one year and may be in the form of cash, properties, or contracts for fire protection services.

If territory located in a fire protection district that constitutes less than 60 percent of the assessed valuation of the fire protection district were annexed by, or incorporated into, a city or town, then the district retains ownership of its own assets and the district must pay the city or town an amount equal to the total assets of the fire protection district multiplied by the percentage of the district's assessed valuation that is located in the area so annexed or incorporated. Such payments must be made in one year and may be in the form of cash, properties, or contracts for fire protection services.

However, no payments are made if: (1) the area so annexed to a non–code city or town or incorporated as a city includes less than 5 percent of the assessed valuation of the district, or (2) the area so annexed to a code city includes less than 5 percent of the area of the district.

Summary: The law is clarified that when a city or town has been annexed by a fire protection district, and the city or town then annexes territory, the territory so annexed to the city or town additionally is annexed to the fire protection district that previously had annexed the city or town.

A fire protection district that has annexed a city or town is put in the same position as the city or town, concerning the transfer of assets and payments for such assets, upon a subsequent annexation by the city or town of territory located in another fire protection district.

Votes on Final Passage:

House	97	0
Senate	43	0

Effective: July 23, 1989

HB 1163

C 74 L 89

By Representatives Haugen and Ferguson

Modifying the time period applying to filing of claims against noncharter cities and towns.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The statute of limitations for filing lawsuits related to damages or injuries to persons or personal property is three years after the injury or damage has occurred, i.e., a lawsuit relating to such damages or injuries must be filed within three years of the occurrence of the injury or damages.

Under another statute, a claim for damages or injuries against a city or town is required to be filed with the governing body of the city or town within 120 days of the date the damage occurred or injury was sustained. Claim statutes of this nature have been held by the supreme court to be unconstitutional. However, the supreme court held that a claim statute for the state is constitutional if the time period for filing the claim is the same as the statute of limitations.

Summary: The time within which a special claim for damages against a noncharter city or town must be filed with the city or town is altered from 120 days after the occurrence of the injury or damage to whatever the period is for the statute of limitations for filing a lawsuit for the injury or damage.

Votes on Final Passage:

House	96	0
Senate	42	0

Effective: July 23, 1989

SHB 1168

C 40 L 89

By Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Crane, Tate and P. King)

Revising the uniform estate tax apportionment act.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A 1986 amendment to the federal tax code imposes a 15 percent excise tax on the estate of a person who dies with an "excess retirement accumulation." An excess retirement accumulation is that part of a qualified employee retirement plan that exceeds a certain amount. By federal rule that amount is the present value of a hypothetical annuity yielding the greater of $112,500 annually for a certain term, or $150,000 annually over the decedent's life based on his or her actuarially determined life expectancy immediately prior to death. Community property laws are ignored in figuring the amount of the excess retirement accumulation tax liability, but a surviving spouse who is the primary beneficiary of the qualified retirement plan may defer the tax.

Although Washington does not have an estate tax, it has adopted the Uniform Estate Tax Apportionment Act. This act provides that unless the will creating the estate directs otherwise, federal estate taxes imposed on a Washington estate are to be apportioned according to the value of the interest of each person who

receives something from the estate. For purposes of this apportionment, the "value" of an interest is determined according to the same valuation rules that are used to determine the tax.

The federal tax code allows the administrator of an estate to choose to value farm property and certain other real estate at its current use rather than at its highest and best use. In certain circumstances, the administrator may also choose to pay estate taxes in installments. The Washington statute has no apportionment provisions to cover these options.

Summary: Several changes are made in the state's Uniform Estate Tax Apportionment Act in order to reflect certain provisions in federal tax law.

The 15 percent federal excess retirement accumulation tax is included in state estate tax law for purposes of apportioning tax burdens. Special rules, separate from those applying to estate tax apportionment, are prescribed for the apportionment of the excess accumulation tax. Only persons who are eligible to receive part of the proceeds of the retirement plan at the time the excess accumulation tax is due are subject to apportionment for that tax. Apportionment of the tax is on the basis of proportional interests in the retirement plan.

The administrator of an estate is given authority to make loans from the estate for payment of the excess accumulation tax.

The courts are given authority to apportion equitably the excess accumulation tax in cases in which there are successive interests in the retirement benefits.

Special rules are provided for apportioning estate taxes in cases in which optional property valuation methods are available under federal law.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: April 18, 1989

SHB 1169

C 34 L 89

By Committee on Judiciary (originally sponsored by Representatives Padden, Crane, Tate and P. King)

Regulating disclaimers of interest by beneficiaries.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: For various reasons, including unwanted tax consequences, a person may choose not to accept a gift. Since 1973, Washington has had a disclaimer of interest statute that provides a formal method for the rejection of an interest. In 1976, the federal tax code was amended with respect to the formal requirements for a disclaimer under federal law. Some of the state law uses outdated terminology, including references to the now repealed state inheritance tax.

The disclaimer of interest statute applies to transfers of interests both during the lifetime of the transferring party and upon the death of the transferring party. However, the bulk of the procedural content of the statute deals with transfers upon death. There is little explicit direction about the disclaimer of inter vivos transfers. The law also requires that a disclaimer of an interest received through a will must be filed with the clerk of the court, and that the disclaimer of an interest in real property must be recorded.

The disclaimer of interest statute contains two general prohibitions against disclaiming an interest. First, an insolvent beneficiary may not disclaim an interest. Second, a beneficiary may not disclaim an interest if he or she has signed a waiver of disclaimer or has already voluntarily assigned or otherwise disposed of the right to his or her interest.

Summary: The "disclaimer of interest" statute, which provides a formal method for a person to reject a gift, is completely rewritten and reorganized. Obsolete references, including the reference to the repealed state inheritance tax, are removed.

The statute is amended to make it clear that gifts received through inter vivos transfer, as well as gifts received through a testamentary will, may be disclaimed. An explicit nine month period is provided for disclaiming an interest following an inter vivos transfer. Filing of disclaimers of testamentary interests and recording of disclaimers of interests in real property are made optional.

An express provision is added to make it clear that once an interest has been accepted by a beneficiary, it cannot be disclaimed. A prohibition against disclaimers by insolvent beneficiaries is removed.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: July 23, 1989

HB 1170

C 33 L 89

By Representatives Padden, Crane, Tate and P. King

Changing provisions relating to the exercise of the power of appointment.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A "power of appointment" is authority given to one person to dispose of property held by another person. For example, a parent may in his or her will leave property to a child (the property holder), but give another person the authority to dispose of the property (the power holder). A power may also be created by inter vivos deed. Various restrictions may be placed on the exercise of a power of appointment. The power is said to be "general" if it contains no restrictions and includes authority for the power holder to dispose of the property by transferring it to himself or herself.

The law allows a power holder to exercise the power of appointment through his or her own will. However, a will that purports to exercise a power of appointment must identify the instrument that created the power and must indicate the date of the power's creation. If the instrument that creates the power originally is itself a will, for instance, the power holder may not know of the existence of the power, or of the nature or timing of any changes made in the power by amendments to the will. In such a circumstance, it may be impossible for the potential power holder to make the necessary identifications in his or her own will.

The holder of property subject to a power of appointment in a will may dispose of the property without fear of liability if six months have passed since the death of the power holder and the property holder has not been notified in writing that the will has gone to probate.

Summary: The power of appointment statute, by which a person may delegate to another the authority to dispose of property, is amended. Removed is a requirement that the exercise of a power through a will must identify the creating instrument and the date of creation of the power.

A provision is amended regarding the potential liability of the holder of property that is subject to a power of appointment in the property owner's will. It is made explicit that a property holder with actual knowledge of the exercise of a power cannot avoid liability for disposing of the property just because he or she has not received written notice of the exercise within six months of the death of the power holder. A holder of property subject to a power of appointment in a will may not avoid liability for disposing of the property unless two conditions are met. The property holder must have had no actual knowledge that the power had been exercised through a will and must have made a reasonable effort to find out if the power had been exercised.

Votes on Final Passage:

House	95	0
Senate	43	0

Effective: July 23, 1989

SHB 1173

C 333 L 89

By Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Crane, Tate, P. King, Inslee and Sprenkle)

Revising nonclaim statutes.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A statute requires the personal representative of an estate to notify creditors of the estate. The notice tells creditors that they must file claims against the estate within four months. The notice is to be made by publication in a legal newspaper once a week for three weeks. This notice need not be made in the case of an estate that passes to a surviving spouse. The U.S. Supreme Court recently held that notification by such publication under a similar Oklahoma statute was unconstitutional and that known or reasonably ascertainable creditors must be notified personally. The Court held that probate court involvement amounts to "state action" for purposes of the federal constitution's Due Process Clause, and that therefore the property interests of a creditor of the deceased must be accorded due process protection. The Court concluded that mere publication of notice does not give enough protection to a creditor. The Court held that personal service by mail, at least, is necessary.

The Supreme Court offered few words on the standard to which a personal representative is to be held in looking for creditors of the deceased. The Court disavowed any intent to require "impracticable and extended searches," stating instead that all that the executor or executrix need do is make "reasonably diligent efforts." The Court also indicated that it is reasonable to dispense with actual notice to those with mere "conjectural" claims.

A section of the probate code provides that if a personal representative of an estate has not been

appointed within six years after the death of the deceased, then except for liens upon specific items of property, the estate is no longer liable for debts of the deceased. Another section of law tolls any statute of limitation on a cause of action against a person who dies until one year after the personal representative is appointed. Various periods of limitation, ranging from 10 years to one year, apply to different kinds of lawsuits.

Summary: Two major changes are made in probate law. First, a personal representative is required to make reasonable efforts to identify creditors and to give actual notice of claim filing requirements to any known or identified creditors. Second, during an 18 month period following death, all claims must be filed, whether or not a personal representative is appointed and whether or not notice to creditors is given.

A personal representative of an estate must make personal service of notice to certain creditors in addition to making general publication of notice in a legal newspaper. The personal representative must give actual notice to any creditor he or she learns of during the four month period in which claims by creditors must be filed. The notice may be by personal service or by first class mail to the last known address of the creditor. Creditors who receive actual notice have until the expiration of the four month period or until 30 days after receipt of notice, whichever comes later, to file their claims.

A personal representative must exercise "reasonable diligence" in trying to find creditors during the four month period. A search for creditors will be presumed reasonable if the personal representative has made a reasonable review of the deceased's correspondence and financial records, and has asked those who may be entitled to part of the estate under a will or by intestacy if they know of any creditors. The presumption of the reasonableness of such a search may be overcome only by clear, cogent and convincing evidence.

The personal representative must meet these notice requirements with respect to all estates, even those passing to surviving spouses and children.

An 18 month nonclaim provision is added to the probate code. All claims against an estate, except certain claims involving insurance, must be filed within 18 months of the deceased's death. However, the 18 month nonclaim period does not apply if no personal representative has been appointed within 12 months after the debtor's death. It also does not apply to a creditor if the personal representative has not complied with the actual notice requirements of the act and partial performance on the debt has been made during the 18 month period.

Votes on Final Passage:

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

Effective: May 11, 1989

2SHB 1180

C 383 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Ferguson, Dellwo, Beck, Rust, Wang, Winsley, Van Luven, Nelson, Betrozoff, Chandler, Crane, Bowman, Moyer, Sayan, Spanel, Zellinsky, Dorn, R. King, Pruitt, G. Fisher, Valle, Hine, May, Jones, Walk, K. Wilson, O'Brien, Locke, Brekke, Phillips, Rasmussen, Inslee, Rector, Cooper, Miller, Brumsickle and Ebersole)

Insuring liability for leaks from underground oil storage tanks.

House Committee on Financial Institutions & Insurance
House Committee on Revenue
Senate Committee on Financial Institutions & Insurance and Committee on Ways & Means

Background: In 1986, Congress directed the Environmental Protection Agency (EPA) to adopt regulations requiring owners or operators of underground petroleum storage tanks to maintain "financial responsibility" for damages caused by leaks from these tanks. The agency's proposed regulations took effect January 24, 1989.

Financial responsibility is defined in federal law as the ability to pay for "taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and non–sudden accidental releases from operating an underground storage tank." In other words, owners or operators of underground storage tanks must demonstrate that they have a ready source of funds to pay for cleaning up any pollution whether the pollution was caused by a slow gradual leak or by one big break in the tank. Owners or operators must also be able to pay other persons who were physically hurt or whose property was damaged by a leak. The EPA was authorized to set the amount of financial responsibility.

The final EPA regulations established financial responsibility limits that are substantially less than the agency originally proposed. The maximum amount required is $1 million per pollution incident with a $2 million aggregate limit per year.

Compliance with the financial responsibility limits by owners and operators of underground petroleum storage tanks are phased in according to a schedule based upon the number of tanks an owner or operator uses. All owners and operators must have coverage by October 26, 1990. Methods of satisfying the financial responsibility requirements include purchasing insurance, self–insuring, and participating in a state financial responsibility program.

For many owners and operators, especially small owners and operators, purchasing insurance will be the only practical alternative. However, insurance is expensive and difficult to obtain. Although national and regional risk retention groups are being formed to provide coverage, it is not clear whether these groups will limit their memberships. Some affluent owners and operators are able to support their own in–house financial responsibility mechanism. Recognizing these compliance problems, some states have created programs addressing financial responsibility needs of owners and operators of underground petroleum storage tanks.

In 1988, the Legislature created the Joint Select Committee on Underground Storage Tanks to explore methods of assisting owners and operators to comply with the EPA financial responsibility regulations. During the legislative interim, the committee developed a proposed state reinsurance program designed to attract private pollution insurers to Washington. The committee recommended creation of a state pollution reinsurance program.

Summary: An independent state agency is created to provide discounted reinsurance to an insurance company or risk retention group that has been selected by the agency administrator to sell pollution insurance to owners and operators of underground petroleum storage tanks.

The reinsurance program administrator is given broad authority to design and price reinsurance and insurance coverage that will assist owners and operators in meeting the EPA financial responsibility regulations. An advisory group composed of affected owners and operators and insurance professionals is created to assist the administrator in developing and implementing the program. The state Department of Ecology must be consulted on coverage issues affecting cleanup of pollution. In addition, the administrator must periodically report to the Legislature on the progress, finances, and operation of the program.

The program may not provide coverage in excess of $1 million per occurrence and $2 million annual aggregate. Deductibles, coverage prices, reinsurance contract terms, underwriting standards, and coverage limitations will be subject to negotiation with an insurer. The program is not required to accept every owner and operator, nor is the program required to heavily subsidize the premiums due from owners and operators. In addition, coverage must be priced to reflect the risks of each owner and operator. In other words, owners and operators who employ state of the art technology in preventing pollution will pay less than owners and operators who employ older, less effective methods to prevent pollution.

Owners and operators who are denied coverage by the insurer may appeal to the program administrator for review of the coverage denial.

A petroleum products tax of 0.50 percent is imposed on the first possession of any petroleum product in the state. The tax is applied to the wholesale value of the petroleum product. Petroleum products that are exported for use or sale outside of the state as fuel, and that are packaged for sale to ultimate consumers, are exempt from taxation. Proceeds from the tax are deposited into the pollution liability reinsurance program trust account to fund the reinsurance program. Collection of the revenue must cease whenever the account balance exceeds $15 million and collection may resume when the balance drops below $7.5 million.

The reinsurance program administrator is directed to report to the Legislature by January 1, 1990, on the estimated costs of implementing the reinsurance program and on necessary adjustments to the tax rate. The administrator may not enter into a contract binding the state to provide pollution liability insurance or reinsurance until authorized by the Legislature.

Votes on Final Passage:

House	94	0	
Senate	46	0	
House			(House refused to concur)
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 13, 1989
July 1, 1989 (Sections 14 – 19)

HB 1182

C 13 L 89 E1

By Representatives Rust, D. Sommers, G. Fisher, Fraser and Phillips; by request of Director of Ecology

Revising local government roles in hazardous waste siting.

House Committee on Environmental Affairs

Senate Committee on Environment & Natural Resources

Background: In 1985, the Legislature directed the Department of Ecology (Ecology) to develop siting criteria for all hazardous waste treatment, storage, incineration and disposal facilities by December 31, 1986. Ecology was given sole responsibility for siting hazardous waste incineration and disposal facilities. Local government permitting and regulatory activity relating to these facilities was preempted.

Under the 1985 legislation, local government is allowed to permit and regulate hazardous waste treatment and storage facilities in its jurisdiction if the local government had designated appropriate land use zones by June 30, 1988. If a local government failed to designate appropriate land use zones by this date, Ecology was directed to permanently preempt local zoning authority relating to hazardous waste treatment and storage facilities in that jurisdiction.

Local land use zones adopted by a local government must be consistent with the siting criteria adopted by Ecology. However, Ecology has not yet adopted the siting criteria. Considering the consistency requirement, local governments have been hesitant to designate land use zones prior to Ecology's adoption of siting criteria. According to Ecology, more than 150 towns and cities and 15 counties failed to meet the June 30, 1988 deadline.

Summary: The Department of Ecology (Ecology) is required to adopt hazardous waste facility siting criteria by May 31, 1990.

The June 30, 1988 deadline for the adoption by a local government of appropriate land use zones for hazardous waste treatment and storage facilities is repealed. The initial designation of land use zones by a local government shall be completed or revised and submitted to Ecology within 18 months after the adoption of Ecology's siting criteria.

Local governments that do not complete the designation process by the new deadline will be preempted from regulating hazardous waste treatment and storage facilities in their jurisdictions until such time as the local government designates the land use zones and these zones are approved by Ecology.

Votes on Final Passage:

House	94	0
First Special Session		
House	90	0
Senate	36	0

Effective: August 9, 1989

SHB 1183

C 281 L 89

By Committee on Human Services (originally sponsored by Representatives Kremen, Bristow, Patrick, Scott, Holland, Leonard, Braddock, Brekke, Zellinsky, Phillips, Spanel, Silver and Wineberry)

Requiring that certain information be provided to adopting parents.

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

Background: Persons and agencies caring for minor children or placing them for adoption are required to provide reasonably available medical reports containing information on any handicaps the child may have to the prospective adoptive parent(s). Such reports are to be made available to parents who have already adopted a child as well. While these reports may not reveal the identity of the natural parents, they are to include any reasonably available medical history of the natural parents which is necessary for the health care of the child.

There is no requirement for a current medical evaluation of the child or for a background or social history including psychiatric reports regarding the family.

The Department of Social and Health Services administers the Adoption Assistance program for adoptive parents with special needs children. The program is only available if applied for prior to adoption of the child.

Summary: Persons and agencies caring for minor children or placing them for adoption are encouraged to provide all available medical reports to the prospective parent as well as parents who have already adopted in order to assist in the parents maximizing the child's development potential.

The medical report shall include, where available, a comprehensive medical evaluation of the child which includes the medical history of the natural family and the child, a physical examination of the child by a licensed medical practitioner, and referrals to specialists as needed.

Persons and agencies caring for minor children or placing them for adoption shall provide a complete family background and child and family social history report to prospective adoptive parent(s). Such reports shall be made available to those who have already adopted as well.

The Department of Social and Health Services is required to provide written information on the Department's adoption–related services.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1189

C 235 L 89

By Representatives Basich, S. Wilson, Vekich, Dorn, K. Wilson, Heavey, Baugher, Crane, Gallagher, Jones, Jacobsen, Sayan, O'Brien, Betrozoff, Bristow, Belcher, Winsley, Dellwo, May, R. Meyers, Kremen, Brumsickle, Prince, Leonard, Anderson, Spanel, Zellinsky, Rasmussen, Ballard, Raiter, Prentice, Hine, Jesernig, P. King, R. King, Todd, G. Fisher, Haugen, Fuhrman, Wang, Van Luven, Moyer, Beck, H. Myers, Brekke, McLean, Phillips, Silver, Inslee, Rector, Brough, Cooper, Miller, Ebersole and Wineberry

Creating a memorial for Washington residents who died or are missing–in–action in the Korean conflict.

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

Background: A total of 122,000 Washington residents served during the Korean conflict. Of these, 472 died or were declared "missing in action."

During the 1988 session, the House of Representatives passed a floor resolution supporting the Washington State Korean Veterans Memorial Fund in its efforts to construct a memorial on the capitol campus in honor of state residents who served in the Korean conflict.

It is the policy of the Capitol Campus Design Committee to review all proposals for monuments or memorials to be located on the capitol campus. There are currently seven such monuments on campus grounds.

Summary: The Director of the Department of Veterans Affairs is to coordinate the design, construction, and placement of a memorial on state capitol grounds honoring residents who died or were declared "missing–in–action" in the Korean conflict.

An advisory committee of the following seven members must approve the design and placement of the memorial: the Director of Veterans Affairs, the Secretary of State, the Director of General Administration, two members of the state veterans' organizations who served in the Korean conflict appointed by the Speaker of the House and the President of the Senate, and two veterans of the Korean conflict appointed by the Director of Veterans Affairs.

The State Capitol Committee must also approve the design and placement of the memorial.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

SHB 1192

C 18 L 89

By Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Kremen, Winsley, Baugher, Fuhrman, Bristow, Rayburn, Nealey, Cooper, Smith, Raiter, Doty, H. Myers, Rasmussen and Miller)

Authorizing special assessments and a grant program for conservation districts.

House Committee on Local Government
Senate Committee on Agriculture

Background: Conservation districts are special districts authorized to engage in a variety of activities relating to the conservation of soil, water, and other natural resources. A conservation district is governed by a five–member board of supervisors, three of whom are elected by voters in the district, and two of whom are appointed by the State Conservation Commission. Funds for conservation districts are obtained from state and federal grants, appropriations by the county in which they are located, and charges for services and activities that the districts provide.

Summary: Activities and programs to conserve natural resources are declared to be of special benefit to land and may be used as the basis upon which special assessments are imposed for conservation districts. The county legislative authority of the county in which a conservation district is located is authorized to impose limited special assessments for the conservation district. Public hearings on the assessments must be held each year by both the conservation district and the county legislative authority. The county legislative authority may accept the system of assessments, or modify and accept the system of assessments, only if it finds the public interest will be served and that the special assessments will not exceed the special benefit that the land will receive from the activities of the district. Provisions are made for posting and publishing notice of the public hearings.

The district and county in establishing a system of assessments classify lands in the conservation district according to benefits to be conferred, determine an annual per acre rate of assessment for each classification, and indicate the total amount of special assessments to be obtained from each classification. Lands deemed not to receive benefit will be placed into a separate class and are not subject to assessments. The assessment rate must be stated either as a uniform rate per acre amount, or a flat fee per parcel plus a uniform per acre amount, or each classification. The maximum per acre rate is not to exceed 10 cents per acre. The maximum per parcel rate is not to exceed $5.

Public land, including land owned by the state, is subject to the special assessments. Forest lands may be subject to the special assessments if the lands benefit from the conservation district activities, but the per acre rate of assessment may not exceed one–tenth of the weighted average per acre rate of special assessments on all other benefited lands. A per parcel charge may not be imposed upon forest land, but up to a three dollar charge on each forest landowner alternatively may be imposed. No more than 10,000 acres of forest lands that are owned by the same entity and that are located in the same conservation district, may be subject to special assessments in any year.

The special assessments may not be imposed if a petition opposing the assessments is filed that has been signed by at least twenty percent of the owners of land subject to the proposed assessments.

The special assessments are collected by the county treasurer along with property taxes. A special assessment will constitute a lien against the land and will be collected in the same manner as delinquent real property taxes.

The State Conservation Commission is authorized to make grants to conservation districts, from moneys that may be appropriated for such purposes. Grants may be made on or before the last day of June of each year. Rules are provided governing grant amounts.

Votes on Final Passage:

House	93	0	
Senate	44	0	

Effective: July 23, 1989

HB 1198

C 249 L 89

By Representatives Nelson, Hankins, Jesernig, R. Meyers, Brooks, Wineberry, Walker, Cole, Miller and Gallagher

Authorizing first class cities to enter into agreement to own and operate electrical utilities.

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

Background: Municipal utilities, public utility districts, and joint operating agencies in Washington are authorized to share in ownership of electric generating facilities or distribution systems together with like entities and rural electric cooperatives in this state and with regulated utilities in Washington and Oregon.

Summary: In addition to their current authority, cities of the first class which operate electric generating facilities and distribution systems may join with regulated utilities in any state, municipal corporations in any state, and any federal agency authorized to generate or transmit electrical energy in the ownership of electric generating facilities or distribution systems.

Votes on Final Passage:

House	95	0	
Senate	44	0	(Senate amended)
House	88	0	(House concurred)

Effective: July 23, 1989

HB 1205

C 50 L 89

By Representatives Sayan, O'Brien, Heavey, Day, Ferguson, Ballard, Zellinsky, Jones, Basich, Prentice, Leonard, Rayburn, Rasmussen, Dorn, R. King, R. Meyers, Hargrove, Rector, Anderson, P. King and Kremen

Recording of discharge papers for veterans.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: County auditors are required to record at no expense the honorable discharge papers of any veteran who was a resident of the county at the time of his enlistment or induction into the armed forces of the United States.

Summary: The requirement for county auditors to record at no expense the honorable discharge papers of veterans who resided in the county at the time of enlistment or induction is altered to require the

recording at no expense of any discharge of any veteran who is residing in the state of Washington.

Votes on Final Passage:

House	93	0
Senate	45	0

Effective: July 23, 1989

SHB 1208

C 382 L 89

By Committee on Commerce & Labor/Appropriations (originally sponsored by Representatives Cole, Patrick, R. King, Walker, Jones and Anderson)

Requiring certification of court reporters.

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

Background: Court reporters and shorthand reporters record and transcribe verbatim reports of court proceedings, depositions, and other official proceedings. A court reporter may work as an official reporter for a superior court judge or may work on an independent basis, reporting such proceedings as depositions and administrative hearings.

By statute, an official reporter must have at least three years' experience or pass an examination. Official reporters hold office during the term of the judge or judges making the appointment, but may be removed for incompetency, misconduct, or neglect of duty. Official reporters are also required to file a $2,000 bond.

Other than the regulation of official reporters, the state does not regulate court reporters.

Legislation to regulate court reporters has been introduced in the last several sessions. In 1987, the House Commerce & Labor Committee requested the Department of Licensing to conduct a sunrise review of the regulation of court reporters. The department found a potential for public harm with unregulated practice and recommended regulation at the level of certification.

Summary: The shorthand reporting practice act is adopted. No person may represent himself or herself as a court reporter, shorthand reporter, certified shorthand reporter, or certified court reporter without first obtaining a certificate from the Department of Licensing.

Applicants for certification must pass an exam, be of good moral character, not have engaged in unprofessional conduct, and not have been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment. The exam must not be more difficult than the exam for official reporters. Persons with at least two years' experience in the state as of the effective date may receive a certificate without examination, if application is made within one year of the effective date. Persons with less than two years' experience may receive a temporary one–year certificate. The director of the Department of Licensing also has discretion to grant a one year temporary certificate to persons holding a national shorthand reporters association certificate of proficiency, registered professional reporter certification or certificate of merit; a current court reporter certification, registration, or license of another state; or a certificate of graduation from a court reporting school. A person with a temporary certificate must pass the examination before the certificate expires to continue to practice. The director may renew a temporary certificate if extraordinary circumstances are shown.

A five member shorthand reporters advisory board is established to advise the director. Two members shall be free lance shorthand reporters and one a court–employed shorthand reporter, each having been engaged in shorthand reporting on a continuous basis for at least the previous five years. One member shall be a current member of the state bar association or judiciary and the other shall be a public member.

Unprofessional conduct is specified, including incompetence, misleading advertising, and commission of a dishonest act relating to the practice of shorthand reporting. Upon a finding that a certificate holder or an applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the director after a hearing may revoke or suspend the certificate, require remedial education, and take other disciplinary action.

Votes on Final Passage:

House	93	2	
Senate	45	2	(Senate amended)
House			(House refused to concur)
Senate	41	0	(Senate amended)
House	97	0	(House concurred)

Effective: September 1, 1989

SHB 1217

C 308 L 89

By Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen and Hine)

Revising provisions for water and sewer districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Sewer districts and water districts are authorized to acquire property necessary for their purposes, and may provide sewer or water facilities.

A sewer district or water district is permitted to annex territory adjoining or in close proximity to the district. A sewer district or water district located in a fifth class or smaller county that is composed entirely of islands may annex any non–adjoining territory.

Two or more sewer districts, or water districts, are permitted to consolidate or merge if they are adjacent or in close proximity to each other.

The board of commissioners of a sewer district, or a water district, may sell district property if the property is determined not to be needed by a unanimous vote of the elected members of the board. A notice of intention to sell such property must be made. However, notice need not be made for sewer district personal property worth less than $500 or for water district personal property worth less than $250. Property sold by a sewer district without notice may not be purchased by a commissioner or an employee of the district, nor by relatives of a commissioner or employee.

General laws prohibit a local government official from entering into a sales contract with the local government.

Real property owned by a sewer district, or water district, may not be sold for less than 90 percent of its value established by a written appraisal within six months of sale.

Summary: Sewer districts and water districts are authorized to construct, acquire, and own buildings and other necessary facilities.

A sewer district, or water district, may annex any territory located in the same county or counties in which the district is located or any other territory that is adjoining or in close proximity to the district.

Any two or more sewer districts, or two or more water districts, may merge or consolidate.

Boundary review board objectives are amended to allow non–contiguous annexations, mergers or consolidations by sewer districts or water districts.

The voting requirement for determinations of whether district property is not needed, and therefore may be sold, is altered from a unanimous vote of the elected members of a sewer district or water district board of commissioners to a majority vote of the board members. The maximum value of water district personal property, that may be sold without the provision of a notice of intention to sell, is raised from less than $250 to less than $500.

Language is deleted that prohibited sewer district or water district commissioners or employees from acquiring district property that is sold without the making of a formal notice of intention to sell.

A sewer district or water district is permitted to sell real property for less than 90 percent of its value if the real property is valued at less than $500.

Water districts are permitted to contract to manage other water systems.

Votes on Final Passage:

House	96	1	
Senate	39	5	(Senate amended)
House			(House refused to concur)
Senate	45	0	(Senate receded)

Effective: July 23, 1989

HB 1220

C 105 L 89

By Representatives Nealey, Haugen, Ferguson and Miller

Revising provisions for contract projects by water and sewer districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Sewer districts and water districts may award contracts for construction projects that have an estimated value of less than $25,000 by using a small works roster process. A small works roster comprises all responsible contractors who request to be on the list. The list must be revised once a year. Uniform procedures may be established to pre–qualify contractors on this list. A procedure must be used to secure telephone or written quotations from the contractors on the small works roster to assure that a competitive price is established. Contracts are awarded to the lowest responsible bidder from the roster who supplies a quotation.

Summary: The maximum dollar value of a construction project that a sewer district or water district may award with a small works roster process is increased from less than $25,000 to less than $50,000.

Votes on Final Passage:

House	93	0	
Senate	46	0	

Effective: July 23, 1989

SHB 1221

PARTIAL VETO

C 301 L 89

By Committee on Commerce & Labor (originally sponsored by Representatives McLean, Vekich, Nealey, P. King, Todd and Silver)

Easing licensing requirements for vehicle auctioneers.

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

Background: Persons selling vehicles, including auctioneers, must obtain a vehicle dealer's license. A licensed dealer must maintain an established place of business, which is an office in a commercial building, with a display area, and a permanently affixed exterior sign. A temporary subagency license is required to sell a vehicle at a location other than the principal place of business. A vehicle dealer must also obtain a license for each classification of vehicle sold. There are separate bonding requirements for each classification.

Summary: Auction companies selling vehicles are exempt from the established place of business requirements for vehicle dealers. The exemption does not apply to auction companies which own vehicle inventory or sell vehicles from an auction yard.

An auction company selling vehicles must have an office within the state, maintain books and files at the office, meet local zoning and land use ordinances, maintain a telecommunications system, and list storage facilities for inventory with the Department of Licensing. The auction company must display its vehicle dealer license at each auction where vehicles are offered. The department must be given three days' notice of the address of each auction.

An auction company selling vehicles is exempt from the requirement of obtaining a temporary subagency license.

An auction company may sell all classifications of vehicles under a motor vehicle dealer's license. A license for each separate classification of vehicle is not required. The auction company must maintain a $15,000 bond.

Votes on Final Passage:

House	95	0	
Senate	44	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: The Governor vetoed the section clarifying that the bond amount for an auction company is $15,000. (See VETO MESSAGE)

HB 1231

C 197 L 89

By Representatives R. King, S. Wilson, Hargrove and Fuhrman

Modifying procedures regarding disposal of skins and furs.

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

Background: The director of the Department of Wildlife has authority to dispose of wildlife that is destroying or injuring real or personal property. Property owners may remove or destroy animals that are causing damage with the assistance of the department, or department employees may dispose of the animals. Hot spot hunts are usually used for bear outside of the usual season and hunting area. These hunts involve hunters with hounds that are capable of taking the animal.

The director of the Wildlife Department is required to sell skins and furs that are taken by or in possession of the department. The sale must be by public auction at a designated time and place. The skins and hides from department hot spot hunts or from department trappers are sold through organized auctions like the Seattle Fur Exchange or the annual Washington State Trappers' Association auction. The number of skins sold and the money received for them do not cover costs of storage, preparation (particularly in the case of beaver hides), and auction fees.

Summary: The director of the department is no longer required to sell the skins and furs of wildlife taken or possessed by the department.

Votes on Final Passage:

House	88	0	
Senate	46	0	(Senate amended)
House	90	0	(House concurred)

Effective: July 23, 1989

HB 1239

C 138 L 89

By Representatives P. King, Schmidt and Scott

Exempting qualified pension plans from the state usury statute.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: The Washington State usury statute governs consumer loans and limits the amount of interest chargeable by a lender. Under the statute, a lender may charge the greater of 12 percent or 4 percent above the average 26 week treasury bill rate as published by the Federal Reserve Bank of San Francisco. The statute also permits a lender to charge an administrative fee on loans under $500. No other provision authorizes the charging of administrative fees on general loans.

Many employee retirement plans permit participating employees and beneficiaries to obtain loans. The cost of administering these loans must be borne either by the borrower or the plan itself. If the plan bears the costs, all participating employees and beneficiaries indirectly pay for loan administration. Depending upon the dates of the loan and the floating rate of interest in effect at that time, charging the borrower for the costs of loan administration may violate the state usury statute when the costs are calculated into the overall rate that must be paid by the borrower.

Although the federal Employee Retirement Income Security Act (ERISA) governing employee retirement plans arguably preempts the application of the state usury statutes to retirement plan loans, the lack of certainty makes plan administrators reluctant to charge the borrower for loan administration.

Summary: The state usury statute does not apply to any loan from a tax-qualified retirement plan to a plan participant or beneficiary that is permitted under applicable federal law and regulations.

Votes on Final Passage:

House	95	0
Senate	45	0

Effective: July 23, 1989

HB 1241

C 226 L 89

By Representative Braddock; by request of Director of Department of Licensing

Adjusting terms for members of the examining board of psychology.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: The members of the Psychology Examining Board are appointed by the Governor to five year terms. These terms run concurrently and are not staggered.

Summary: The terms of Psychology Examining Board members are staggered so that not more than two members' terms expire each year. Thereafter, the terms are for five years.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: July 23, 1989

HB 1249

C 23 L 89

By Representatives Rust, D. Sommers, G. Fisher, May, Anderson, S. Wilson, Kremen, Pruitt, Valle, Winsley, Jones, K. Wilson, O'Brien, Locke, Brekke, Phillips, Spanel, Heavey and Miller

Addressing plastic debris in marine environments.

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

Background: The amount of plastic debris found on coastal beaches and in the open ocean has increased dramatically over the past decade. Plastics enter the marine environment by direct dumping from ships and offshore platforms, abandonment of plastic fishing equipment, and movement via storm action from land-based sources. Most plastics resist natural decay and persist in the marine environment for long periods of time. Ocean currents in the North Pacific contribute to high concentrations of marine plastic debris on the Washington State coast.

Plastic debris in the marine environment contributes to coastal litter accumulation, may injure or kill marine animals when ingested or by entanglement,

and can cause damage to marine vessels and equipment. Many marine organisms, including sea birds, become entangled in marine plastic debris. Some marine species ingest marine plastic debris, apparently mistaking plastic materials for natural food sources. The population decline of northern fur seals has been attributed to entanglement in plastic fishing gear and strapping bands.

The Marine Plastic Pollution Research and Control Act (MPPRCA), enacted by Congress in 1987, established a federal program to address marine dumping in general and marine plastic debris in particular. MPPRCA prohibits the dumping of plastics into the sea from ships and offshore platforms, provides for research examining the effects of plastics on marine life, and requires ports to provide adequate facilities for handling solid waste from ships. The Coast Guard is responsible for administering and enforcing MPPRCA requirements.

Several state agency programs address the problem of marine plastic debris. The Department of Ecology (Ecology) and the State Parks and Recreation Commission (Parks) sponsor beach cleanup programs. Parks also administers the Boater Environmental Education Program to educate boaters on proper waste disposal practices. Volunteer groups have also organized and participated in beach cleanup activities and education programs.

In February, 1988, the Commissioner of Public Lands appointed a task force to develop a state action plan to address marine plastic debris issues. The task force included representatives of state agencies, the legislature, local governments, private industry, citizen groups, and educational organizations.

In October, 1988, the task force completed a plan specifying 20 action recommendations including: (1) coordinating state activities regarding marine plastic debris; (2) developing an environmental monitoring and research program; (3) increasing recycling of potential marine debris; (4) coordinating marine plastic debris management with local solid waste management; (5) increasing public education and outreach; and (6) evaluating fiscal impacts of marine debris and possible financial incentives for proper disposal of potential debris.

Summary: The Department of Natural Resources (DNR) is authorized to coordinate implementation of the Marine Plastic Debris Task Force Action Plan in order to clean up and prevent pollution of the state's waters and aquatic lands by plastic and other marine debris. DNR is authorized to: (1) adopt necessary rules for the prevention and cleanup of marine pollution caused by plastic and other marine debris; (2) enter into agreements with federal and state agencies; (3) coordinate agency responsibilities regarding marine plastic debris; (4) contract with interested parties to act as an information clearinghouse for marine plastic debris issues; (5) hire necessary employees to carry out the action plan; and (6) accept and disburse grants and other gifts.

Votes on Final Passage:

House	93	0
Senate	46	0

Effective: April 18, 1989

SHB 1250

C 198 L 89

By Committee on Health Care (originally sponsored by Representatives Morris, Prentice, Sayan, G. Fisher, Braddock and Jones; by request of Department of Licensing)

Changing licensing provisions for hearing aid fitters and dispensers.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: A license, issued by the Department of Licensing, is required in order to fit and dispense hearing aids. Applicants for licensure must obtain surety bond coverage and successfully complete an examination. Examinations are given annually during the second full week in January and the third full week in July. The license is renewable on December 31 annually, although a grace period of 30 days is allowed without penalty. Licensees are required to keep records of all services rendered to the public.

There is no provision to limit the terms for members of the Council on Hearing Aids.

Agents of licensees must be registered with the Department of Licensing for a period of four years to accept service of process for licensees. Service of process may also be served upon the Director of Licensing. A security deposited with the director, in lieu of a surety bond, must be returned to the licensee within four years after license expiration, absent any disciplinary action.

A purchaser has a right to rescind the purchase of a hearing aid within 30 days of the purchase.

Summary: Hearing aid establishments must be bonded as a requirement for the licensure of their employees or owners as hearing aid dealers. But the requirement of obtaining surety bonds for applicants for licensure is deleted.

Examinations for licensure to fit and dispense hearing aids are to be held twice annually in May and November. Re–examination is required for licensees who do not apply within three years of examination. A license is renewable on the licensee's next birthdate. The 30–day grace period for renewal of licensure is deleted.

The ownership of sales records is declared to be that of the establishment and their records, or copies, are required to remain with the establishment.

Members of the Council on Hearing Aids are limited to two consecutive terms.

Registered agents for service of process may be released after one year after the expiration of a license. Service upon the Director of Licensing is no longer authorized.

Security deposits must be returned within one year after the establishment has ceased business, absent any legal action, upon notice to the Department of Licensing. Action upon the bond or security must be commenced within one year of notice of a discontinuation of service or change in ownership.

A purchaser has seven working days to pick up a hearing aid, or return it for repair, before the 30 day period to rescind the purchase commences.

Votes on Final Passage:

House	95	0
Senate	47	0

Effective: July 23, 1989

SHB 1251

PARTIAL VETO

C 351 L 89

By Committee on Local Government (originally sponsored by Representatives Nutley, Zellinsky, Ferguson, Haugen, Cooper, Phillips, Raiter and Rayburn)

Changing provisions relating to municipal annexations.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The Local Governance Study Commission was established in 1986 to study local government in the state and make recommendations to the Legislature for changes in laws that were felt to be necessary. This commission had 21 members, and three ex–officio, nonvoting members. The 21 members included four Senators, four Representatives, four city–elected officials, four county–elected officials, and five persons representing special districts. The ex–officio, nonvoting, members were the director of the Department of Community Affairs, who chaired the meetings, and the executive directors of the Association of Washington Cities and the Washington State Association of Counties.

The commission has adopted recommendations relating to city or town annexations.

Cities and towns are authorized to annex territory through a variety of procedures, including:

(1) A resolution/election method by which a ballot proposition authorizing an annexation is submitted to the voters residing in the area proposed to be annexed upon adoption of a resolution proposing the annexation by the city or town council;

(2) A petition/election method by which a ballot proposition authorizing an annexation is submitted to the voters residing in the area proposed to be annexed upon the submission of a petition requesting the annexation that has been signed by voters residing in the area and acceptance of the annexation by the city or town council;

(3) A direct petition method by which owners of the property equal to at least 75 percent in value, according to the assessed valuation for general taxation purposes, of the total property proposed to be annexed, sign a petition proposing the annexation and the city or town council approves the annexation.

Summary: The Local Governance Study Commission's recommendations on city or town annexation powers is enacted. The signature requirement to initiate an annexation to a non–code city or town under the petition/election annexation procedure is altered from a number equal to 20 percent of the votes cast in the area at the last election to 20 percent of the votes cast in the area at the last general state election.

The petition/election procedures by which any city or town may annex territory are altered to: (1) provide that the county auditor certifies the signatures; (2) permit the annexation of contiguous territory that is located in more than a single county; (3) permit the city or town to designate the election at which the ballot proposition is submitted to the voters of the territory for their approval or rejection; (4) eliminate the requirement that the prosecuting attorney review the petition and render an opinion on whether the city or town can carry out the provisions of the petition; and (5) permit code cities to submit a single ballot proposition to voters that both authorizes the annexation and assumption of a portion of the city's indebtedness.

The direct property owner petition procedure by which a code city may annex territory is altered to: (1) reduce the signature requirement from the owners of

property constituting at least 75 percent of the assessed valuation in the area proposed to be annexed, to at least 60 percent of the assessed valuation; (2) reduce the signature requirement, when the boundaries of the area proposed to be annexed are 80 percent or more contiguous with a portion of the code city's boundaries, from the owners of property constituting at least 75 percent of the assessed valuation in the area proposed to be annexed to at least 50 percent of the assessed valuation; and (3) permit the code city to reject or modify the proposed annexation. The boundary portion of an area that is proposed to be annexed is not included in establishing this 80 percent threshold if that boundary portion is coterminous with a portion of the boundary between two counties in this state.

The signature requirement is lower from the owners of property constituting at least 75 percent of the assessed valuation in the area proposed to be annexed, to at least 60 percent of the assessed valuation, under the process by which property owners may terminate an annexation of an area by a city with a population of 400,000 or more that is proceeding under an annexation process involving an election of area voters.

Cities and towns are permitted to provide factual information on the effects of a pending annexation.

Votes on Final Passage:

House	72	26	
Senate	42	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: The portion of the bill that was vetoed altered the minimum signature requirement to initiate an annexation by a non–code city or town under the petition/election method of annexation. (See VETO MESSAGE)

SHB 1252

C 114 L 89

By Committee on Health Care (originally sponsored by Representatives Prentice, Morris, Wood, Patrick, Braddock, D. Sommers, G. Fisher, Day, Leonard, Ebersole and Wineberry; by request of Department of Licensing)

Changing provisions relating to registered nurses.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: An officer of the state Board of Nursing must be present with a majority of the board to constitute a quorum. Board members may be removed by the governor for dishonorable acts. The Uniform Disciplinary Act for the health professions that governs the practice of nursing and defines unprofessional conduct, makes no mention of dishonorable acts.

Applicants for licensure as registered nurses who fail the examination may take a subsequent one within a year without charge.

Summary: A quorum of the state Board of Nursing may be constituted without the presence of a board officer. Board members may be removed for incompetency or unprofessional conduct under the Uniform Disciplinary Act.

The provision is repealed that allowed applicants for licensure as registered nurses who failed their examination to take a subsequent examination without charge.

Statutory references are amended to update terminology, and repeal obsolete sections.

Votes on Final Passage:

House	92	0
Senate	43	0

Effective: July 23, 1989

HB 1253

C 300 L 89

By Representatives Prentice, G. Fisher, Wood, Rasmussen, Day, Leonard and Wineberry; by request of Department of Licensing

Changing provisions regarding nursing assistants.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: Nursing assistants must complete at least 75 hours of training within six months of employment in a nursing home. A 1987 federal law requires that nursing assistants complete a nursing assistant training program within four months of employment.

The Board of Nursing is required by state law to develop curriculum standards by rule and approve nursing assistant training programs. But state law also requires at least 25 classroom hours in specified subjects and 50 hours of on–the–job clinical practice.

Although state law provides for the registration and certification of nursing assistants employed by nursing homes, it is unclear whether the law extends to those nursing assistants employed in other health care facilities.

Summary: The requirement that nursing assistants must complete a nursing assistant training program

within six months of employment is changed to four months to comply with federal law.

The number of classroom hours in specified subjects and clinical training hours required by state law is repealed, and the Board of Nursing is authorized to determine these curriculum standards by rule.

The registration and certification program for nursing assistants is clarified to include nursing assistants employed in settings beyond nursing homes, such as hospitals, hospice care facilities, home health agencies or other entities where health care services are delivered.

Other housekeeping changes are made in the law.

Votes on Final Passage:

House	95	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

SHB 1254

PARTIAL VETO

C 234 L 89

By Committee on Judiciary (originally sponsored by Representatives H. Myers, Beck, Morris, R. Meyers, G. Fisher, Peery, Winsley, Wang, May, Jones, P. King, R. Fisher, Sayan, O'Brien, Locke, Crane, Heavey, Inslee, Rector, Brough, Cooper and Brumsickle; by request of Governor Gardner and Attorney General)

Providing immunity from civil liability.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: There exists concern regarding the civil liability of individuals who report violations of local, state, or federal law to governmental officials. Under current law, state employees are protected from retaliatory action if, in good faith, they report other state employees' violations of state law or report improper governmental actions. Citizens who make good faith reports of potential wrongdoing to appropriate governmental bodies are not afforded similar protection under Washington law.

Summary: Two immunity defenses are created. A person who, in good faith, communicates a complaint or information to a federal, state, or local governmental agency of a matter reasonably of concern to the agency is immune from civil liability (1) based on the communication to the agency, or (2) on claims arising from the communication of such complaint for information which the person genuinely and reasonably believed to be true. Individuals who prevail with either immunity defense are entitled to recover costs and attorneys' fees incurred in establishing the defense.

The agency receiving the complaint or information may intervene in and defend against any suit based on the first immunity defense. The agency's discretion to intervene in a suit does not extend to suits arising under the second immunity defense; suits arising from the communication of a complaint or information which the person genuinely and reasonably believed to be true are not subject to agency intervention. If the agency intervenes in or defends against the suit and prevails, the agency is entitled to recover costs and attorneys' fees. If the agency fails to establish the immunity defense, the party bringing the action is entitled to recover costs and attorneys' fees incurred in proving the defense invalid or inapplicable. If a local governmental agency chooses not to intervene in and defend against a suit, the Office of the Attorney General may do so.

Votes on Final Passage:

House	96	0	
Senate	44	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	48	0	
House	97	0	

Effective: July 23, 1989

Partial Veto Summary: The intent of section 3 was to ensure that good faith citizen complaints are acted upon by governmental agencies by providing immunity from suit to people who may choose to go public with their concerns. The language of section 3 was not subject to thorough legislative discussion and review. Section 3 was vetoed because the language could be interpreted to inappropriately broaden the immunity conferred under SHB 1254. (See VETO MESSAGE)

HB 1258

C 169 L 89

By Representatives Scott, Patrick, Heavey, P. King, R. Meyers, Schmidt, Crane, Tate, Padden, Belcher, Inslee, Moyer, Prentice, Jacobsen, Holland, Kremen, Todd, G. Fisher, Winsley, Basich, Beck, Ballard, Baugher, Silver, Morris, Rector, Brough, Miller and Brumsickle

Making assaults on law enforcement personnel third degree assault.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The definition of third degree assault includes specific provisions regarding the assault of fire fighters and transit operators. Under circumstances which do not otherwise amount to first or second degree assault, the assault of a fire fighter or transit operator who is performing his or her official duties constitutes an assault in the third degree. Third degree assault is a class C felony.

Concern has been expressed that the definition of third degree assault is too narrow as it applies to assault of a police officer. The statute presently provides that an assault of a "court officer" is a third degree assault if it involves interference with an arrest or detention.

Summary: Under circumstances which do not amount to first or second degree assault, assault of a law enforcement officer or other employee of a law enforcement agency who is performing his or her official duties is a third degree assault.

Votes on Final Passage:

House	80	9	
Senate	47	0	(Senate amended)
House	90	1	(House concurred)

Effective: July 23, 1989

SHB 1259

C 41 L 89

By Committee on Local Government (originally sponsored by Representatives Scott, Cole, Heavey, Padden, Crane, P. King, R. Meyers, Belcher, Schmidt, Moyer, Tate, Patrick, Anderson, Jacobsen, Kremen, Todd, G. Fisher, Doty, Winsley, Baugher and Silver)

Exempting guide and service dogs from local license fees.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: State law provides that a totally or partially blind, hearing impaired, or physically disabled person has the right to be accompanied by a guide dog or service dog on common carriers, airplanes, railroad trains, motor buses, street cars, all other public conveyances, hotels, places of lodging, places of public resort, accommodation, assemblage or amusement, and all other places to which the general public is invited.

A guide dog is defined in law as a dog in working harness that has been trained or approved by an accredited school for the purpose of guiding blind persons or assisting hearing impaired persons. A service dog is defined in law as a dog that has been trained or approved by an accredited school for the purposes of assisting or accommodating a physically disabled person related to the person's physical disability.

Counties, cities and towns are authorized to license dogs.

Summary: A county, city or town must honor a request from a blind person or a hearing impaired person to not pay a dog license fee for his or her guide dog. A county, city or town must honor a request from a physically disabled person to not pay a dog license fee for his or her service dog.

Votes on Final Passage:

House	95	0
Senate	46	0

Effective: July 23, 1989

HB 1282

C 60 L 89

By Representatives Walk, Schmidt and Baugher

Defining motor freight forwarders and brokers.

House Committee on Transportation
Senate Committee on Transportation

Background: Until 1988, the Utilities & Transportation Commission (UTC) regulated an intrastate freight broker or forwarder under the definition of "common or contract carrier." A broker arranges for transportation for compensation and a forwarder consolidates freight for a fee. Five intrastate broker permits are on file with the UTC. These brokers are required to pay a one–time $150 application fee and post a surety bond.

Legislation was enacted in 1988 that created a separate definition for broker, increased the surety bond for intrastate brokers from $1,000 to a minimum of $5,000, and required interstate brokers to post a bond. The new language changed the definition from a common or contract carrier providing transportation of property to a person arranging for transportation by two or more inter– or intrastate carriers. During the process of developing new WAC rules to implement this legislation, the Attorney General informed the commission that the elimination of "common or contract carrier" from the definition effectively deregulated intrastate brokers, and therefore, the commission's applicable WAC rules should be repealed. This was not the intent of the legislation.

Interstate brokers and forwarders are currently required to register with the commission, pay a one-time $25 registration fee and post a bond. There is no provision for the commission to deny or cancel the registration of the interstate broker or forwarder who fails to maintain a surety bond.

Summary: The former definition of a freight broker and forwarder is restored; i.e., brokers and forwarders are included in the definition of "common or contract carrier." Restoration of this language clearly gives the UTC the authority to continue regulation of intrastate brokers and forwarders.

The commission may deny or cancel the registration of an interstate broker or forwarder for failure to maintain a bond.

Votes on Final Passage:

House 87 0
Senate 45 0

Effective: July 23, 1989

HB 1286

C 167 L 89

By Representatives Cantwell, Nealey, Basich, Prince, Moyer and P. King

Specifying how the boundaries of an industrial development district may be revised.

House Committee on Trade & Economic Development
Senate Committee on Governmental Operations

Background: Port districts are authorized to form industrial development districts (IDDs) in order to develop and improve lands for harbor improvements and industrial uses. An IDD is formed by the port commissioners at a public hearing in which the boundaries of the district must be defined.

There are no statutory procedures to allow a port district to remove property from the boundaries of an IDD. Even if the property is subsequently sold by the port district, covenants must be included in the title that require the land to be used for industrial development purposes.

Some land that was initially included within an industrial development district may no longer be suitable for industrial development purposes.

Summary: A port district may revise the boundaries of an industrial development district (IDD). Land may be removed from the boundaries of an industrial development district by a resolution by the port commission unless the property was obtained by conveyance from the county commissioners after a tax foreclosure.

If the port district acquired or improved the property to be removed from the IDD with IDD levy funds, then the port must deposit funds equal to the fair market value of the land and improvements into the IDD account for future use. The fair market value is established as of the effective date of the port district's action to delete the property from the IDD boundaries. The fair market value is determined by averaging at least two independent appraisals conducted by professionally designated real estate appraisers or licensed real estate brokers. Funds must be deposited for future use within 90 days after the port commission's action to delete the property from the IDD boundaries.

If the property was acquired by the port district through condemnation or as a consequence of threatened condemnation, and the property was included within the boundaries of the industrial development district for less than two years, then the port district must offer the property to the former owner for sale for cash at the appraised price. The offer must be made by certified or registered letter to the last known address of the former owner. The former owner must respond to the offer in writing within 30 days or lose the right to purchase. If the former owner responds to the offer to purchase, the sale must be closed within 60 calendar days following the expiration of the 30 day period.

The provisions of the act apply to existing industrial development districts as well as future industrial development districts.

Votes on Final Passage:

House 95 0
Senate 43 3

Effective: July 23, 1989

SHB 1287

C 51 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Day, Chandler, Crane, Winsley, Dellwo, Schmidt and P. King)

Extending the time frame for possible renewal of escrow agent licenses.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: When an escrow officer ceases to represent a certified escrow agent, the escrow officer's license must be surrendered to the Department of Licensing. The escrow officer may apply to the department to have his or her license placed on inactive status for a period of three years so long as the escrow officer continues to pay the annual license renewal fee.

Summary: The three year limit for maintaining an inactive escrow officer license is repealed. Licenses may remain on inactive status indefinitely.

Votes on Final Passage:

House 96 0
Senate 43 0

Effective: July 23, 1989

HB 1289

FULL VETO

By Representatives Cole, Patrick, Vekich, Leonard, Walker, Jones, Wolfe, Prentice and Smith

Modifying business entertainment practices of liquor importers, wholesalers, or manufacturers.

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

Background: Under the tied–house law, liquor manufacturers, importers, and wholesalers are prohibited from advancing money or moneys' worth to licensed retailers. The Liquor Control Board has interpreted this provision (based on an attorney general opinion) to be an unqualified prohibition on gifts, such as food and sports tickets.

In 1988, the Senate considered but failed to pass legislation that would have allowed entertainment of retailers. After the end of the 1988 Legislative session, the board proposed rules requiring licensees to submit affidavits of compliance with the prohibition on entertaining retailers. The board then postponed action on the rules to give the Legislature an opportunity to address the issue.

Summary: Liquor manufacturers, importers, and wholesalers may provide to licensed retailers and their employees: (1) food and beverages for consumption at a meeting at which the primary purpose is the discussion of business; (2) tickets or admission fees for athletic events or other forms of entertainment in the state, and food and beverages for consumption at such events, if the manufacturer, importer, or wholesaler accompanies the retailer to the event; and (3) transportation to and from allowed activities in the private vehicle of the manufacturer, importer, or wholesaler.

Votes on Final Passage:

House 94 0
Senate 43 2

FULL VETO: (See VETO MESSAGE)

HB 1290

C 54 L 89

By Representatives K. Wilson and Beck

Establishing a new geographic coordinate system for Washington.

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

Background: The Department of Natural Resources is required to provide a reference system to identify and preserve survey points which in turn are used in surveying and map production. The reference system provided by the department is known as the Washington Coordinate System.

In 1945, Washington adopted, as the Washington Coordinate System, a federal reference system supported and maintained by the National Geodetic Survey. This system is known as the North American Datum of 1927 (NAD27).

Using NAD27, the Washington Coordinate System provides a common language for identifying location coordinates that are expressed in terms of an "x" value (an east–west direction) and a "y" value (a north–south direction). The System requires that reference points be expressed in feet. These values expressed in feet can then be entered into a computer data base and can be shared with anyone who chooses to use the coordinate system (the use of the Washington Coordinate System by mappers and surveyors in Washington is not mandatory).

A new reference system, known as NAD83, has been developed to reflect improved technology and accuracy. The federal government is now using NAD83, and the National Geodetic Survey will continue to support and maintain this system.

As of January 1987, 20 states have adopted NAD83, with 11 other states preparing legislation which would require the adoption of NAD83.

Summary: Until July 1, 1990, persons choosing to use the Washington Coordinate System may use either NAD27 or its successor, NAD83. Thereafter, persons

choosing to use the System will be required to use NAD83.

Location coordinates used in the NAD83 system must be expressed in meters.

Votes on Final Passage:

House 93 0
Senate 42 1

Effective: July 23, 1989

SHB 1301

FULL VETO

By Committee on Environmental Affairs (originally sponsored by Representatives D. Sommers, Rust, Walker, Sprenkle, Valle, Schoon, Pruitt, Phillips, Nealey, G. Fisher, Brekke, Fraser, Moyer, Rector and Silver)

Providing for radon studies.

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

Background: Radon is an odorless, colorless gas that is emitted by the radioactive decay of uranium in rocks and soils. Radon may seep into buildings through cracks in foundations, sump pumps, areas around drainage pipes, and other openings. Radon decay products attach themselves to dust particles, walls, furniture, and clothing, and lodge in the lungs when inhaled.

A National Academy of Sciences study released last year concluded that radon exposure is responsible for approximately 13,000 of the estimated 136,000 cases of lung cancer deaths each year, making radon the second leading cause of lung cancer deaths. Additionally, the health risks associated with breathing radon are significantly higher for smokers. According to a recent report on radon by a National Research Council committee, radon exposure multiplies the lung cancer risk in smokers by at least tenfold.

There are no federal or state regulations governing radon exposure. However, the Environmental Protection Agency (EPA) recommends remedial action when at least four picocuries per liter of radon are found in a home. According to the EPA, between 4 million and 8 million homes in the United States have elevated levels of radon. The EPA estimates that this level of exposure is equivalent to smoking eight cigarettes a day or having 200 chest x-rays a year.

Radon exposure in homes can be reduced by increasing ventilation in the home, sealing openings where it may be entering buildings, covering exposed earth with concrete or a gas-proof liner, covering sumps, placing removable plugs in untrapped floor drains, or installing soil ventilation devices.

Since uranium is not distributed evenly, radon problems are concentrated in certain areas of the country. According to the Office of Radiation Protection in the Department of Social and Health Services, northeastern Washington has a potential for higher levels of indoor radon than other areas of the state because of naturally occurring uranium in the soil and rocks.

Summary: The State Radiation Control Agency (agency) is required to maintain a program to educate and inform the public about the origin and health effects of radon, how to measure radon, and construction and mitigation techniques to reduce exposure to radon.

By July 31, 1989, the agency must begin a study of existing data, supplemented by selected testing, to determine the presence or absence of radon in schools, state buildings, and residences in the state. State officials participating in these studies are granted immunity for the failure of any radon testing contractor to accurately measure and supply radon information. The results of these studies and any recommendations are due to the Legislature and Governor by December 1, 1990.

Votes on Final Passage:

House 95 0
Senate 44 1 (Senate amended)
House 97 0 (House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 1305

PARTIAL VETO
C 302 L 89

By Committee on Revenue (originally sponsored by Representatives Wang, Holland and Appelwick; by request of Department of Revenue)

Correcting the public utility tax in response to a 1986 Thurston county superior court decision.

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

Background: The public utility tax was enacted as part of the Revenue Act of 1935. "Light and power businesses" are among the utilities taxed under the public utility tax. Although the public utility tax does not

contain any express exemption for power sold outside Washington, a general clause exempting activities that the state cannot tax under the "constitution or laws of the United States" was interpreted as exempting exported power. The original public utility tax rate for light and power businesses was 3 percent. The current rate is now 3.852 percent.

In 1965, exported power was expressly made subject to tax under the manufacturing classification of the business and occupation tax, at a rate of 0.44 percent. The current manufacturing rate is 0.484 percent.

In 1982, the public utility tax was extended to exported power. The legislation also defined gross income for light and power companies to include "those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state." The legislation was an attempt to tax any power delivered within Washington for subsequent transmission beyond its borders.

In 1986, the Thurston County Superior Court decided that the 1982 legislation was unconstitutionally vague. The court stated that it was unclear whether the Legislature intended to tax energy at the point of the last taxable event within the state or whether it only intended to tax final consumption within the state. The court thus invalidated the 1982 legislation and reinstated the business and occupation tax on export power.

The department filed an appeal of the Superior Court decision. While the appeal was pending, settlement negotiations began between the department and taxpayers. Upon advice of counsel, the department reached a settlement with most of the affected taxpayers. The utilities agreed to forego a portion of the refunds to which they were entitled, and agreed to work with the department on proposed legislation that would provide a constitutional replacement for the 1982 amendments.

Summary: The stated intent of this act is to recognize the 1986 court decision by removing the application of the 1982 amendments to the public utility tax, and to provide a constitutional means of replacing revenue lost as a result of the decision.

The language of the statutes that existed prior to the 1982 amendments is restored. Export power is subject to the business and occupation tax at the manufacturing rate. Electricity distributed in-state is taxed under the public utility tax.

The public utility tax rate for power and light companies is increased to 3.62 percent. With the current 7 percent surtax the total rate will be 3.873 percent. The business and occupation tax on export power is eliminated and it is clarified that export power is not subject to the public utility tax. Sales of electricity by light and power businesses for the purposes of resale within the state are exempt from the public utility tax.

Votes on Final Passage:

House	58	39	
Senate	42	1	(Senate amended)
House	89	8	(House concurred)

Effective: May 11, 1989

Partial Veto Summary: The section providing an exemption for sales of electricity by light and power businesses for the purposes of resale within the state is vetoed. (See VETO MESSAGE)

SHB 1322

C 272 L 89

By Committee on Appropriations (originally sponsored by Representatives Hine, Silver, Sayan, McLean, Patrick, D. Sommers, H. Sommers, Bristow, Bowman, Moyer, Day, Peery, Wineberry, Winsley, Fuhrman, Schoon, Holland, Rayburn, Belcher, Braddock, Jesernig, Kremen, Chandler, Brough, Valle, G. Fisher, Betrozoff, R. Fisher, Fraser, Basich, Locke, Haugen, Youngsman, Wolfe, May, R. King, P. King, Pruitt, Hankins, Brekke, Appelwick, H. Myers, Miller, Rasmussen, Ebersole, Jacobsen, Doty, Spanel, Brumsickle, Van Luven, Tate, Wood and Horn; by request of Joint Committee on Pension Policy)

Authorizing cost-of-living adjustments for members of retirement systems.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: The Public Employees' Retirement System, Plan I (PERS I) and the Teachers' Retirement System, Plan I (TRS I) provide automatic cost of living adjustments (COLAs) for two groups:

1) Retirees who receive the minimum pension benefit; and

2) Retirees who elected at the time of retirement to receive an actuarially reduced allowance, which includes a COLA identical to that provided in PERS Plan II and TRS Plan II. This COLA option was first provided to retirees beginning in 1987.

PERS II and TRS II provide an automatic COLA to all retirees. The COLA is based on increases in the Consumer Price Index (CPI), with a maximum annual increase of 3 percent.

A. Plan I Benefits vs. Plan II Benefits

Members of PERS II and TRS II who retire with 30 or fewer years of service generally receive smaller initial retirement allowances than PERS I and TRS I members who retire under identical salary histories. PERS II and TRS II members also must wait until age 65 to be eligible for unreduced benefits. By comparison, PERS I and TRS I members may retire at any age with 30 years of service, at age 55 with 25 years of service, or at age 60 with 5 years of service. It costs almost twice as much to provide the same pension benefit to a retiree beginning at age 55 as compared to age 65.

B. PERS I / TRS I Minimum Benefit

The PERS I and TRS I pension benefits were both increased several times between 1979 and 1987. The 1987 legislation increased minimums from $13.00 to $13.50 per month for each year of service. This legislation also provided for future automatic annual adjustments of the minimum, subject to a maximum annual increase of 3 percent. On July 1, 1988 this automatic COLA raised the minimum to $13.82.

Research done by Joint Committee on Pension Policy (JCPP) staff indicates that most PERS I and TRS I retirees with 30 or more years of service receive between $950 and $1,050 in combined monthly income from the current minimum benefit, social security, and their annuity. Approximately 29 percent of all TRS I retirees (6,025 of 21,000) and 32 percent of all PERS I retirees (13,950 of 43,700) currently receive the minimum pension benefit; most of these persons retired prior to 1973 under less generous benefit formulas than those used by current retirees.

C. Joint Committee on Pension Policy: 1989 COLA Report

The JCPP was created in 1987. From 1987 through 1988 the JCPP reviewed the issue of COLAs in PERS I and TRS I and in 1989 issued a report: Plan I COLA Policy in Washington State. Among its findings, the JCPP concluded that:

1) The initial benefits provided to PERS I and TRS I retirees were among the most generous in the country, especially when social security benefits are included;

2) PERS I and TRS I retirees who are not receiving the minimum benefit receive fewer COLAs than retired public employees and teachers in most other states;

3) The initial combined benefits (retirement and social security) paid to most career employees who retire at age 65 can exceed their pre–retirement take home pay;

4) According to research done by the 1980 President's Commission on Pension Policy, the income provided by 60 percent of a career employee's PERS I and TRS I benefits, when combined with typical social security benefits, should be sufficient to maintain the standard of living that the employees enjoyed prior to retirement; and

5) As of December 1987, persons who retired from TRS I between 1973 and 1978, and from PERS I between 1972 and 1976, retained less than 60 percent of the purchasing power of their initial retirement benefit.

Summary: The minimum pension benefit for retired members of the Public Employee's Retirement System, Plan I (PERS I) and the Teachers' Retirement System Plan I (TRS I) is increased from $13.82 to $14.82 on July 1, 1989. This is in addition to the automatic cost–of–living adjustments (COLAs) already provided.

Beginning July 1, 1989 a new automatic COLA is provided to PERS I and TRS I retirees who do not qualify for the minimum benefit. The COLA provides an annual automatic adjustment based on increases in the Consumer Price Index, with a maximum annual income of 3 percent. Under this COLA adjustments are provided only for those retirees who retain 60 percent or less of the purchasing power of the benefit they received at age 65.

Beneficiaries of persons who die prior to age 65 shall be eligible for the COLA based on the date on which the retired member would have turned 65.

Votes on Final Passage:

House	95	0
Senate	46	0

Effective: May 8, 1989

SHB 1324

FULL VETO

By Committee on Health Care (originally sponsored by Representatives Brooks, Valle, Pruitt, Braddock, Hankins, Betrozoff, Kremen, Beck, Wood, Dellwo, Bowman, Haugen, Winsley, Brekke, Walker, Horn, Nelson, Moyer, Fraser, D. Sommers, Van Luven, Cooper, R. Meyers, Jesernig, Miller, May, Rust, Sprenkle, Brumsickle, Grant, Cole, Chandler, Prince, Holland, Doty, Silver, Belcher, Scott, Rasmussen, Hine, Baugher, Dorn, Walk, Rayburn, Gallagher, Schoon, Sayan, Heavey, Vekich, Patrick, Fuhrman, Leonard, Bristow, Schmidt, Morris, Jones, Basich, R. Fisher, Wineberry, Todd, Prentice, Nealey, Ferguson, McLean, R. King, P. King, Wolfe, Nutley,

K. Wilson, Cantwell, Brough, Anderson, Smith, Hargrove, Day, Crane, Rector, G. Fisher, Appelwick, H. Myers, Ebersole, Inslee, Spanel and Tate; by request of Governor Gardner)

Creating a department of health.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health Care & Corrections

Background: Like many states at statehood, Washington gave its health administration responsibilities to a Board of Health. This body, with a part–time membership of five physicians, was the only state agency officially responsible for the health of the citizens. The original purpose of the board was to respond to emergent short term problems, such as epidemics, with specific remedies. As the board evolved and a greater need for public health oversight developed, the board became responsible for new on–going functions, including inspection of ships for communicable diseases, safety of milk, food sanitation, oyster bed inspections, and the collection of vital statistics. These new functions required cooperation at the local level to enforce the state health regulations. To meet this need, the Legislature authorized for the establishment of local boards of health, which eventually created local health departments.

As the state's population and the public health sector responsibilities grew, more continuous supervision and management at the state level was needed. Because of its part–time nature, the Board of Health could no longer effectively administer the increasingly complex public health system. To provide the needed public health administration, a Department of Health was created in 1921. The board maintained certain rule making authority, while the new department assumed general administrative authority.

The Department of Health continued its independent existence until 1970, when it was included, along with several other state departments, in the Department of Social and Health Services (DSHS), the state's umbrella human services agency. DSHS was formed as a result of a national movement toward "comprehensive" and "integrated" human service systems. Between 1969 and 1974, 26 states established umbrella agencies. However, since then most of those state umbrella agencies, like Washington's, have undergone numerous reorganizations in the areas of administration, service delivery, decentralization, and scope of services. Complaints are frequently made that umbrella agencies are too big to be responsive to client needs, and that individual programs have lacked visibility and accountability because they are "buried" within the bureaucracy.

The first proposal to recreate a Department of Health was made in 1986 in the report of the Joint Select Committee on Public Health. The committee identified several areas in which DSHS functions were duplicated by the Department of Ecology (DOE). This duplication had prevented efficient administration, especially in the areas of drinking water quality, on–site sewage control, radiation control, and shellfish protection. The committee also concluded that modern day public health problems, such as AIDS and environmental protection, are of such magnitude that the related programs require departmental level attention. The committee's recommendations mainly focused on consolidating the Division of Health of DSHS with DOE to form an independent agency. During the 1986 sessions, bills were introduced in both the Senate and House of Representatives to accomplish this goal by the creation of a Department of Public Health and Environment. The measure was passed by Senate, but failed to receive House approval. Similar bills introduced in the 1987 and 1988 sessions did not pass the Legislature.

On December 1, 1988, the Governor announced his intention to seek legislation creating a Department of Health to improve leadership and management in the area of health.

Summary: The Department of Health (DOH) is created as an independent state agency. Its primary focus is public health, quality of care, and health policy development.

DOH continues the specific existing functions transferred from the following agencies: the Department of Social and Health Services (DSHS), the Department of Licensing (DOL), and the State Health Coordinating Council (SHCC).

The functions transferred from DSHS include: Office on AIDS; sexually transmitted disease control and prevention; epidemiology; environmental health services; public laboratories; communicable disease control and prevention; vital statistics and other health data collection; licensure of emergency medical personnel and services, hospitals, boarding homes, and maternity homes; and, effective July 1, 1991, the parent and child health services.

Transferred from the SHCC is the review of health professional licensure and mandated health benefits. The following health professional licensure functions are transferred from DOL. The RCW chapter is referenced.

18.06 Acupuncture

18.19	Counselors
18.22	Podiatry
18.25	Chiropractic
18.26	Chiropractic Disciplinary Board
18.29	Dental Hygienist
18.32	Dentistry
18.34	Dispensing Opticians
18.35	Hearing Aids
18.36A	Naturopathy
18.50	Midwifery
18.52	Nursing Home Administrators
18.52A	Nursing Assistants – Training Program
18.52B	Nursing Assistants
18.52C	Nursing Pools
18.53	Optometry
18.54	Optometry Board
18.55	Ocularists
18.57	Osteopathy
18.57A	Osteopathic Physicians' Assistants
18.59	Occupational Therapy
18.71	Physicians
18.71A	Physicians' Assistants
18.72	Medical Disciplinary Board
18.74	Physical Therapy
18.78	Practical Nurses
18.83	Psychologists
18.84	Radiologic Technologists
18.88	Registered Nurses
18.89	Respiratory Care Practitioners
18.92	Veterinary Medicine, Surgery & Dentistry
18.108	Massage Practitioners
18.135	Health Care Assistants
18.138	Dietitians and Nutritionists

Although the funeral directors and embalmers licensure remains within the Department of Licensing, the Director of the Department of Licensing is required to study this program for possible modification.

To implement a health policy development focus, the SHCC is terminated and the health planning function, in a modified form, is transferred to the State Board of Health. The new health planning process requires the board to develop a state health report biennially. The report shall: consider citizen input gathered through public forums; be developed with the assistance and input of local health departments and state health agency administrators; be used by these administrators in the development of their respective agency's budgets and be submitted to the Governor for approval.

To support these functions, DOH is designated as the primary collection agency for existing health data collection. State agencies are required to provide appropriate data to DOH. The State Board of Health and DOH are required to develop a health care research agenda. The Secretary of Health shall use this data to improve health care services.

The head of DOH is the Secretary of Health, who is appointed by the Governor. The secretary must appoint a State Health Officer who will also be the deputy secretary; both appointments must be approved by the Senate.

The secretary and each of the health professional and disciplinary boards are required to adopt joint working agreements, by rule. The rules shall address administrative support activities, budgets, and personnel.

An Office of Health Consumer Assistance is created, with a statewide hotline to receive consumer complaints.

Votes on Final Passage:

House	96	0
Senate	43	3

FULL VETO: (See VETO MESSAGE)

HB 1330

C 62 L 89

By Representatives Walk, Schmidt, R. Meyers, Kremen, R. Fisher, Walker, Youngsman, S. Wilson, Winsley, Braddock, Brough, Raiter, Schoon, Pruitt and Spanel; by request of Director of County Road Administration Board

Changing provisions relating to ferry operation.

House Committee on Transportation
Senate Committee on Transportation

Background: Four counties (Whatcom, Skagit, Pierce and Wahkiakum) have ferry operations. Over the last 10 years each of these counties has had at least one ferry project funded from the federal Highway Trust Fund totalling nearly $4 million.

Review by the Inspector General indicates county ferry systems using federal funds for construction projects must be free from tolls, except in the case of ferries whose operating authority and fares are under the control of a state agency. The Federal Highway Administration has asked for reimbursement of the $4 million.

Research of state law determined that RCW 47.04-.140 requires county ferries to be franchised by the State Department of Transportation in order to be eligible for federal funding, although none of the counties has made such application.

The Inspector General has agreed to drop the request for reimbursement, provided the counties apply for franchises.

Summary: The process for franchising county ferry systems by the Department of Transportation is simplified. Definition of eligibility for funding county docks and terminals is clarified.

Votes on Final Passage:

House	88	0
Senate	43	0

Effective: July 23, 1989

HB 1334

PARTIAL VETO

C 310 L 89

By Representatives Rasmussen, Peery, Moyer, Dorn, Walker, Brumsickle, Betrozoff, K. Wilson, Fuhrman, Fraser, McLean, Spanel, Anderson, Sayan, Hargrove, Phillips, Beck, Winsley, Basich, Cooper, Kremen, Valle, Grant, Belcher, Heavey, May, Vekich, Rust, Scott, Rayburn, Patrick, Bowman, Day, Wineberry, Jesernig, Rector, O'Brien, Locke, Smith, P. King, Pruitt, H. Myers, Silver, Doty and Crane

Encouraging senior citizens to volunteer as teacher's aides.

House Committee on Education
Senate Committee on Education

Background: Many school districts have tried to provide increased contact between the school and community. Demographics show that the two increasing segments of our population are school age children and senior citizens. With the increasing mobility of our society, the disruption of the nuclear family and rapid changes in our society there appears to be a decrease in interaction between age groups. Understanding and excitement can be generated when people of different ages and experiences have the opportunity to interact.

Summary: The Superintendent of Public Instruction may grant funds to selected school districts for the planning and implementation of the six–plus–sixty volunteer program. The program would encourage senior citizens to volunteer in public schools. Funding may be used to provide information to the community, schools and senior citizens on volunteer opportunities, to provide training for the volunteers, to compensate the senior citizen volunteer for mileage, to provide transportation on a school bus, and to provide lunch at school. An advisory committee shall be appointed by the Superintendent of Public Instruction to propose criteria for and evaluate grant applications.

The Superintendent of Public Instruction shall develop a model intergenerational child care program. The program shall involve senior citizens and college and university students in the provision of child care for children ages five and under whose mothers are under the age of 18. At least one site for the implementation of this program shall be selected. The site shall be located in an area with a teenage pregnancy rate above the state average and a large senior citizen population. Funds for the program shall be sought from public and private sources.

Votes on Final Passage:

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

Effective: July 23, 1989

Partial Veto Summary: The Governor vetoed section 2 which dealt with the development of a model intergenerational child care program. (See VETO MESSAGE)

SHB 1337

C 247 L 89

By Committee on Health Care (originally sponsored by Representatives Cole, Braddock, Scott, Cantwell, Leonard and Dellwo)

Mandating imprinting of over–the–counter medications.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: Current law requires the imprinting of all tablets, capsules and caplets of prescription drugs for the purpose of identifying the medication and manufacturer or distributor of the medication. This requirement is enforced by the Board of Pharmacy. However, there is no legal requirement for imprinting identification characteristics on over–the–counter (nonprescription) medications.

Summary: The imprinting of characteristics identifying the medication and manufacturer, or distributor, is required on all currently non–identified solid dosage, over–the–counter medications manufactured or sold in the state after January 1, 1994. Vitamins are exempt from this requirement, as are medications which are identifiable due to their size, texture, or other unique characteristics.

Manufacturers must provide to the Board of Pharmacy (the board) an identification of each current imprint. The board is required to distribute this information to all pharmacies, poison control centers and hospital emergency rooms.

Drugs distributed in this state in violation of these requirements are considered contraband and are subject to seizure. Purveyors of drugs who are in violation of these requirements are allowed one notice of noncompliance by the board and thereafter are subject to civil fines of $1,000 for each instance of noncompliance.

All over–the–counter medications manufactured in, received by, distributed in, or shipped to the state of Washington after January 1, 1993, must be imprinted. All over–the–counter medications sold in this state after January 1, 1994, must be imprinted.

The requirements of this chapter will cease to exist on January 1, 1993 if the board determines that a federal system has been established which is substantially equivalent to the provisions of this chapter. If the effective date of the federal system is later than January 1, 1993, then the requirements of this chapter will cease to exist on the effective date of the federal system.

Votes on Final Passage:

House	98	0	
Senate	43	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

SHB 1339

FULL VETO

By Committee on Local Government (originally sponsored by Representatives Wolfe, Zellinsky, Padden and Day)

Modifying county government.

House Committee on Local Government

Background: Article XI, Section 5, Washington State Constitution requires the Legislature "by general and uniform laws" to provide for the election of various officials for county government, including a board of commissioners. Article XI, Section 4, Washington State Constitution provides that "the Legislature shall establish a system of county government, which shall be uniform throughout the state."

Under statutory law, each county must have a three–member board of commissioners, the members of which serve staggered four–year terms. County commissioners are nominated from commissioner districts in primary elections, but elected county–wide, at general elections.

Article XI, Section 10, Washington State Constitution, allows any county to frame and adopt a county "home rule" charter that can restructure county government. Such a charter may provide for a legislative authority that differs from the three–member board of commissioners in a non–charter county. Home rule charters have been adopted in the five following counties: King, Pierce, Snohomish, Whatcom and Clallam. The changes in county government in these charters range from almost no change in the Clallam County charter to numerous changes in others of these charters.

The two largest counties without a "home rule" charter are Spokane County with an estimated population of 354,300 and Clark County with an estimated population of 203,400.

Summary: The size of the county legislative authority in a noncharter county with a population of more than 300,000 may be increased from three persons to five persons if the voters of the county approve a ballot proposition providing for such an increase. Such a ballot proposition is submitted to the voters if either: (1) the legislative authority adopts a resolution requesting the increase; or (2) a petition requesting the increase was filed, which petition was signed by county voters equal to at least ten percent of the voters voting at the last county general election. Such a ballot proposition must be submitted to voters at a general election. Such a ballot proposition may not be submitted to voters after the 1990 general election.

If the ballot proposition is approved, five county commissioner districts would be created, each containing approximately one–fifth of the population of the county. Each member of the board of county commissioners must be elected from a district. No two existing members of the board can reside in the same district. The two districts within which no commissioner resides will be designated as districts four and five.

If the county legislative authority fails to divide the county into five legislative authority districts by the second Monday of March of the year after the election, the prosecuting attorney must petition the superior court of the county to appoint a referee to designate the five commissioner districts. The referee must designate the districts by the first day of June of the year after the election. The new commissioners are elected at the following general election.

Provisions are made for the staggering of the four year terms of office for the two newly elected commissioners, and for the filing of vacancies on such a board.

Votes on Final Passage:

House 84 11
Senate 45 0

FULL VETO: (See VETO MESSAGE)

HB 1342

C 214 L 89

By Representatives Dellwo, Locke, Crane, Wineberry, Moyer, Padden, Belcher, H. Myers, Day, Winsley, Rector and Sprenkle; by request of Department of Corrections

Allowing department of corrections to petition for review of sentences.

House Committee on Judiciary
Senate Committee on Health Care & Corrections

Background: After a judge sentences a defendant, either the state or the defendant may appeal the sentence if either party believes the court exceeded its authority to impose certain provisions of the sentence. However, if neither the state nor the defendant appeals the judgment and sentence, the Department of Corrections may still believe that the judgment is erroneous. The department is then in the position of disregarding the judgment or enforcing what the department believes to be an erroneous sentence. The appellate courts have admonished the department for disregarding sentences and have repeatedly advised the department that the appropriate procedure is to return the defendant to the trial court for resentencing. However, no formal procedure exists to return the defendant to the trial court for resentencing. Additionally, if the trial court declines to resentence the defendant, no formal procedure exists so that the department can challenge the court's sentence in the appellate courts.

If a person lives in Washington and has previously been convicted of a felony under federal law or another state's law, the person must petition the Governor for restoration of civil rights lost by operation of our state law. In contrast, the Board of Clemency and Pardons has the authority to restore the civil rights of persons convicted under Washington law.

Summary: The Department of Corrections may petition the Court of Appeals for review of a superior court judgment and sentence. The department's grounds for the petition are limited to errors of law that require the department to enforce a sentence the department believes the court entered in excess of the court's sentencing authority under the law. The department must file the petition within 90 days of the time the department has actual knowledge of the sentence's terms. The department must certify to the Court of Appeals that the department has made all reasonable efforts to resolve the matter at the superior court level.

The Board of Clemency and Pardons has authority to restore some civil rights of petitioners who live in Washington and have lost their civil rights by operation of our state law for prior convictions of federal crimes or out–of–state crimes. The board's powers are limited to restoring the right to vote and to engage in political office in Washington state. The Governor must restore all other civil rights.

Votes on Final Passage:

House 90 0
Senate 45 0

Effective: July 23, 1989

HB 1348

C 52 L 89

By Representatives Ferguson, O'Brien, Betrozoff, Haugen, May, Winsley, Sayan, Beck, Crane, Silver, Jones, Holland, Moyer, Horn, Patrick, Wood, Hankins and Miller

Authorizing excess weight permits for emergency vehicles.

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Transportation (DOT) issues overweight permits to vehicles that have non–reducible loads. A fire truck that is prepared to respond to a fire is considered a non–reducible load.

An overweight permit fee is imposed to offset the pavement damage caused by heavier vehicles. For public service agencies, such as fire districts, these permits are issued free of charge. Under permit authority, the vehicle may carry 22,000 pounds on a single axle and 43,000 pounds on a tandem axle as long as the vehicle meets the statutory axle spacing and tire size requirements.

The Washington State Association of Fire Chiefs estimates that 25 to 30 percent of the fire trucks operating on Washington's public highways exceed the overweight permit legal weight limitation of 22,000 pounds on the single rear axle when the vehicle is loaded with water.

Summary: The Department of Transportation (DOT) is authorized to issue overweight permits to fire trucks in excess of the statutory overweight limitations for non–reducible loads if the maximum gross weight on a single axle does not exceed 24,000 pounds, and 43,000 pounds on a tandem axle.

Votes on Final Passage:

House	89	0
Senate	42	0

Effective: July 23, 1989

HB 1350

C 35 L 89

By Representatives Inslee, Patrick, Appelwick and Winsley

Revising marital deduction gifts and survivorship requirements.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Under the federal tax code, property that passes to a surviving spouse may be deductible for purposes of establishing taxes due on the estate of the deceased spouse. Generally, in order to qualify for deductibility the property must vest in the surviving spouse within six months after the death of the deceased spouse. The one exception to this general rule is allowed in the case of a creating instrument that vests the property in a spouse who survives a common disaster that results in the death of the other spouse.

The state's statutes on probate and wills provide for marital deduction gifts and impose the general six month vesting requirement. However, there is no exception in state law for the so–called "common disaster" situation.

Summary: The law on marital deduction gifts is amended to reflect provisions in the federal tax code. A gift may vest more than six months after the death of one spouse, and not violate the state's probate code, if the death was the result of a common disaster which the other spouse survived.

Votes on Final Passage:

House	95	0
Senate	45	0

Effective: July 23, 1989

HB 1354

C 237 L 89

By Representatives Fraser, McLean, R. Fisher, Crane, Winsley, Dorn, Sayan, Belcher, Chandler, Brough, Rector, Haugen, R. King, K. Wilson, Hankins, H. Myers, Miller, Rasmussen, Ebersole, Tate and Sprenkle; by request of Governor Gardner

Continuing the interagency committee for outdoor recreation.

House Committee on State Government
Senate Committee on Environment & Natural Resources

Background: The Interagency Committee for Outdoor Recreation (IAC) was created in 1964 by Initiative 215 (The Marine Recreation Land Act). The IAC administers state and federal grant funds for the acquisition and development of outdoor recreation facilities, and oversees the Non–highway and Off–Road Vehicles Activities grant–in–aid program (NOVA).

Funding for grants comes from the Outdoor Recreation Account, from such sources as unreclaimed marine fuel tax revenues, gasoline fuel excise taxes, recreation bond issues, and the federal Land and Water Conservation Fund. In order to qualify for federal funding and to assist recreation planning, the IAC prepares a "Statewide Comprehensive Outdoor Recreation Plan" (SCORP). The IAC also provides technical assistance and intergovernmental liaison services to grant applicants; prepares the State Trails Plan and the Off–Road Vehicle Plan; and publishes the State Recreation Guide.

The IAC is comprised of nine members who meet quarterly: the Directors of the Departments of Natural Resources, Fisheries, and Wildlife, the Director of the Parks and Recreation Commission, and five members of the public appointed by the Governor for three–year staggered terms. The committee appoints a director, but the committee retains statutory administrative authority over the agency.

In 1987 the Legislature directed the Governor's office to submit a report by January 1, 1989 recommending whether the IAC should be located within another agency or retained as a separate entity. The IAC will terminate on June 30, 1989 unless reauthorized by law.

Summary: The mission of the Interagency Committee for Outdoor Recreation (IAC) is established in statute. The director, in furthering the mission of the IAC, has the following statutory responsibilities:

- To administer recreation grant–in–aid programs and provide technical assistance to state and local agencies;
- To prepare a strategic plan for the acquisition, renovation, and development of recreational resources in coordination with local, state, and federal agencies, the private sector, and the general public;
- To represent the interests of the state on recreational issues;
- Upon approval of the committee, to enter into contracts and agreements with private non–profit corporations to further enhance recreational resources;
- To create and maintain a repository for data and research relating to recreation; and
- To encourage and provide opportunities for interagency and regional coordination in the development and preservation of recreational resources.

The director is also given authority to carry out the specific statutory duties previously assigned to the committee.

The Governor is to appoint the director from a list of three names submitted by the committee. The Governor may also request additional lists. The director serves at the pleasure of the Governor. Not more than three positions in the IAC are to be exempt from civil service law.

The section terminating the IAC is repealed.

Votes on Final Passage:

House	95	0	
Senate	43	2	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	33	11	
House	87	10	

Effective: June 30, 1989

SHB 1355

C 57 L 89

By Committee on Appropriations (originally sponsored by Representatives G. Fisher, Smith, Sprenkle, Inslee, Crane and Sayan; by request of Governor Gardner)

Improving state motor vehicle operations.

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

Background: State motor vehicle operations are designed to provide a support service to Washington state employees.

A 1974 Legislative Budget Committee audit discovered no single agency responsible for state motor vehicle services. The audit led to the creation of the Motor Transport Division within the Department of General Administration to manage a state motor pool. The Motor Transport Division provides transportation services to any state agency, maintains a motor pool of 1,120 vehicles in Olympia and Seattle, and determines rental rates to be charged to agencies to cover motor pool costs. The Office of Financial Management establishes rules to govern acquisition, operation, and use of state vehicles.

In February 1988, the Washington State Efficiency and Accountability Commission initiated a study to analyze state motor vehicle operations and make recommendations to improve service, cost–effectiveness, and efficiency.

The commission's June 1988 report contained the following findings:

- In addition to General Administration's motor pool, 78 agencies and institutions of higher education own and manage motor vehicle fleets. Agency fleet sizes range from one to 1,600 vehicles. A total of 17 agencies have their own maintenance and service capabilities, while others coordinate upkeep through the state motor pool.
- The state currently owns 8,900 passenger vehicles, with total annual operating and repair costs of over $31,000,000.
- The state also manages approximately 400 fueling sites. The underground tanks used at the fueling sites are susceptible to corrosion and leaking, and the state is subject to federal regulations concerning improper waste management and hazardous substances.
- In 1987 there were 1,224 accidents involving state vehicles, costing the state $750,900 in auto repairs.

- Passenger vehicles are identified as state property through the use of transparent decals placed on the doors of the vehicle. Upon resale, the markings must be removed, adding an additional upkeep cost.

The Efficiency and Accountability Commission determined that statewide there is a void of uniform data necessary for overall management of the motor vehicle asset.

Summary: The Department of General Administration is to establish policies, procedures and standards to apply to motor vehicle operations in all state agencies and institutions of higher education.

An operational unit within the Department of General Administration is established to develop and coordinate statewide motor vehicle management. The Director of the Department of General Administration has the authority to:

- Establish and operate a centralized information system to track and coordinate motor vehicle use.
- Provide an updated inventory of state–owned fuel storage tanks. The director is to work with the Department of Ecology to prepare a plan and funding proposal for the inspection and repair or replacement of state–owned fuel storage tanks, and for cleanup of fuel storage tanks where leaks have occurred. The proposal is to be submitted to the Governor by December 1, 1989.
- Develop and implement a state–wide purchasing, distribution, and accounting system for motor vehicle fuel.
- Establish minimum standards for safe–driving programs within state agencies, including consideration of employee driving records, and develop a schedule for state employees to participate in safe driving instruction.
- Require state employees to have a Washington State driver's license.
- Establish standards for efficient and economical replacement of passenger motor vehicles.
- Develop a uniform system for marking passenger motor vehicles designed to clearly identify the vehicle as property of the state and to enhance the resale value of the vehicle.

The State Motor Vehicle Advisory Committee is created, with 15 members appointed by the director, to advise the director on motor vehicle policies and issues.

The director may charge state agencies a user fee, based on the number of vehicles owned, to fund the administrative costs of the motor vehicle services provided by the department. These funds will be deposited into the motor transport account.

By December 31, 1992, the director is to report to the Governor and the appropriate committees of the Legislature on the status of the motor vehicle programs, the programs' cost–effectiveness, and recommendations for statutory changes.

Votes on Final Passage:

House	92	0
Senate	43	0

Effective: July 1, 1989

HB 1358

C 175 L 89

By Representatives Crane, Padden, P. King, Sayan, Heavey, Rector, Ebersole and Inslee; by request of Governor Gardner and Attorney General

Modifying the new Administrative Procedure Act and making conforming amendments.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The 1988 Legislature enacted a substantial revision of the Administrative Procedure Act (APA). This revision takes effect July 1, 1989. The 1988 act changes the terminology of the APA. For example, the term "contested case" is replaced by "adjudicative hearing." A large number of statutes contain cross–references to the APA that will no longer be correct when the 1988 act takes effect or use terminology that has been changed by the 1988 act.

The 1988 act provides more detailed procedures governing the process by which individuals and state agencies interact, including provisions concerning notification of proceedings. The act does not contain standards for giving that notice.

Although the 1988 act establishes a number of time limits with which agencies must comply, it enables agencies to adopt rules to modify those time limits.

Under the 1988 act, agencies are required to adopt rules governing both formal and informal procedures before the agency. The act also requires the Chief Administrative Law Judge to adopt model rules of procedure.

The 1988 act authorizes agencies to adopt emergency rules in appropriate circumstances. The rules take effect upon filing with the code reviser. There is no provision allowing emergency rules to take effect at a specified time after filing.

The 1988 act provides a procedure for disqualification of a presiding officer in an adjudicative proceeding. This procedure requires a party to the proceeding to file a petition for disqualification with the presiding officer. Another statute provides a procedure for disqualification of administrative law judges. The procedure requires a party to file a motion of prejudice. It is not clear which of these procedures applies if the presiding officer is an administrative law judge.

Under the 1988 act, a party to an adjudicative proceeding may file a petition for reconsideration. The agency is required to act on the petition within twenty days or the petition is deemed to have been denied. The agency head has authority to extend the time for disposition of the petition for good cause.

The 1988 act recognizes three different types of judicial review: review of agency rules, review of orders, and review of other agency action. Rules may be reviewed in a declaratory judgment proceeding or during review of an agency order in an adjudicative proceeding. In a declaratory judgment proceeding the court may only consider whether the rule is unconstitutional, beyond the agency's statutory authority, or was adopted under an improper procedure. Rules which are reviewed during proceedings involving agency orders may also be reviewed to determine whether they are arbitrary or capricious.

The 1988 act establishes statutory procedures for the civil enforcement of agency orders. The act also limits the defenses which may be raised in the enforcement proceeding. One defense that is permitted is that the rule or order is unconstitutional or beyond the statutory authority of the agency.

The 1988 act authorizes the presiding officer to issue subpoenas, but does not provide a procedure for their enforcement.

The 1988 Legislature passed legislation with a provision amending the Public Disclosure Law. The Public Disclosure Law authorizes agencies to declare that indexing of some material would be unduly burdensome. The amendment to the Public Disclosure Law approved by the legislature would have eliminated this exemption for agency orders. The Governor vetoed this section of the bill because of concerns about the adverse fiscal impact it would have on state agencies. In his veto message, the Governor declared that he would seek an alternative that would meet the legislature's concern for full public access without unduly impeding the ability of agencies to conduct their business.

Summary: Terminology and cross–references to the Administrative Procedure Act (APA) throughout the Revised Code of Washington are corrected to reflect the revision of the APA enacted by the legislature in 1988.

A definition for "service" of pleadings and other papers is added to the APA. Service means posting in the United States mail or personal service. Agencies may authorize service by electronic transmission or by commercial parcel delivery.

Agencies may not modify the time periods governing the procedures for adoption of rules or the time limits for filing a petition for judicial review.

The requirement that agencies adopt rules governing formal and informal proceedings is modified. An agency may chose not to adopt procedural rules. If an agency does not adopt rules, the model rules adopted by the chief administrative law judge apply to the agency's proceedings.

Emergency rules take effect when filed with the code reviser, unless a later date is specified in the order of adoption.

If the presiding officer in an adjudicative proceeding is an administrative law judge, both the procedure for disqualification found in the APA and the procedure for a motion for prejudice which applies to administrative law judges are applicable.

The procedure for processing applications for reconsideration is modified. If a petition for reconsideration is filed, the agency must respond within 20 days, or the petition is deemed to be denied. The agency may either dispose of the petition or set a date certain by which it will act on the petition.

The standards for judicial review of agency rules are modified. The same standards apply regardless of the context in which the court is asked to review the rules. Rules may be declared invalid only if the court finds the rules unconstitutional, beyond the agency's statutory authority, out of compliance with procedures for adoption, or if the rules "could not conceivably have been the product of a rational decision–maker."

In civil enforcement proceedings, the respondent may not raise defenses that he or she raised or could have raised before the agency or a court in a prior proceeding. The respondent may assert that the interest of justice requires resolution of an issue because of

a change in controlling law or subsequent agency action. The respondent may also claim that the rule or order is inapplicable or raise any other defense specifically authorized by statute.

Subpoenas issued by presiding officers may be enforced by petitioning the superior court for enforcement. After a show cause hearing, the court may hold a person in contempt for failure to comply with the subpoena. An agency may use the same procedure for the enforcement of investigative subpoenas.

A developmentally disabled person may appeal the decision of the Department of Social and Health Services to change the person's category of residential services.

The Public Disclosure Law is amended to require agencies to adopt and implement a system for indexing certain agency documents. In addition to retaining prior indexes which the agencies maintained, agencies must index final orders and declaratory orders issued on or after July 1, 1990, that contain an analysis or decision of substantial importance to the agency. Agencies must also index all interpretive and policy statements issued after that date.

Except for the revision to the Public Disclosure Law, the act takes effect July 1, 1989, when the 1988 APA revisions take effect. The amendments to the Public Disclosure Law take effect July 1, 1990.

Votes on Final Passage:

House	95	0	
Senate	43	0	(Senate amended)
House	91	0	(House concurred)

Effective: July 1, 1989ql July 1, 1990 (Section 36)

SHB 1369

PARTIAL VETO

C 349 L 89

By Committee on Environmental Affairs (originally sponsored by Representatives Brough and Rust)

Promoting improvements of waterfront sewer systems.

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

Background: The State Board of Health is authorized to adopt standards governing the design and operation of on–site sewage (septic tank) systems. Permits are required for the installation, alteration, extension, or relocation of on–site sewage systems. Local boards of health issue these permits, enforce the standards, and may adopt more stringent local standards.

At many saltwater–front sites in the state, conventional on–site sewage systems are unsuitable because the lot is not large enough for the drainfield or because of a high water table, poor soil or other poor drainage conditions. A variety of on–site sewage treatment technologies exist or are currently being developed as alternatives to conventional septic tank systems. The Department of Social and Health Services (DSHS) has established a technical review committee to adopt guidelines for the use of these alternative systems. An alternative system may be permitted for use if it is certified as meeting the committee's guidelines.

However, the size limitations or geological conditions at some saltwater–front sites are such that no alternative system is currently permitted. Many owners of these saltwater–front sites would like to expand, remodel or replace their homes, but connection to an existing public sewer utility is not feasible because of the distance involved and formation of a community sewer system is expensive.

There is also concern about the increasing number of existing, failing on–site sewage systems on saltwater–front homes. Effluent from these failing systems flows onto beaches and into shellfish beds and marine waters. In 1988, the Legislature directed DSHS to propose rules identifying standards for repair of failing on–site sewage disposal systems at single family residences adjacent to marine waters. DSHS presented a proposal to the State Board of Health in December of 1988. The State Board of Health has not yet taken action on this proposal.

Pursuant to the direction of the Puget Sound Water Quality Authority Plan, the State Board of Health is in the process of revising its regulations for on–site sewage systems. DSHS estimates that the revisions will be complete in October.

Summary: Owners of single family residences which are adjacent to marine waters or from which untreated sewage is discharged directly into marine waters may remodel, expand, or replace the residence if the existing on–site sewage treatment facilities are repaired or replaced so that the resulting system meets specified statutory water quality discharge standards. Residences expanded under these standards must use low–flow plumbing fixtures.

The State Board of Health and city and county legislative authorities are authorized to adopt more restrictive standards to ensure the protection of public health, shellfish, and other public resources and to ensure the attainment of water quality standards.

DSHS and city or county legislative authorities may identify geographic areas where it is necessary to implement more restrictive standards. DSHS may

propose, and city or county legislative authorities may adopt, standards for the design, construction, maintenance, and monitoring of sewage disposal systems. City and county legislative authorities may also adopt ordinances to limit the expansion of residences.

The House Environmental Affairs Committee and the Senate Environment & Natural Resources Committee, are directed to investigate on–site sewage regulation and practices and ways to ensure long–term maintenance and operation of these systems. The committees are to report to the Legislature by the 1990 session.

The discharge standards specified in this act will not take effect if the State Board of Health adopts standards for the replacement and repair of sewage disposal systems located on property adjacent to marine waters by October 31, 1989.

Votes on Final Passage:

House	92	3	
Senate	42	2	(Senate amended)
House	94	3	(House concurred)

Effective: November 1, 1989

Partial Veto Summary: An intent section allowing expansion of salt waterfront homes and a section directing legislative standing committees to conduct a study were vetoed. (See VETO MESSAGE)

SHB 1370

C 217 L 89

By Committee on Local Government (originally sponsored by Representatives Brough, Haugen, Ferguson, Sayan, Hine, Miller and G. Fisher)

Changing provisions relating to taxing district boundaries.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: With certain exceptions, the boundaries of a taxing district are established in the first day of March of the year in which the taxes are imposed for subsequent collection. The exceptions include:

- The boundaries of a mosquito control district are established on the first day of September of the year in which the taxes are imposed;
- The boundaries of a newly incorporated port district that has boundaries coterminous with another taxing district's boundaries, as they existed prior to the first day of March of that year, are established on the first day of October;
- The boundaries of any other taxing district are established as of the first day of June if the taxing district incorporated that year and has boundaries coterminous with those of another taxing district as it existed on the first day of March of that year; and
- The boundaries of any taxing district are established as of the first day of June if its boundaries have been altered that year by the removal or addition of territory that is contiguous with the boundaries of another taxing district as it existed on the first day of March of that year.

Summary: For purposes of imposing property taxes, the boundaries of a newly–incorporated city are established on the last day of March of the year in which the property tax is made if the city files its budget and requests its property tax levy at the required dates. The boundaries of a fire protection district, library district, and road district, within which the newly incorporated area was located, are altered accordingly at that time. On or before the first day of March, the county auditor must supply the department of revenue with the boundary description of a city that is proposed to be incorporated at a special election held in March.

If the boundaries of a city are established as of the first day of June as a result of annexing certain territory, then the boundaries of a library district, fire protection district or road district that formerly included such territory also shall be altered at that date for purposes of imposing property taxes.

Votes on Final Passage:

House	97	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 3, 1989

SHB 1379

C 59 L 89

By Committee on Capital Facilities & Financing (originally sponsored by Representatives H. Sommers, Sayan, Silver, Brekke, Fuhrman, Holland, May, Winsley, Betrozoff, Wolfe, Schoon, Miller, Horn, Phillips and Ballard; by request of Legislative Budget Committee)

Authorizing adjustment of bid prices.

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

Background: If the lowest bid received on a public works project is in excess of the funds available, the

project must be redesigned and rebid. This rebidding process can be a costly and time consuming process.

This problem was highlighted in a Legislative Budget Committee report which examined the design and construction management process. One of the recommendations in the report called for a change in the public works law to allow the contracting authority to negotiate with the lowest responsive bidder if the low bid is 5 percent or less in excess of available funds.

Summary: If all bids for a building construction project exceed the funds available, the state is authorized to negotiate an adjustment to the bid. The adjustment is allowed only with the low responsive bidder and only if the low responsive bid is no more than a predetermined amount above the available funds. The negotiated adjustment with the low bidder may include changes in the bid requirements in order to bring the bid within the amount of funds available.

Votes on Final Passage:

House	97	0	
Senate	42	3	

Effective: July 23, 1989

HB 1385

C 151 L 89

By Representatives Dellwo, Winsley, Chandler, Day, Anderson and Nutley; by request of Insurance Commissioner

Amending merger or change in insurance entity status.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: The insurance code provides detailed regulatory procedures for the rehabilitation or liquidation of an insurance company. Health care service contractors and health maintenance organizations are not subject to these procedures and no other specific statutory provision governs the rehabilitation or liquidation of these contractors and organizations.

Summary: Health care service contractors and health maintenance organizations are subject to statutory provisions governing the merger or liquidation of insurance companies.

Votes on Final Passage:

House	98	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: April 21, 1989

SHB 1386

C 244 L 89

By Committee on Local Government (originally sponsored by Representatives Phillips, Ferguson, Horn and Haugen)

Permitting counties to use a small works roster to award contacts, and increasing the value of leases and purchases that can be awarded without using a formal competitive bidding process.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Many local governments are required to award contracts for public works projects above a specified cost to the lowest responsible bidder. The award is made after a formal public bidding process that involves publishing notices, requesting bids on the project, obtaining sealed bids, and opening the sealed bids at a public meeting.

Some local governments are permitted to award small scale public works projects under the less formal small works roster process. This process involves soliciting bids from contractors who have registered with the local government and had their names placed on the local government's small works roster. Cities and towns can award public works projects of a value of up to $100,000 using a small works roster process. Counties have not been authorized to use a small works roster process to award public works contracts.

A county with a purchasing department must award or make non-road related contracts, leases, and purchases by using a formal competitive bidding process if the value of the contract, lease, or purchase is $3500 or more. A less formal telephone or written solicitation process can be used by a county with a purchasing department for non-road related contracts, leases and purchases, if the value is from $1000 to less than $3500.

Summary: Counties are permitted to use a small works roster to award contracts for any project the estimated cost of which is less than $100,000. Whenever possible, the county shall solicit participation by women and minority contractors.

Whenever a county uses a small works roster, it must invite proposals from appropriate contractors on

the roster and if possible request at least five contractors to submit proposals. Whenever a contractor has been offered an opportunity to submit a bid under this process, that contractor shall not be offered another opportunity to submit a proposal until all other appropriate contractors, including women and minority contractors, have been afforded an opportunity to submit a proposal. The contract shall be awarded to the contractor submitting the lowest responsible proposal.

The minimum value of a non–road related contract, lease, or purchase that a county with a purchasing department may award or make, without using a formal competitive bidding process, is increased from $3500 to $10,000. The maximum value of a non–road related contract, lease, or purchase that a county with a purchasing department may award or make, using a less formal telephone or written solicitation process, is increased from less than $3500 to less than $10,000. Annually, such a county must establish an array of categories for such contracts, leases, and purchases. A roster may be developed for each category. A county using a roster process must invite proposals from all vendors listed on the roster.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	91	0	(House concurred)

Effective: July 23, 1989

SHB 1388

C 223 L 89

By Committee on State Government (originally sponsored by Representatives Cooper, D. Sommers, R. Fisher, Prince, Walk, Schmidt, Patrick, Heavey, Crane, R. Meyers, Day and Moyer)

Limiting the application of the good samaritan statute.

House Committee on State Government
Senate Committee on Law & Justice

Background: In 1975, the Legislature enacted what is commonly called the Good Samaritan Law. The law generally provides that persons providing emergency care or transportation without compensation are not liable for damages caused by negligent provision of such care or transportation, so long as they are not grossly negligent.

The protection of the Good Samaritan Law is not available to persons who provide emergency aid during the course of regular employment.

Summary: The protection of the Good Samaritan Law is extended to transit operators: (a) who provide emergency care or transportation during the course of their work, (b) who are paid for that work, and (c) whose regular work does not routinely include providing emergency care or transportation.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1395

C 238 L 89

By Representatives R. Fisher, McLean, Anderson, Nealey and Wolfe; by request of State Investment Board

Exempting certain financial and commercial information from public disclosure.

House Committee on State Government
Senate Committee on Financial Institutions & Insurance

Background: The 14–member State Investment Board has responsibility for making long–term investments of public trust and retirement funds. The main funds invested are the six retirement system funds, industrial insurance trust funds, and a group of smaller permanent funds established at statehood, such as the permanent common school fund.

The records and meetings of the State Investment Board are subject to the public disclosure laws and the Open Public Meetings Act. While these provisions contain some limitations on public access, the information used by the board for investment decision–making is not exempt from public access.

Summary: Financial and commercial information supplied to the State Investment Board relating to the investment of public trust or retirement funds is exempt from public disclosure if disclosure would result in loss to the funds or in private loss to the providers of the information.

Meetings of the State Investment Board that involve financial and commercial information relating to the investment of public trust or retirement funds are exempt from the Open Public Meetings Act when public knowledge regarding the discussion would result in loss to the funds or in private loss to the providers of the information.

Votes on Final Passage:
House 97 0
Senate 44 0

Effective: July 23, 1989

SHB 1397
PARTIAL VETO
C 348 L 89

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Baugher, Nealey, Sprenkle, Doty, Chandler, Beck, Heavey, Haugen, Sayan, Jones, Phillips, Crane, H. Myers, Inslee and Todd; by request of Governor Gardner)

Regarding water use efficiency and conservation.

House Committee on Agriculture & Rural Development
House Committee on Capital Facilities & Financing
Senate Committee on Agriculture

Background: The Department of Ecology administers the state's water resource management laws. Included among these laws are the surface and groundwater codes and the Water Resources Act of 1971. The latter establishes the principles that apply to the management of water resources conducted under the water codes. It applies to water rights issued after its enactment in 1971.

Summary:

Efficiency Encouraged. The principles listed in the Water Resources Act of 1971 that guide the management of the state's water resources are amended. In addition to traditional development, improved water use efficiency and conservation must be emphasized. "Water use efficiency" is defined as being those projects and techniques that result in the saving of water at a cost which is less than the cost of obtaining water from any other source. In determining cost effectiveness, full consideration must be given to the benefits of water storage.

Entities are encouraged to carry out water use efficiency and conservation programs consistent with the following: voluntary programs are preferred; water use efficiency should receive consideration in state and local planning processes; entities receiving state financial assistance for construction for expanding water supply must, if cost effective, implement conservation and water use efficiency elements in their plans; and state programs to improve water use efficiency should focus on areas with water supply problems. Public education programs are encouraged.

Metering. Measurement by approved methods and reporting may be required as a condition for all new water rights.

State Plumbing Code. The State Building Code Council must revise the state plumbing code to require low-volume plumbing fixtures for all new construction and for all remodeling or repair that involves the replacement of plumbing fixtures. The water use standards that must be adopted are specified and the implementing code must take effect on July 1, 1990. More stringent plumbing code revisions must take effect July 1, 1993. Local governments may not amend these standards. The council must report to the Legislature by October 30, 1992, regarding the availability of water efficient fixtures and the potential impact of their use on sewerage and septic lines and treatment plants. Sewer plans must include a discussion of water conservation measures and their impact on sewer services.

Irrigated Areas – Evaluation, Assessment, & Demonstration Plan. The Department of Ecology must conduct a statewide evaluation of irrigated areas regarding efficiency opportunities and impacts and local interest. The department, and any task force appointed to assist the department, must select an area for a voluntary demonstration project. An extensive area-specific conservation assessment must be conducted for the area. Subsequently, the department and a conservation plan formulation committee must jointly develop a demonstration conservation plan for the area. Before the assessment is made or the plan is developed, the department must secure technical and financial assistance from the U.S. Bureau of Reclamation.

The Department of Social and Health Services must, if funding is available: develop procedures and guidelines regarding water use efficiency to be included in the development and approval of water system plans required by the State Board of Health; develop criteria for encouraging the reuse of greywater, consistent with the protection of public health and water quality; and provide advice and technical assistance upon request.

Votes on Final Passage:
House 94 0
Senate 47 0 (Senate amended)
House 96 0 (House concurred)

Effective: July 23, 1989

Partial Veto Summary: The provisions of the bill defining "water use efficiency" and "greywater" are vetoed. (See VETO MESSAGE)

HB 1400

C 199 L 89

By Representative R. Meyers

Establishing family court commissioners in third through ninth class counties.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: In 1949, the Legislature created family court commissioner positions. The law allows the superior court judges to appoint family court commissioners to assist the family court with its volume. The commissioners' powers are limited. The county commissioners must approve the appointment of the family court commissioner positions in counties of the third through ninth classes. The statute does not address whether the commissioners can be full or part time. The statute does not address whether a family court commissioner may also be a commissioner created under another statute. A commissioner must be "a competent person" to be a commissioner.

Summary: The family court commissioner statute is amended. A technical amendment changes the term "county commissioners" to "county legislative authority" which refers to the governing body that must approve the creation of family court commissioner positions. The county legislative authority must approve the creation of family court commissioner positions in all counties rather than just in counties of the third through the ninth classes. Commissioners may be full or part time and may hold other commissioner positions such as a mental health commissioner position. A commissioner must be an attorney to qualify for a court commissioner position.

Votes on Final Passage:

House	91	0	
Senate	43	1	(Senate amended)
House	89	2	(House concurred)

Effective: July 23, 1989

SHB 1408

C 309 L 89

By Committee on Appropriations (originally sponsored by Representatives Dorn, Pruitt, G. Fisher, Sayan, P. King, Holland, R. Meyers, Leonard, Patrick, Winsley, Van Luven, Cooper, Walk, Scott and Morris)

Requiring that hours worked in all eligible positions be combined to determine service credit for the public employees' retirement system.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: To be a member of the Public Employees Retirement System (PERS) Plan I or Plan II, the employee must be employed in an eligible position. Eligible positions are those that normally require five or more uninterrupted months of service in a year for which regular compensation is paid. Under PERS I, an employee must work at least 70 hours per month in a position for that position to be eligible. PERS II requires that an employee work 90 hours per month in a position. If an employee works less than the specified threshold in a position, the position is considered "ineligible," and therefore the employee does not qualify for membership in PERS based on employment in that position.

Employees who work part–time in more than one position may work more than the specified threshold when all of the hours worked in all positions are added together, but because none of the positions are eligible positions based on the number of hours worked, the employee does not qualify for membership. For example, in school districts an employee may work both as a bus driver and food service employee. If neither position alone provides sufficient hours for the position to qualify as an "eligible position," the employee never becomes a member of PERS and receives no service credit, even though the total hours worked in both positions exceed the minimum threshold. Because neither of the positions are eligible positions, school districts are not required to make retirement contributions for persons holding the positions.

Summary: The definition of eligible position under the Public Employees Retirement System is changed to specify that employers may not define "position" in such a way that an employee's work for that employer is divided into more than one position.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	42	0	(Senate receded)

Effective: July 23, 1989

HB 1412
FULL VETO

By Representatives Kremen, Hankins, Heavey, Beck, Braddock, Basich, Baugher, Winsley, Day, G. Fisher, Prentice, Todd, R. Meyers, Jones, D. Sommers, Prince, S. Wilson, Gallagher, Betrozoff, Walker, Wood, Haugen, Smith, Cantwell, Cooper, Pruitt, Zellinsky, K. Wilson, R. Fisher, Tate, Rector, Rasmussen, Youngsman, Doty, Schoon, Moyer, Wineberry, McLean, Dorn, Crane, Nealey, Sayan, Valle, Inslee, Jesernig, Fraser, Nutley, Patrick, H. Myers, Rayburn, R. King, Miller, Spanel, Brooks, Hargrove, Anderson, Sprenkle, Scott, Grant, Dellwo, May, Van Luven, Bowman, Horn, Fuhrman, Silver, Ferguson, Jacobsen, P. King, Morris and Phillips

Authorizing remembrance tabs for veterans' license plates.

House Committee on Transportation
Senate Committee on Transportation

Background: The Washington Statewide Memorial Foundation estimates there are approximately 500,000 honorably discharged veterans living in Washington State.

Military personnel are awarded campaign ribbons for combat service. Since 1917, ribbons have been awarded for six major campaigns: World War I (1917–1918); the Pacific and European Theatres during World War II (1942–45); Korea (1950 – 1954); Vietnam (1965–1973); and Armed Forces Expeditionary (1958 – 1984).

Funds for creating and preserving memorials to those who have served our country are limited.

Summary: Honorably discharged veterans may apply to the Department of Licensing for a license plate tab depicting the American flag as well as a tab depicting a campaign ribbon awarded for service in World War I, World War II (Pacific and European Theatres), Korea, Vietnam, and Armed Forces Expeditionary. The veteran must furnish proof of his or her honorable discharge and pay all regular license fees as well as a $5 fee to the Department of Licensing in order to receive the tab or tabs.

The tab, or tabs, may be affixed to the front license plate in an area designated by the Department of Licensing.

The Veterans Remembrance Account is created in the custody of the State Treasurer. All monies received from the sale of the tabs to veterans shall be placed in the account and used by the Department of Licensing exclusively for payment of the costs associated with the program. Any remaining balance in the account is to be used exclusively by the Department of Veterans Affairs for projects that pay tribute to veterans. The monies may be used to preserve and operate existing memorials, as well as for planning, acquiring land and constructing future memorials.

Votes on Final Passage:

House	92	5	
Senate	46	1	(Senate amended)
House	95	2	(House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 1414
C 364 L 89

By Committee on Judiciary (originally sponsored by Representatives P. King, Dellwo and Appelwick; by request of Administrator for the Courts)

Establishing a judicial information system fund.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Judicial Information System (JIS) is an automated management information system established by court rule. The JIS provides operational, statistical, and other information to users of judicial information. The JIS is operated by the Administrator for the Courts under the direction of the Judicial Information System Committee and with the approval of the Supreme Court.

Summary: The Judicial Information System Committee may establish a fee schedule for the provision of information services. Fees may be charged to users of judicial information, but not to county or city agencies within Washington State that use the system for local court purposes.

Revenue from information system user fees is deposited in the state general fund.

Votes on Final Passage:

House	89	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

SHB 1415
C 245 L 89

By Committee on Higher Education (originally sponsored by Representatives Jacobsen, Van Luven, Doty, Anderson and P. King; by request of Higher Education Coordinating Board)

Revising provisions for tuition fees.

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

Background: Tuition and fee rates at state institutions of higher education are based on the costs incurred in educating students at that type of institution. Students are charged a percentage of their educational costs. The percentage varies depending on the type of institution the student attends.

The Higher Education Coordinating Board establishes the formula for determining educational costs. That recommended formula is presented to the program and fiscal committees of the Legislature every two years. If no action is taken by the committees, or if a disagreement exists, the recommendations of the board are deemed approved.

During 1987, the board and the institutions initiated a cost study for the first time in 10 years. The cost study is used as the means for determining educational costs. It is also used to allocate costs between graduate and undergraduate students. As a result of the study, tuition rates for graduate students at the regional universities and The Evergreen State College are scheduled to increase by about 56 percent for resident students and 61 percent for non–resident students in the 1989–90 academic year. This increase will drive tuition rates for graduate students at those institutions above the rates for graduate students at the research universities. Institutional personnel have expressed concern about the varying methodologies used by the institutions, and the outcomes of the cost study.

Community colleges may waive the non–resident portion of tuition for up to 100 foreign students. Reciprocal placements are required so that the number of students granted waivers do not exceed the number of that institution's own students enrolled in approved study abroad programs.

Summary: During the 1989–91 biennium, tuition for students attending the regional universities and college is to be based on the undergraduate and graduate cost relationships developed by the 1987 educational cost study for Central Washington University. The Higher Education Coordinating Board is directed to review and analyze the cost study for consistency and accuracy, and transmit educational costs to the institutions by December 17, 1990. The board must also report its findings and recommendations to the Legislature by December, 1990.

The board is to analyze and compare the educational costs at the University of Washington and Washington State University. The board must also compare the universities' tuition and fee levels with those of their respective peers, and recommend whether different fees should be charged at each of the two universities.

Beginning in 1989, criteria, definitions and procedures for determining educational costs are to be developed every four years, and educational costs studies are to be performed every four years.

No reciprocal placements are required for community colleges to waive the non–resident portion of tuition for up to 30 community college foreign students participating in the Georgetown University Scholarship Program.

Votes on Final Passage:

House	98	0	
Senate	45	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1418

C 70 L 89

By Representatives Padden, Moyer, Fuhrman, Wolfe, Day, Crane, Smith, Chandler, Ballard and Tate

Adding provisions on moral nuisances.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Washington Legislature has made numerous attempts to regulate the distribution of obscene material. The courts scrutinize such legislation carefully because of the concern that the legislation may violate the first amendment by impermissibly restricting protected speech. A 1977 law that allowed the closing of businesses as "moral nuisances" was declared unconstitutional because it provided a means for closing a business before a court determined the business was distributing obscene material. However, the law also provided that a plaintiff could obtain an ex parte restraining order preventing the business from removing or interfering with the contents of the place alleged to be a nuisance. The court held that this provision allowing for a 10 day temporary restraining order was constitutionally permissible.

Due to other constitutional challenges, the entire 1977 law was held unconstitutional. In response, the Legislature created a civil action against moral nuisances which allows a court to impose a civil penalty for maintaining a moral nuisance. The amount of the fine is linked to the profits from sales of the material. The plaintiff must use the civil rules governing discovery to determine those profits. Reliance upon discovery

rules can cause substantial delay. Currently the plaintiff is unable to restrain the defendant from disposing of the alleged nuisance's contents pending trial. Further, the plaintiff lacks the power to obtain, upon filing the complaint, an inventory of the nuisance and an accounting of the profits derived from the sales of obscene material. The plaintiff also may be unable to obtain originals of the films or publications which may help the trier of fact at trial.

Summary: The moral nuisance statute that creates a civil action against an alleged moral nuisance is amended to provide for broader and more specific discovery procedures. A plaintiff may move for a temporary injunction pending trial on the merits. Pending the hearing on the injunction, the court may issue an ex parte restraining order that restrains the defendant from disposing of property in the alleged nuisance, requires the defendant to provide an inventory and accounting of the alleged nuisance and to preserve at least one original film or publication pending the hearing. At the hearing on the injunction, the court may order the defendant to produce to the plaintiff, a limited number of originals of the requested discovery and may order the defendant not to interfere with any court ordered discovery. The injunction may not limit stock in trade.

Votes on Final Passage:

House	93	0
Senate	46	0

Effective: July 23, 1989

SHB 1426

C 365 L 89

By Committee on Fisheries & Wildlife (originally sponsored by Representatives Winsley, R. King and P. King)

Relating to the hound stamp.

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

Background: To hunt wild animals with a dog, one must have a valid hunting license and hound stamp issued by the Department of Wildlife. Dogs often are used by hunters when hunting bears, cougar, lynx, and bobcats. Dogs also are used when hunting upland birds, but a hound stamp is not required. However, if an incidental rabbit or a hare is killed during the bird hunt, a hound stamp is needed. Some hunters believe that the hound stamp was intended to be required only when hunting large game, not rabbits and hares.

Summary: A hound stamp is not required when hunting rabbits and hares with a dog.

Votes on Final Passage:

House	94	0
Senate	40	5

Effective: July 23, 1989

SHB 1430

C 341 L 89

By Committee on Higher Education (originally sponsored by Representatives Jacobsen, Miller, Spanel, Belcher, Brough, G. Fisher, Peery, Cole, Van Luven, Appelwick, Locke, R. King, K. Wilson, Anderson, Ebersole, Grant, Hine, Holland, Kremen, Wineberry, Wang, Wood, Leonard, Prentice, Pruitt, Dellwo, Basich, Dorn, Brekke, Morris, Todd and Phillips)

Requiring gender equality in higher education.

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

Background: During 1988, a subcommittee of the House Higher Education and Education Committees studied the opportunities available to men and women athletes in high school and college. The subcommittee found that, during the 1987–88 academic year at state baccalaureate universities, participants in intercollegiate athletic programs comprised 29 to 38 percent of the total participants. These women athletes comprised between 29 to 31 percent of the athletes receiving financial aid, and their programs received between 26 to 36 percent of the available funding. In contrast, young women competing in high school interscholastic competition comprised 39 percent of the participants. The subcommittee also reviewed the court cases requiring Washington State University to provide opportunities to participate in intercollegiate athletics based on the percentage of men and women enrolled in undergraduate programs at the university.

The subcommittee recommended the introduction of legislation to encourage equitable opportunities for men and women students, including a bill requiring equal treatment of men and women students in all aspects of college life.

Summary: In consultation with institutions of higher education, the Higher Education Coordinating Board is directed to adopt rules and guidelines to eliminate gender discrimination, including sexual harassment, at

institutions of higher education. The areas to be covered in the rules include, but are not limited to: access to academic programs, student employment, counseling and guidance programs, financial aid, recreational activities, and intercollegiate athletics. Institutions are directed to provide services and access in each of these areas without regard to gender.

With respect to intercollegiate athletics, institutions that provide the following must do so with no disparities based on gender:

(1) Support services, such as equipment and supplies, opportunities for competition, conditioning programs, and scholarships.

(2) Opportunities to participate in intercollegiate athletics. Institutions shall provide equitable opportunities to men and women students.

(3) Male and female coaches and administrators. Institutions must attempt to provide participants with some coaches and administrators of each gender to act as role models.

By September 30, 1990, each institution must complete a self–study on its compliance with the requirements. By November 30, 1990, each institution must submit a plan for compliance to the Higher Education Coordinating Board. If the institution finds that participation in activities such as intercollegiate athletics is not proportionate to undergraduate enrollment percentages for male and female students, the plan should outline efforts to identify barriers to equal participation. The plan should also encourage gender equity in all aspects of college or university life.

The Higher Education Coordinating Board is directed to monitor institutional compliance with these requirements. The board may delegate to the State Board for Community College Education the responsibility for monitoring community college compliance. The board is directed to report biennially to the Governor and the Legislature on institutional compliance efforts. The reports must include recommendations on measures to assist the institutions with their efforts.

A violation of the act's requirements constitute an unfair practice under the Washington law against discrimination. All rights and remedies available under that law apply.

Votes on Final Passage:

House	98	0
Senate	45	0

Effective: July 23, 1989

HB 1438

C 396 L 89

By Representatives Todd, R. Fisher, Smith, Haugen, Hankins, K. Wilson, Gallagher, Patrick, Jacobsen and Jones; by request of Legislative Transportation Committee

Increasing public transportation reporting requirements.

House Committee on Transportation
Senate Committee on Transportation

Background: The 21 public transportation systems operating in the state of Washington are under the jurisdiction of local boards or city councils. These systems have minimal reporting requirements to the state of Washington except for compliance with municipal audit requirements. Concern has been expressed because of the state contribution toward funding these systems, roughly $180 million of motor vehicle excise tax funds for the 1987–89 biennium, there should be an accountability by these systems to the state.

There is no state requirement that public transportation systems prepare long range financial or program objectives. Systems are required to prepare a transportation improvement program by the federal Urban Mass Transportation Administration. That information is not necessarily coordinated with local and state roadway and transportation system development plans.

State law requires that many public agencies, which are responsible for providing transportation facilities, such as cities, counties, the Department of Transportation, and the Transportation Improvement Board, prepare comprehensive six–year programs.

Public transportation systems in Washington have reported certain financial and operating statistics to the Department of Transportation. The department has compiled these statistics into annual transit statistical summaries, which are distributed to interested parties. While these statistical compilations have been useful, they have failed to adequately represent statistical performance over time in light of community service requirements and objectives.

A Joint Subcommittee on Public Transportation of the House and Senate Transportation Committees reviewed public transportation planning and reporting requirements and recommended certain expanded reporting requirements.

Summary: Public transportation systems operating within Washington State must prepare and annually update a six–year transit development and financial program. This program is to be completed by April 1 of each year and submitted to the State Department of

Transportation, the Transportation Improvement Board, and cities, counties, and regional planning councils within whose jurisdiction the public transportation system is located.

The Department of Transportation is to develop an annual report summarizing the status of public transportation in this state. The report shall describe individual public transportation systems and include a statewide summary of public transportation issues and data. Issues to be addressed in this report include system equipment and facilities, services and service standards, revenues and expenses, policy issues and system improvement objectives, and specific operating indicators intended to evaluate the operating efficiency of the public transportation system.

To assist the department with report preparation, each public transportation system is required to file the necessary information by April 1 of each year.

Copies of the report are to be submitted to the Legislative Transportation Committee and to the governing authorities of the public transportation systems by September 1 of each year. A preliminary report is to be submitted by December 1, 1989.

Votes on Final Passage:

House	90	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

SHB 1444

PARTIAL VETO

C 233 L 89

By Committee on Education/Appropriations (originally sponsored by Representatives Peery, Betrozoff, G. Fisher, Holland, Walker, May, O'Brien, Locke, Winsley, Bowman, Moyer, Valle, Horn, D. Sommers, Ferguson, Wineberry, Rector, Prentice, R. King, Sprenkle, Basich, Dorn, Rust, Todd and H. Myers; by request of Governor Gardner)

Revising programs for students at risk.

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

Background:

Learning Assistance Program

In 1987 the Remediation Program was redefined to become the Learning Assistance Program. The redesigned program is intended to allow greater flexibility in the manner in which services are provided to identified children and to encourage the use of assistance in the regular classroom rather than pulling students from the classroom for assistance.

Substance Abuse Awareness

A comprehensive substance abuse awareness program was created in 1987 to encourage school districts to develop prevention, intervention, and aftercare programs for students who were coordinated with existing community resources. Schools interested in developing a comprehensive program must apply for grant funds. This program has been funded primarily with federal funds.

The 1987 Substance Abuse Awareness Program did not cover nicotine. School districts developed their own policies on the use of tobacco products on school grounds by students and staff.

At-Risk Students

The Drop-out Prevention and Retrieval Program was enacted to provide funding to school districts with the highest drop-out rates. The districts are required to develop programs to reduce their drop-out rates. Only districts with a drop-out rate in the top 25 percent of all districts are eligible for funding. Funding for the Drop-out Prevention Program expires at the end of this biennium.

Flexible Scheduling

School districts have asked for more flexibility in scheduling of classes to accommodate the varied needs of their students. Districts would like to allow greater flexibility in enrollment for teenage parents, dropouts, and students returning from substance abuse or mental health treatment programs. Some districts would like to offer night school and other programs outside the traditional school year.

Core Competencies

Currently graduation requirements are based on the amount of time spent in a class (Carnegie units) rather than on the demonstration of mastery of a specific skill (core competency). These skills selected would become the skills that a student would have to master for graduation. The move toward a skills based program is often called an outcome based education program or core competency program.

Early Enrollment Program

The University of Washington provides an early entrance program for high school students. During their first year on campus the students participate in a transition program which familiarizes them with college level work and methods of instruction. During the second year, the students move into a regular college program with some support provided by the transition program. The Early Entrance program must contract with the high school student's school district to provide the service. Although there are costs above the amount

of money provided by the student's school district, there is no authority to charge the student for these additional costs and there is no authority to require the student's school district to provide funding beyond the transition year.

Summary: Learning Assistance Program

Within the Learning Assistance Program, the Legislature encourages schools and school districts to develop innovative and effective methods of serving children. The district plan may incorporate plans developed by each eligible school. The services provided through the Learning Assistance Program are expanded to include: providing instructional assistants to assist classroom teachers; providing in–service training for instructional assistants and classroom teachers in multi–cultural differences; providing tutoring assistance during school, after school, or on Saturday; providing in–service training for parents of participating students; and providing counseling for elementary school students who are or may become learning disabled.

Funding for the Learning Disabilities Program is based on the number of students scoring in the lowest quartile on achievement tests given in the fourth and eight grades. In those districts in which students' test scores improve, the district shall receive funding based on the statewide average of eligible students or the district's present level of funding, whichever is higher. First priority for the use of funds provided by this incentive shall be prevention and intervention programs for students in preschool through grade six. The allocation method used for funding the learning assistance program will be reviewed by the Superintendent of Public Instruction and recommendations made to the Legislature by January 1, 1991.

Substance Abuse Awareness Program

The Substance Abuse Awareness Program is expanded to cover nicotine. Each school district shall adopt a written policy prohibiting the use of tobacco products on school grounds by September 1, 1991. Exceptions to the no smoking policy may be given to alternative education programs. The Substance Abuse Awareness Program shall continue as a grant program and counseling is an authorized activity which may be funded by the grant.

Flexible Scheduling

Districts are encouraged to design alternative high schools, schools–within–schools and subject–matter–related schools, as well as flexible scheduling to meet the diverse needs of students at risk of dropping out. Districts are also encouraged to use research on effective methods in working with dropouts.

The Superintendent of Public Instruction shall establish procedures to allow districts to claim basic education allocation funds for students attending classes that are provided outside the calendar school year to the extent such attendance is in lieu of attendance during the regular school year. Classes may be taught on Saturday as part of the regular school year.

Choices in Enrollment

A pilot program allowing choices in enrollment shall be provided for the 1989–90 through the 1993–94 school years. Any student who has dropped out of high school for six weeks or longer, has returned from drug and alcohol treatment, is or is about to become a teen parent, or has returned from hospitalization due to a mental health problem, may choose to attend any other high school in the state regardless of residence. A student may attend a non–resident school only if he or she is accepted by the school. Schools may not charge non–resident students tuition. Schools are encouraged to accept qualified students who choose to transfer. Basic education funding allocations shall follow the student. By December 31, 1994, a report on the pilot program shall be presented to the Legislature by the Superintendent of Public Instruction. Unless reenacted, the choices in enrollment authority shall expire on December 31, 1994.

Core Competencies

The State Board of Education shall review and evaluate strategies to replace Carnegie units (seat time) with core competencies (skills demonstration) as a method of evaluating student performance. Core competencies shall include thinking skills. The State Board of Education shall consult with the Higher Education Coordinating Board, the Superintendent of Public Instruction, institutions of higher education, and other relevant agencies. The board shall report its findings and recommendations to the Governor, the Higher Education Coordinating Board, the Superintendent of Public Instruction, and the Legislature by December 1, 1990.

Early Enrollment Program

The Early Enrollment Program for gifted students at the University of Washington is authorized to: 1) contract directly with the Superintendent of Public Instruction for the provision of an educational program for gifted students enrolled in the Early Entrance Program, 2) charge students for the full cost of the program above the funding received from the Superintendent of Public Instruction, and 3) receive from the Superintendent of Public Instruction up to three years of funding or funding through the end of the year the student reaches the age of 18 for students enrolled in the Early Entrance Program.

Prevention of Learning Disabilities

A Prevention of Learning Disabilities Pilot Program is created. Five districts shall be authorized to operate alternative prevention programs for a period of two years. If the pilot project is successful in reducing the number of learning disabled students served in the special education program, the school district shall be reimbursed based on the number of students served in the pilot program and the difference in the number of learning disabled students served in the 1988–89 school year and the number of learning disabled students served in 1990–91.

Outcome Based Learning Programs

The Superintendent of Public Instruction may establish outcome based learning assistance education recognition awards. The awards shall recognize significant and continuous improvement in student performance in basic skills, work skills, health and physical education. The sum of $30,000 is appropriated for the development of these awards.

The Superintendent of Public Instruction is encouraged to look at the effect of poverty on student performance in the recognition of outcome based programs.

The Superintendent of Public Instruction is required to develop a model outcome based health and physical education curriculum. By September 1, 1991, school districts shall consider adoption of the curriculum.

Votes on Final Passage:

House	98	0	
Senate	41	4	(Senate amended)
House	96	1	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: The Governor vetoed: Section 4 dealing with elimination of disincentive for improving students' test scores under the Learning Assistance Program; Section 15 establishing an awards program to recognize outcome based education programs; and Section 15 directing the development of a model outcome based health and physical education learning assistance program. (See VETO MESSAGE)

HB 1445

C 254 L 89

By Representatives Inslee, Jacobsen, Heavey, Kremen, Winsley, Rector, Nelson, Wang, Fraser, Leonard, Prentice, Sayan, Dellwo, Sprenkle, Spanel, Basich, Brekke and H. Myers; by request of Governor Gardner

Authorizing financial aid to needy students enrolled on at least a half–time basis.

House Committee on Higher Education
Senate Committee on Higher Education

Background: The State Need Grant Program is one of the major financial aid programs funded by the state. The program is administered by the Higher Education Coordinating Board, and is available to state residents attending a public or private postsecondary institution the state.

Benefits of the State Need Grant Program are available only to full–time students, and a student's eligibility to receive a need grant is limited to four academic years.

During 1988, the Higher Education Coordinating Board instituted an extensive review of the State Need Grant Program. The board recommended a series of program revisions. Recommendations that do not require a statutory change include revising the award formula to recognize the real cost of college or university attendance, and providing parents with a dependent care allowance of $400 per academic year for full–time students and $200 per academic year for part–time students.

The board recommended statutory changes that would permit part–time students taking six or more credits to be eligible for a state need grant. Students enrolled for six to eight credits would receive one–half of the grant amount. Students enrolled in nine to 11 credits would receive three–fourths of the grant amount. The board has also recommended a statutory change to permit students to receive a grant for five years of undergraduate work. The board estimates that making these statutory changes will increase the number of persons eligible for a need grant by about 2,600 students during the 1989–91 biennium.

Summary: Students who are enrolled at an institution of higher education on at least a half–time basis are eligible to participate in the State Need Grant Program. Students will be eligible to continue participating in the program for five academic years.

The Legislature intends that nothing in the act will prevent or discourage an individual from making an effort to repay any state financial aid received during his or her collegiate career.

Votes on Final Passage:

House	89	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1454

C 53 L 89

By Representatives Todd, Patrick, Cantwell, Walk and P. King

Specifying ownership of transportation improvements in a transportation benefit district.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1987 the Legislature authorized the creation of transportation benefit districts. The districts are separate and distinct local governmental units whose governing bodies are either a county or city legislative authority. The districts have the power to make improvements, within incorporated or unincorporated areas, on city streets, county roads and state highways.

Summary: For purposes of bond issues, ownership of highway, road and street improvements made by transportation benefit districts is clarified. Benefit district improvements are under the following jurisdictions: of a county, in an unincorporated area; of the city, in an incorporated area; and of the state where the improvement is or becomes a state highway. All such transportation improvements are to be administered and maintained as other public streets, roads and highways.

Members of the county and city legislative authority, acting ex officio and independently of the county and city, compose the governing body of their respective transportation benefit district. The district may be governed through an interlocal agreement when the improvements are not within its boundaries.

It is clarified that districts may be established by a county or a city to acquire, construct, and improve any city street, county road or state highway, in addition to current provisions for funding those improvements.

A transportation benefit district is specifically authorized to acquire, hold and dispose of real and personal property.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: July 23, 1989

SHB 1455

C 227 L 89

By Committee on Judiciary (originally sponsored by Representatives Appelwick, Patrick, Heavey and Brough)

Authorizing local elections in single district courts with multiple courtrooms.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: District courts are organized by districts that are established in each county by resolution of the county legislative authority upon recommendation of a district court districting committee. The committee consists of a superior court judge, a district court judge, the county prosecutor, the county auditor, a practicing lawyer selected by the bar association, an official from each city in the county, and the chair of the county legislative authority.

Each county may be organized into one or more district court districts. The districting committee may recommend changes in the number or boundaries of districts at any time.

Judges of the district courts are elected at large from each district. Some district court districts may have more than one courtroom location. In the process of consolidating district court districts within a county, a new district may also be created that has more than one courtroom location.

The minimum number of district court judges in King County is set by statute at 20.

Summary: If a district court district has more than one courtroom location, the county legislative authority may establish separate district court election subdistricts around each courtroom location. The subdistrict boundaries are to follow precinct, neighborhood, and community boundaries as nearly as possible, and are to contain approximately equal populations.

The minimum number of district court judges in King County is raised from 20 to 24.

Votes on Final Passage:

House	98	0
Senate	46	0

Effective: July 23, 1989

SHB 1457

C 259 L 89

By Committee on Appropriations (originally sponsored by Representatives Appelwick, Schmidt, Dellwo, Patrick, Braddock, Belcher, Sayan, Locke, Wineberry and P. King; by request of Office of Financial Management)

Regarding the indeterminate sentencing review board.

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice

Background: When the Sentencing Reform Act (SRA) was enacted in 1981, Washington changed from an indeterminate to determinate sentencing scheme. Under the indeterminate scheme, the board of prison terms and paroles had jurisdiction over prisoners and would decide when prisoners would be paroled. The sentencing judge would recommend a minimum term but other responsibilities rested with the board. In 1986, the board of prison terms and paroles was redesignated the Indeterminate Sentence Review Board. The Indeterminate Sentence Review Board assumed the responsibility of supervision, parole, and revocation of those persons sentenced to felony offenses prior to July 1, 1984 which was the effective date of the SRA. The Legislature contemplated phasing out the Indeterminate Sentencing Review Board as more prisoners were sentenced under the SRA. In 1986, the Legislature provided that the board will cease to exist on June 30, 1992 and that all of its powers and duties involving persons sentenced under the indeterminate sentencing scheme will be transferred to the superior courts of Washington state. The sentencing judge of the county in which the person was convicted will then assume jurisdiction over the prisoner. Prior to this transfer, the indeterminate sentencing board is required to prepare a report on each offender and make recommendations to the superior court regarding the offender's suitability for parole and appropriate parole conditions. The board is also to provide a detailed implementation plan to the Legislature by 1990. The Department of Corrections is to assist the judiciary in assuming responsibility for the offenders.

The Indeterminate Sentence Review Board currently does not set minimum terms for persons incarcerated under mandatory life sentences, nor for persons who have been convicted under the habitual offender status.

Summary: The termination of the Indeterminate Sentence Review Board is delayed until 1998. The board will continue to set minimum terms of confinement, including terms for prisoners committed under mandatory life sentences, but not life sentences with no possibility of parole, and for prisoners incarcerated under habitual offender convictions. When the board sets the minimum term, the board must consider what sentence a court might impose for the same offense if the prisoner had been convicted under the SRA. The board must also consider input from the sentencing judge, prosecutor, victim, and investigative law enforcement officer. The board will prepare a report on each offender. The offenders will not be transferred to the superior court judges. Instead, the Office of Financial Management shall develop alternative recommendations for assuming the board's duties. The recommendations must be presented to the 1997 Legislature. A $316,000 appropriation is made to the board from the general fund.

Votes on Final Passage:

House	76	22	
Senate	39	8	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	39	9	
House	70	27	

Effective: July 23, 1989

SHB 1458

C 177 L 89

By Committee on Health Care (originally sponsored by Representatives Grant, Brooks, Braddock and Sprenkle; by request of Department of Corrections)

Regarding corrections and the intrastate compact.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: The law allows the Department of Corrections (DOC) to accept offenders sentenced to felony terms of less than one year when the offenders are placed in a "regional jail camp" operated by DOC. In 1988, DOC declared the McNeil Island Corrections Center Annex (MICC) to be such a jail camp, and began to accept county inmates for placement there pursuant to an agreement by DOC and counties.

The DOC has contracted with three counties for the incarceration of county inmates in the MICC Annex. Counties participating in the compact are billed $30 a day for each inmate.

Summary: The Intrastate Corrections Compact is enacted. Counties and the Department of Corrections

are authorized to enter into this compact for the exchange or transfer of prisoners. Detailed rules are provided to establish the responsibilities of the department and participating counties.

Votes on Final Passage:

House	92	0
Senate	44	0

Effective: July 23, 1989

HB 1467

C 397 L 89

By Representatives Baugher, Prince, Schmidt, Walk, Cantwell, Zellinsky, Day and Winsley; by request of Legislative Transportation Committee

Creating the transportation capital facilities account.

House Committee on Transportation
Senate Committee on Transportation

Background: Many Department of Transportation (DOT) facilities are old – with an average age of 32 years, poorly situated, and are not properly maintained. An interim Transportation Subcommittee analyzed the capital facilities program at the DOT and concluded that there is not adequate funding available for the acquisition, construction, maintenance, or refurbishment of real property.

Summary: A dedicated Transportation Capital Facilities Account for all DOT real property, except marine and aeronautics capital facilities and properties, is established. All DOT Divisions, except Marine and Aeronautics, contribute to the following three revenue sources which support the Transportation Capital Facilities Account: (1) proceeds from all DOT property transactions involving capital facility sales, transfers, and leases; (2) transfer of all federal monies available for capital facilities; and (3) established rental rates for all DOT facilities.

The account is created July 1, 1989, but rental rates are not established until July 1, 1991.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1468

C 75 L 89

By Representatives Ebersole, Betrozoff, R. Meyers, Holland, Bristow, Spanel, Wang, Kremen, Walker, May, Patrick, Miller, Ballard, Horn, D. Sommers, Youngsman, Ferguson, P. King, Pruitt and Basich

Increasing the number of recipients of awards for excellence in education.

House Committee on Education
Senate Committee on Education

Background: In 1986, the Legislature created the Excellence in Education Awards to be given annually to teachers, principals, administrators, school district superintendents and school boards for their leadership. Three teachers, three principals or administrators from each congressional district, and one superintendent or school district board of directors from the state shall receive awards.

Summary: The number of teachers to receive awards recognizing their contribution to excellence in education is increased from three to five teachers for each congressional district in the state. The number of Excellence in Education Awards to be given to principals is decreased from three principals for each congressional district to five principals for the state.

Votes on Final Passage:

House	97	0
Senate	43	0

Effective: July 23, 1989

2SHB 1476

PARTIAL VETO

C 417 L 89

By Committee on Appropriations (originally sponsored by Representatives Basich, Doty, Spanel, Cantwell, Vekich, Kremen, Hargrove, Schoon, Sayan, Baugher, Inslee, Jesernig, Rasmussen, Rayburn, Walk, Jones, Rector, Raiter, Locke, Moyer, Youngsman, Walker, Winsley, Bowman, Brough, D. Sommers, Silver, Tate, Ferguson, Wineberry, P. King, Pruitt, Ebersole, Sprenkle, Morris and Todd)

Establishing the Washington marketplace program.

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

Background: Many businesses lack market information regarding local sources of supplies. Local suppliers are unable to bid on orders which are filled by out–of–state sources because they are unaware of these opportunities to supply local buyers. Local suppliers often have lower transportation and storage costs and have better service and delivery times.

The Washington Marketplace Program was authorized by the Legislature in 1988 through an appropriation to the Department of Trade and Economic Development. The Washington Marketplace Program is administered by the Business Assistance Center which contracts with local non–profit organizations for the operation of the program. The program is currently focused on distressed areas of the state, but the program is authorized to provide funds to local organizations in non–distressed areas so that they may provide technical assistance to programs in distressed areas.

Marketplace programs identify businesses within their communities which either purchase or plan to purchase supplies from sources outside the state. Buyers who are interested in participating in the program provide the program with their product specifications. The program, keeping the identity of the buyer confidential, then identifies in–state businesses who either produce the products specified or are capable of producing the products. These suppliers are then notified of the opportunity to bid for the contract. The buyer is presented with the bids and may choose any or none of the bidders.

The Washington Marketplace Program will expire at the end of the 1987–88 biennium unless it is reauthorized.

Summary: The Washington Marketplace Program is established within the Business Assistance Center. The program is directed to place special emphasis on strengthening the economies of rural distressed areas. The Marketplace Program will consult with the community revitalization team established in the Department of Community Development.

The Department of Trade and Economic Development is required to contract with at least four local non–profit organizations located in distressed areas of the state for implementation of the Washington Marketplace Program. The department may also enter into joint contracts with multiple non–profit organizations in different locations to promote cooperation between urban and rural areas, but at least one of these non–profit organizations must be located in a distressed area and no more than one non–profit organization may be located in an urban area.

Contracts must be awarded on a competitive bid process with preference given to organizations with a broad spectrum of community support. Each location must contribute at least 20 percent local funding. Contracts may include provisions for charging businesses that profit from the program a service fee.

Contracts must be for the performance of the following services: contacting Washington businesses to identify goods and services purchased from out–of–state sources; identifying locally sold goods and services currently provided by out–of–state sources; determining goods and services for which a business is willing to make contract agreements; advertising market opportunities to in–state suppliers; and receiving bid responses from potential suppliers and sending them to a business for final selection.

The Business Assistance Center is also directed to prepare promotional materials or conduct seminars, provide technical assistance, and develop standardized procedures for operating the local component of the Washington Marketplace Program.

The department is directed to report annually to the Senate Economic Development and Labor Committee and the House Trade and Economic Development Committee on the activities of the Washington Marketplace program.

The Office of Capital Projects is established within the Department of Trade and Economic Development. The office is required to assist Washington businesses in the development of consortiums, assist consortiums in Washington to market their products and services in international markets, compile information on capital project opportunities for Washington businesses, and provide initial assistance to consortiums in securing capital project contracts. The office must also provide information to businesses on trade tariffs, quotas, government regulations, or other trade restrictions which may affect Washington businesses.

The office may seek and receive funds from public and private sectors, and coordinate with other governmental agencies. It may also charge reasonable fees for the use of its services. Contracts entered into by consortiums do not constitute a contract with the state or a lending of the state's credit. The office is prohibited from entering into a binding contract with foreign governments.

The Legislative Budget Committee is required to review the capital projects program by January 1, 1992.

The office is scheduled to terminate under the sunset process on June 30, 1994.

Votes on Final Passage:

House	94	1	
Senate	46	0	(Senate amended)
House			House refused to concur
Free Conference Committee			
Senate	48	0	
House	97	0	

Effective: July 23, 1989

Partial Veto Summary: The sections pertaining to the establishment of a capital projects program within the Department of Trade and Economic Development are vetoed. (See VETO MESSAGE)

HB 1478

C 352 L 89

By Representatives Braddock, Brooks and D. Sommers; by request of Board of Pharmacy

Regulating the board of pharmacy.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: Shopkeepers must be licensed by the Board of Pharmacy to sell non–prescription drugs, except those selling 15 or less.

Sales records of prescription drugs must be preserved by pharmacies for five years and are subject to inspection by law enforcement officers authorized to enforce substance abuse violations.

An applicant for licensure as a pharmacist must be a citizen, an alien in a pharmacy education graduate program, or a resident alien.

Sellers of legend (prescription) drugs are not required to maintain records of the receipt and disposition of these drugs. The Board of Pharmacy has authority to revoke or suspend a license for a violation of state drug laws, but not for violations of federal law, nor for specific convictions of a felony.

Records of a drug purchase or distribution of a drug by pharmaceutical manufacturers, pharmacies, and prescribing practitioners must be maintained for controlled substances, but not for legend drugs.

Information obtained by the Board of Pharmacy from pharmaceutical manufacturers, pharmacies, or practitioners relative to legend drug purchases or dispensing is not confidential.

Summary: The exemption from registration for shopkeepers selling 15 or less non–prescription drugs is repealed.

Records of prescription drug sales must be preserved for at least two years rather than five years. These records must be open for inspection by law enforcement officers authorized to enforce substance abuse violations.

Citizenship is deleted as a requirement for applicants of licensure as a pharmacist. The Board of Pharmacy may revoke or suspend a license for a violation of federal laws or for a conviction of a felony.

Pharmaceutical manufacturers, pharmacies, and practitioners must maintain, for two years, invoices or records of the purchase or distribution of legend drugs that are subject to board inspection, and willful failure to maintain these records is a felony.

Information obtained by the Board of Pharmacy from manufacturers, pharmacies, and practitioners is declared confidential and is exempted from disclosure under the Public Disclosure Act.

Votes on Final Passage:

House	93	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	47	0	
House	96	0	

Effective: July 23, 1989

SHB 1479

PARTIAL VETO

C 3 L 89 E1

By Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Grant, H. Sommers, Holland and Sayan; by request of Governor Gardner)

Making appropriations for the 1987–89 biennium.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: Currently existing General Fund – State expenditure authority for state agency operations during the 1987–89 biennium is $10.3 billion. Several state agencies are in need of additional funding to support program activities through June 30, 1989.

Summary: A General Fund–State supplemental operating budget totalling $89.9 million is provided to state agencies primarily for mandatory school enrollments and other workload changes. Also included is $10.0 million for the state's share of the Washington Public Power Supply Systems (WPPSS) lawsuit settlement. For specific details on the 1989 supplemental budget, see the attached spreadsheet.

Votes on Final Passage:

House	93	1	
Senate	33	9	
House			(House refused to concur)
First Special Session			
Senate	41	2	(Senate amended)
House	95	1	(House concurred)

Effective: May 12, 1989

Partial Veto Summary: Section 202 (2) restricting the amount of money the Department of Social and Health Services could transfer into the General Assistance Unemployable (GA–U) program is vetoed. The maximum amount of $1.2 million identified by the Legislature for transfer was determined to be too little. This determination recognizes the potential for higher GA–U caseloads due to changes in the Alcohol and Drug Addiction Treatment and Support Act (ADATSA) program. The department requires unrestricted transfer authority in order to fund actual costs throughout the remainder of the biennium without imposing a ratable reduction in benefits to others depending on the GA–U program. (See VETO MESSAGE)

HB 1480

C 56 L 89

By Representatives Hankins, Sayan, R. Fisher, Belcher and Fraser; by request of Secretary of State

Changing provisions relating to the productivity board.

House Committee on State Government
House Committee on Appropriations
Senate Committee on Economic Development & Labor

Background: The 10 member Productivity Board was established in 1982 to oversee two programs designed to encourage and reward suggestions by state employees to improve the efficiency of government operations.

The Employee Suggestion Program offers a cash incentive to employees whose suggestions result in cost savings or cost avoidances for a state agency. The award comes from the agency's appropriation and consists of 10 percent of one year's savings, up to $10,000. Agencies may grant leave in lieu of cash awards for cost avoidances.

Awards for suggestions which generate revenue can be drawn from the general fund with joint approval of the Productivity Board and the Director of the Office of Financial Management, subject to legislative appropriation.

Under the Teamwork Incentive Program (TIP), an agency work unit prepares quantifiable measures of program output and performance and, at the end of a year of participation, compares its operating costs to a) the prior year, b) an average of no more than three prior years, or c) engineered standards. Units participating for more than one year compare current year costs only to costs from the prior year. TIP awards are 25 percent of identified cost savings, distributed pro rata among members of the work unit.

Agencies may also give recognition awards to employees, not to exceed $50 in value.

The Productivity Board is funded by an appropriation from the personnel service fund. Agencies transfer 10 percent of any savings gained from the Employee Suggestion Program or TIP to the service fund. The board makes the final decision on all awards.

Summary: A number of changes are made to the administration of the Employee Suggestion and Teamwork Incentive programs.

Awards for employee suggestions that generate revenue to the general fund or other funds are to be distributed by the Director of the Office of Financial Management (OFM) from monies appropriated to OFM for that purpose. If a suggestion generates revenue to a fund other than the general fund, transfers are to be made from the other fund to the general fund to cover the cost of award payments. Employees are no longer eligible for leave in lieu of a cash award under the Employee Suggestion Program.

Agencies are no longer required to transfer 10 percent of cash savings generated by the Employee Suggestion or Teamwork Incentive programs to the personnel service fund for support of the Productivity Board.

Work units participating in the Teamwork Incentive Program for two or more consecutive years may elect to compare their operating costs to average costs for the previous two or three years, rather than relying solely on the prior year's figures for comparison.

The maximum value of recognition awards is increased from $50 to $100.

Votes on Final Passage:

House	95	0
Senate	45	0

Effective: July 1, 1989

SHB 1484

C 14 L 89 E1

By Committee on Capital Facilities & Financing (originally sponsored by Representatives H. Sommers, Schoon, Sayan and Rasmussen; by request of Governor Gardner)

Authorizing the issuance of state general obligation bonds to finance projects in capital and operating budgets for the 1989–91 biennium.

House Committee on Capital Facilities & Financing

Background: The State of Washington periodically issues general obligation bonds to finance capital construction projects throughout the state. The specific legislative approval of a capital project is contained in the capital appropriations act. Those capital appropriations in the capital budget requiring state bonding must have separate legislation authorizing the sale of the bonds.

A number of bond authorizations from prior years have small amounts of bonds remaining to be issued making the administrative and issuing expenses of these small volumes uneconomical. The State Finance Committee has indicated that these smaller issues can be pooled together and sold as a single transaction and thus reduce the cost of issuance.

Summary: The State Finance Committee is authorized to issue general obligation bonds for the State of Washington in the amount of one billion, two hundred twenty–seven million dollars. $497.9 million of this amount is new general obligation bonds necessary to support the 1989–91 capital budget; $493.8 million is not new bond authority, but the authorization to consolidate prior authorized bonds into one larger issuance; $199.2 million is reimbursable bonds financed from funds other than the general fund and; $35.7 million is the cost (3 percent) of issuing the bonds. The reimbursable bonds are: $61 million for the new natural resources building on the capital campus financed by agency rental payments, trust land revenues, and parking fees. The balance of the $73 million project is general obligation bonds; $63 million for the new Labor and Industries building financed by medical aid and accident funds and; $75 million for the University of Washington to finance future projects paid from federal research grant funds.

In addition to authorizing the issuance of state bonds these statutory changes are made: (1) Prior bond statutes are amended to make them consistent with the State Finance Committee statutes; (2) The State Finance Committee is authorized to issue bonds with "deep discounts" in which the interest and principal are payable at maturity. These type of bonds were issued in 1988 as "College Savings Bonds;" (3) Bond insurance or similar type credit support for state bonds are excluded from the statutory seven percent debt limit; (4) Construction accounts that receive bond proceeds are permitted to have cash deficits to manage the cash in the various accounts in order to avoid arbitrage earnings prohibited by the 1986 federal tax reform.

Votes on Final Passage:

House	74	22
Senate	43	1

Effective: July 1, 1989
June 1, 1989 (Section 19)

HB 1485

C 166 L 89

By Representatives Jacobsen, Dellwo and Heavey

Modifying the interest rates that non–profit corporations may charge on postsecondary education loans.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions & Insurance

Background: The Washington State usury statute governs consumer loans and limits the amount of interest chargeable by a lender. Under the statute, a lender may charge the greater of 12 percent or four percent above the average 26 week treasury bill rate as published by the Federal Reserve Bank of San Francisco. The statute also permits a lender to charge an administrative fee on loans under $500. No other provision authorizes the charging of fees on general loans.

Increasing restrictions on participation in the federal guaranteed student loan program have created a demand for private student loans. While federally guaranteed student loans are exempt from the state usury statute, private student loans are not exempt. Because of the long time period between loan origination and loan payback, student loans are backed by a guarantor to protect the lender against the risk of borrower default. However, charging a fee to pay for guarantor protection may result in a violation of the state usury statute when the fee is calculated into the rate that the student must pay for the loan.

Summary: Student loans made by non–profit corporations are exempt from the state usury statute. Interest rates for these student loans cannot exceed the rate

permitted under federal or state laws for loans made by chartered financial institutions.

Votes on Final Passage:
House 98 0
Senate 45 0

Effective: July 23, 1989

HB 1502

C 398 L 89

By Representatives Walk and Schmidt; by request of Department of Transportation

Adjusting vehicle permit fees.

House Committee on Transportation
Senate Committee on Transportation

Background: Special motor vehicle permits such as non–reducible load overweight and over–dimensional permits and additional tonnage permits may, under certain conditions, be issued by the Department of Transportation (DOT) or its agents when a vehicle exceeds the legal height, width, length or weight limitations.

The fees for special motor vehicle and additional tonnage permits have not been increased since 1953. The cost of administration during this period has increased significantly. An increase in certain oversize/overweight fees will help defray the administrative cost involved in issuing these permits.

The Department contracts with 28 private businesses, some county auditors and county road departments, and the Washington State Patrol to issue special motor vehicle and additional tonnage permits in the field. The agents remit the full permit fee to the Department; the DOT, in turn, reimburses the issuing agent at a rate of $2.50 per permit. Payments to issuing agents exceed $100,000 per year. Other state agencies which issue licenses and permits have the statutory authority to allow their contracting agents to retain a portion of the permit fee to help defray the cost incurred in selling permits. Remittance to and reimbursement from the state agency is not required.

The owner of a vehicle that exceeds the legal width limitation of eight and one–half feet must purchase an over–dimensional permit issued by the Department of Transportation (DOT) when operating on the public highways. Certain appliances are excluded from this calculation if it is determined by the DOT that these appurtenances are necessary for the safe and efficient operation of the vehicle. The safety exclusions may not extend more than two inches beyond the extreme limits of the vehicle.

A new tarping method for covering garbage truck loads is being sold in the state of Washington. The purpose is to comply with the covered load statute. The tarp is permanently affixed to the vehicle and automatically covers the load when a switch is activated. The frame necessary to hold the tarp extends six inches beyond the permanent structure, and therefor exceeds the two–inch safety tolerance.

Summary: Certain special motor vehicle permit fees are increased: (1) The single trip permit fee for over–dimensional load (height, width or length) movements is increased from $5 to $10; (2) The minimum fee for a non–reducible overweight permit and non–reducible overweight duplicate permit are both increased from $5 to $10.

Certain additional tonnage permit fees are also increased: (1) The annual additional tonnage duplicate or transfer permit fee is increased from $5 to $10; (2) The minimum fee for a temporary additional tonnage permit is increased from $1 to $2 per day for each 2,000 pounds; (3) The minimum fee for prorated additional tonnage is increased from $5 to $25. Prorated additional tonnage fees are rounded off to a full dollar amount (same language as used in non–reducible load overweight fee schedule).

Agents of the Department who are authorized to issue special motor vehicle, additional tonnage and log tolerance permits are specified. Issuing agents are permitted to retain $3.50 of the permit fee collected to offset administrative costs.

The DOT may issue overwidth permits to vehicles with a total outside width, including the load, of nine feet when the vehicle is equipped with a mechanism designed to cover the load. The permit fee is $20 per month or $240 per year.

Votes on Final Passage:
House 97 1
Senate 36 10 (Senate amended)
House 94 3 (House concurred)

Effective: July 23, 1989

SHB 1503

C 58 L 89

By Committee on Transportation (originally sponsored by Representatives Ebersole, Schmidt, Walk, Nelson, Jones, Zellinsky, R. Fisher, Beck, S. Wilson, Wang, Heavey, Brough, Schoon, Tate and P. King; by request of Department of Transportation)

Relaxing bonding requirements on ferry contracts.

House Committee on Transportation

Senate Committee on Transportation

Background: Existing law (RCW 39.08.030) requires a contractor's bond for all public works contracts in excess of $25,000 to be in an amount equal to the full contract price.

The Department of Transportation, Marine Division, has been unable to obtain viable bids on Ferry System vessel construction, alteration, repair or maintenance projects due, in part, to the inability of bidders to obtain state–required bonding. The bonding problem has significantly impacted the Marine Division's ability to construct or repair ferry system vessels in a timely fashion.

Summary: On contracts for the construction, maintenance or repair of marine vessels, the Department of Transportation is authorized to substitute alternative forms of security in lieu of the bond. Acceptable alternative forms of security include: certified check, replacement bond, cashier's check, treasury bill, an irrevocable bank letter of credit, or assignment of a savings account. Other liquid assets approved by the Secretary of Transportation as well as a combination of a bond and an alternative form of security are also authorized.

The Secretary of Transportation is required to predetermine and provide, in the bid package, the amount of the alternative security or bond. The bond or alternative security must be in an amount adequate to protect 100 percent of the state's exposure to loss.

The Department of Transportation is required to adopt rules that establish the procedures for determining the state's exposure to loss.

Votes on Final Passage:

House	95	0
Senate	45	0

Effective: April 19, 1989

SHB 1504

C 315 L 89

By Committee on Environmental Affairs (originally sponsored by Representatives R. King, D. Sommers, Todd, Belcher, Fraser, S. Wilson, Schmidt, Phillips and Cooper)

Providing for the evaluation of indoor air quality in public buildings.

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

Background: Indoor air quality is rapidly becoming an important environmental and public health issue. To date, most of the research and regulatory activity relating to air pollution has focused on the outdoor environment or the industrial workplace. However, many people spend much of their days in offices, schools, and other public buildings that contain air contaminants. The Environmental Protection Agency (EPA) has estimated that people spend up to 90 percent of each day indoors. Pollution levels indoors often exceed those outdoors, and may even exceed outdoor air pollution standards.

Methods of controlling indoor air pollution include source removal or substitution, ventilation, air filtration and purification, and encapsulation of the pollutant.

In 1988, the Governor established the Interagency Task Force on Indoor Air Pollution. The Department of Labor and Industries (L&I) is the lead agency for the Task Force. Other members include the Departments of Social and Health Services, General Administration, Community Development (State Building Code Council), Ecology, and Personnel, as well as the Office of Financial Management, the Energy Office and the Office of the Superintendent of Public Instruction. The goals of the Task Force are to: Clarify agency responsibilities; identify the need for ongoing agency coordination; monitor trends in indoor air complaints; develop educational materials; and monitor local and national studies. Findings and recommendations of the Task Force are due to the Governor by June of 1989.

Summary: The Department of Labor and Industries (L&I) is required to coordinate with other state agencies to make policy and regulatory recommendations on indoor air pollution, review indoor air programs in public schools, and provide educational material on indoor air pollution to state agencies. L&I must recommend measures of implementing these recommendations to the Legislature.

The State Building Code Council must review the mechanical ventilation and filtration standards in the state building code, compare these to the industry standard, and make changes as appropriate.

Public agencies are encouraged to evaluate the adequacy of their ventilation and filtration systems in light of industry recommendations and to maintain and operate such systems to allow for maximum operating efficiency.

The Superintendent of Public Instruction (SPI) may implement a model indoor air quality program in one

school district. SPI is required to report on this program, evaluate existing ventilation and filtration systems in public schools, and make recommendations for all public schools by December 1, 1990.

Votes on Final Passage:

House	93	0
Senate	43	1

Effective: July 23, 1989

HB 1512

C 15 L 89 E1

By Representatives H. Sommers, Schoon, Ebersole, Holland, Jacobsen, Rasmussen and P. King; by request of Governor Gardner

Making appropriations for capital projects for the 1987–89 biennium.

House Committee on Capital Facilities & Financing

Background: Every two years, during the odd numbered year, the Legislature adopts a biennial budget to finance state programs and facilities for the following two fiscal year periods. The state's fiscal year begins on July 1 and ends the following June 30. The Legislature normally adopts two biennial budgets: one for the general operating expenses of state government, and one for the building and construction needs of state government. While the biennial budget is expected to anticipate all state funding needs for the following two years, it can be modified in any legislative session to meet unanticipated emergencies or program changes. These modifications to the biennial budget are included in the supplemental budget.

Summary: The 1989 supplemental capital budget includes two new projects and amends the description of two projects included in the biennial capital budget. The four changes are:

1. $200,000 is added for the State Parks Commission to purchase trust lands from the Department of Natural Resources for the extension of Iron Horse State Park into the John Wayne Pioneer Trail;

2. $548,000 is added for the State Military Department to repair heating, ventilation, and air conditioning systems in various buildings;

3. The language for the Suzzallo Library addition at the University of Washington is amended to delete an obsolete restriction on the timing for the disbursement of funds; and

4. The title of the Satsop River project for the Department of Wildlife is amended to include acquisition as well as redevelopment of property.

Votes on Final Passage:

House	94	0
Senate	42	1

Effective: June 1, 1989

HB 1518

C 368 L 89

By Representatives Vekich, Walker, Patrick, Cole, Leonard, R. King, Heavey, Ebersole, Prentice, Basich, Jones and Winsley

Extending industrial insurance coverage.

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

Background: Common carriers operating intrastate or in both intrastate and interstate commerce are required to purchase Washington state industrial insurance coverage for their employees in Washington. If an interstate carrier domiciled in Washington operates exclusively in interstate commerce, the business may elect industrial insurance coverage for its employees. Because this coverage is optional, interstate carrier employees injured in Washington may not be covered by and may not be eligible to receive worker's compensation benefits.

Summary: Interstate common carriers doing business in Washington must provide Washington state industrial insurance coverage for their Washington employees unless coverage is provided under another state's law for employees injured in Washington. However, a carrier that had elected Washington state coverage under the prior statute and, as an exclusively interstate carrier, had withdrawn from coverage prior to January 2, 1987, is governed by the coverage requirements in effect on that date.

Votes on Final Passage:

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

Effective: July 1, 1989

HB 1520

C 327 L 89

By Representatives Walk, Schmidt, S. Wilson, Sayan, R. Fisher, Betrozoff, R. King, Vekich, Haugen, H. Sommers, R. Meyers and Pruitt; by request of Marine Employees' Commission

Changing provisions relating to salary surveys for ferry system employees.

House Committee on State Government
Senate Committee on Economic Development & Labor

Background: The Marine Employees Commission was established in 1983 and is charged with reviewing complaints, grievances, and disputes between ferry system labor and management. The commission also conducts a salary survey for ferry employees prior to collective bargaining.

The salary survey must compare wages, hours, employee benefits, and conditions of employment of state ferry employees with those of other state employees and workers in the state's private sector who are doing directly comparable work. Consideration is given to local factors and the classifications involved.

Summary: The salary survey conducted by the Marine Employees Commission must compare ferry system employees with public and private sector employees in West Coast states (including Alaska) and in British Columbia. Positions surveyed are to continue to be those directly comparable to ferry system positions, but need not be identical to ferry system positions. Public policy with regard to the survey is to promote just and fair compensation, rather than equality in compensation, between state ferry employees and others surveyed.

The purpose of the survey is expressed in statute: to disclose generally prevailing levels of compensation, benefits, and conditions of employment and to guide, but not define or limit, collective bargaining.

Votes on Final Passage:

House	95	1	
Senate	45	1	(Senate amended)
House	95	1	(House concurred)

Effective: May 11, 1989

HB 1524

C 185 L 89

By Representatives Nelson, Brooks and Braddock; by request of Department of Corrections

Changing provisions relating to Washington state correctional industries.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: The Institutional Industries Board of Directors is an advisory group with a limited number of members, all serving without compensation. The board was established to provide a broad range of expertise and input from the community on the operation of the Institutional Industries Program.

The board of directors has recommended proposed legislation to allow it to work on substantial policy issues, encourage meaningful community business participation, increase the level of expertise, and promote program productivity.

Summary: All references to "Institutional Industries" are changed to "Correctional Industries." The roles and responsibilities of the board of directors are changed so that the board will have more powers to carry out its advisory role. The composition of the board is changed and members will receive compensation. The board is permitted to establish trade, advisory, or apprenticeship committees and to work with existing vocational educational, trade, advisory or apprenticeship committees.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: July 23, 1989

SHB 1542

C 252 L 89

By Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Locke, Cantwell, Day, Prentice, Morris, Sprenkle, Van Luven, Beck, Silver, Baugher, Brough, Winsley, Brekke and P. King)

Creating a system making offenders accountable for legal financial obligations.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health Care & Corrections and Committee on Ways & Means

Background: Courts may order criminal offenders to pay fines, court costs, and/or restitution. The Department of Corrections is responsible for supervising collection of these monetary obligations from felony offenders; however, the department may not collect the money from the offender directly. All money must be paid to the clerk of the court.

The courts are often unable to provide offender payment information to the department in a timely

manner. As a result, the community corrections officer is handicapped in his or her collections efforts.

Community corrections officers have three methods for securing collection of legal financial obligation: confrontation with the offender, violation reports to bring the offender before the sentencing court, and recommendations for confinement. These approaches have proven to be largely insufficient. The collection rate averages only 25 percent.

Summary: A convicted felon must report, under oath, his or her present, past and future earning capabilities to the Department of Corrections. This report must be remitted to the court for sentencing purposes.

"Legal financial obligations" are defined and include court ordered fines, restitution and/or costs. If the court orders the offender to pay, it must set a minimum monthly payment schedule.

The department or crime victim may seek civil remedies such as wage assignments and attachment of property, to enforce payment of the offender's "legal financial obligation."

The department may remove funds from an inmate's account in order to secure payment on these obligations.

Restitution to crime victims is given the highest priority for distribution of the offender's monies. All monetary payments will be supervised by the department for a period of 10 years after the date of release from confinement or the date the sentence was entered.

The penalty assessment imposed on offenders is increased to $100 per felony or gross misdemeanor and to $75 per misdemeanor.

The Department of Corrections and the County Clerks' Association must develop a compatible management and accounting system for legal financial obligation collections. They must report their findings to both the House Health Care Committee and the Senate Health Care and Corrections Committee by December 1, 1989. Unless determined otherwise, the Department of Corrections will be authorized to collect the obligations as of July 1, 1990.

Votes on Final Passage:

House	98	0	
Senate	44	1	(Senate amended)
House	93	0	(House concurred)

Effective: July 23, 1989
July 1, 1990 (Sections 1 – 12, 19 – 21, 25 and 26)

HB 1545

C 192 L 89

By Representatives Schmidt, R. Fisher, Betrozoff, Jacobsen, Rust, Holland, Walk, Wood, H. Sommers, Walker, Sprenkle, Hankins, S. Wilson, Patrick, Smith, Haugen, Horn and Winsley; by request of Legislative Transportation Committee

Increasing penalties for registering a vehicle in another state.

House Committee on Transportation
Senate Committee on Transportation

Background: The Joint Committee on Motor Vehicle Excise Tax was created by Chapter 191, Laws of 1988. The committee reviewed the historical and current distributions of the tax, as well as administration, enforcement and collection of the tax.

The committee consisted of 12 legislators from the House and Senate Transportation and Fiscal Committees, plus three agency designees.

The committee received testimony regarding motor vehicle tax fraud from the Washington State Patrol and the Department of Revenue. The committee found that residents of this state are intentionally registering their vehicles in other jurisdictions to evade payment of the motor vehicle excise tax, registration fees and sales/use tax.

The committee recommended certain changes to the penalties for evading applicable motor vehicle taxes and fees.

Summary: The fine for initially failing to register a motor vehicle, upon becoming a Washington resident, is doubled from $165 to $330.

Beginning September 1, 1989, it is a gross misdemeanor for a resident of this state to intentionally register his or her motor vehicle in another jurisdiction to evade payment of taxes and fees due the state, punishable by up to one year in the county jail and a fine equal to double the delinquent taxes and fees. On second and subsequent offenses the fine is treble the amount of delinquent taxes and fees.

All persons who have failed to register may do so until September 1, 1989, without imposition of administrative penalties. Traffic infraction and misdemeanor violations are not waived.

Votes on Final Passage:

House	94	0
Senate	44	0

Effective: July 23, 1989

SHB 1547

PARTIAL VETO

C 416 L 89

By Committee on Judiciary (originally sponsored by Representatives Schmidt, Appelwick, Moyer, Brough, Van Luven and Schoon; by request of Department of Social and Health Services)

Providing for medical support enforcement.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A court entering or modifying an order for child support in a dissolution proceeding must also order either or both parents to provide health insurance coverage for the child if health insurance coverage is available through a parent's employer or union and the employer or union will pay all or a portion of the cost of the premium for the child.

An order of child support may generally be modified only upon a showing of a substantial change of circumstances. An order of support may be amended without a showing of a substantial change in circumstances in cases where a severe hardship exists, the amount of support needs adjusting because the child is in a different age category for purposes of a schedule, support needs to be extended through high school, or an automatic adjustment of support provision is being added.

Summary: A court entering or modifying an order for child support in a dissolution proceeding, or in a proceeding under the Uniform Parentage Act, must order either or both parents to provide health insurance coverage for the child. If the Department of Social and Health Services administratively establishes or modifies a support obligation, the department must also require the provision of health insurance coverage. The coverage must be provided if the coverage is or becomes available to the parent through the parent's employer or union and the premium is not more than 25 percent of the basic child support obligation. If it is in the best interests of the child, the court may order health insurance coverage even though the premium exceeds 25 percent of the basic support obligation. The support order must contain a statement advising the parent of the obligation to provide health insurance coverage and that the obligation may be directly enforced if proof of insurance is not provided within 20 days.

Health insurance must be maintained until further order of the court or until the child is emancipated. The obligation ceases if health insurance coverage is no longer available through the parent's employer or union and no conversion privileges exist following termination of employment.

A parent may be required to show proof of coverage to the other parent or, if support payments are to be made through the support registry, to the department.

An order of support may be modified without a showing of a substantial change of circumstances to provide health insurance coverage for a child or to enforce, modify, or clarify an existing order of health insurance coverage which was entered prior to June 7, 1984.

An order to provide health insurance coverage must include a statement that the order may be directly enforced by service of the court order on the parent's employer or union. If the order does not contain notice of direct enforcement, a written notice of intent to enforce the order must be served on the parent obligated to provide health insurance coverage. Upon service of the order on the employer or union, the child to be covered must be enrolled in the health care or insurance plan and premiums deducted from the obligated parent's wages. Upon service of the notice of intent to obtain health care coverage, the obligated parent has 20 days to file an application for an adjudicative proceeding or proof that the parent has applied for or obtained coverage for the child.

An employer or union is subject to a maximum fine of $1,000 for failure to enroll a child in a health care plan or to explain why the coverage is not available.

Votes on Final Passage:

House	96	1	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: A section of the bill which was also amended by another bill is vetoed to eliminate amendment problems. (See VETO MESSAGES)

SHB 1548

C 55 L 89

By Committee on Judiciary (originally sponsored by Representatives H. Myers, Appelwick, Moyer, Brough and Sprenkle; by request of Department of Social and Health Services)

Changing requirements for establishing paternity.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Uniform Parentage Act establishes certain presumptions about the parent–child relationship. A man is presumed to be the father of a child if he and the mother were married at the time of the child's birth or were married, but the marriage was terminated within 300 days of the child's birth. A man is also presumed to be the father if he has filed a writing with the registrar of vital statistics acknowledging paternity. In the latter case, the registrar must notify the mother of the claim of paternity. The mother has a reasonable time after the notice to dispute the claim of paternity. If another presumed father exists, that presumed father must also consent to the acknowledgement of paternity.

At the time of a child's birth, the attending physician or midwife is required to fill out a certificate of birth and file the certificate with the local registrar.

The Department of Social and Health Services has administrative authority to establish a support obligation for a natural parent, a stepparent, or an adoptive parent.

Summary: The presumptions of paternity under the Uniform Parentage Act are established for all intents and purposes. If an acknowledgement of paternity has been filed, another presumed father does not need to consent to the acknowledgement. To exercise rights to custody, visitation, or residential time, the acknowledging father must obtain an appropriate court order.

At the time of a child's birth, the attending physician or midwife must fill out a birth certificate that includes the mother's name and address and, if the mother and father are married or the father has signed an acknowledgement of paternity, the father's name and address. The certificate must be filed with the local registrar together with the mother's and father's social security numbers. The state Office of Vital Statistics must allow the Office of Support Enforcement access to birth certificate information, including the social security numbers.

If a child is born to an unmarried mother, the attending physician or midwife must give the mother and the natural father, if known, an opportunity to complete an affidavit acknowledging paternity. The mother, as well as the father, must sign the acknowledgement. The physician or midwife must also provide written information to the mother concerning the benefits of having the child's paternity established and the services available to do so. The written information is furnished by the Department of Social and Health Services. The physician or midwife is entitled to reimbursement at a rate determined by the department when an acknowledgement is filed with the registrar.

The Office of Support Enforcement may serve a notice and finding of parental responsibility on a father who has signed an acknowledgement of paternity with the Office of Vital Statistics. If the father does not respond to the notice and finding of parental responsibility, the notice and finding are final unless subsequently overturned by a court in a paternity action.

The father may contest the support amount or request a blood test within 20 days of the service of the notice and finding. An application filed after one year may be accepted upon a showing of good cause. The department may advance the cost of the blood test, but may seek reimbursement if the person is determined to be the father. The father may request the Office of Support Enforcement to initiate a judicial proceeding to establish the parent–child relationship. The father may be liable for court costs if the court determines that he is the natural father. The mother must be given notice of the adjudicative hearing and may participate in the proceeding.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: July 23, 1989

HB 1552

FULL VETO

By Representatives Todd, Nutley, Padden, Patrick, Holland, Anderson, D. Sommers, Leonard, Walk, Pruitt, Crane, Nelson and Dorn

Establishing the office of mobile home affairs and tenant lot fees.

House Committee on Housing
Senate Committee on Economic Development & Labor

Background: Mobile (manufactured) homes are built in factories under standards specified by law. The mobile home is either placed on land that is owned by the mobile home–owner or is placed on land that is rented to the mobile home–owner.

Disputes between mobile home park–owners (landlords) and mobile home–owners (tenants) are regulated by the Mobile Home Landlord–Tenant Act. No state agency is responsible for overseeing the act.

In 1988, the Legislature created an Office of Mobile Home Affairs in the Department of Community Development. This office serves as the coordinating office for state government in matters related to mobile homes. The office also provides an ombudsman service

to park–owners and tenants with respect to problems and disputes between these two groups, and provides technical assistance to tenant organizations who wish to purchase the mobile home park where they reside.

The office is funded through a $1 annual fee per lot (space) that is paid by park–owners and tenants residing in mobile home parks. The park–owner is required to collect the tenants' fees and submit both the park–owner's and the tenants' fees to the state treasurer.

Summary: The $1 fee charged to mobile home park–owners per year per lot to help fund the Office of Mobile Home Affairs does not apply to unoccupied lots.

The mobile home–owner (tenant) is required to pay the $1 fee charged to tenants per year to help fund the Office of Mobile Home Affairs to the landlord by January 15th. In collecting the fee from the tenant, the landlord's only duty is to request payment in writing.

The landlord cannot charge an administrative fee for collecting the $1 fee from the tenant. The landlord must reimburse any administrative fees collected from tenants. If the landlord violates the provisions regarding collecting or reimbursing the administrative fees, the landlord is liable for a $50 penalty per violation.

Votes on Final Passage:

House	96	0
Senate	45	0

FULL VETO: (See VETO MESSAGE)

SHB 1553

C 279 L 89

By Committee on Trade & Economic Development (originally sponsored by Representatives Raiter, Cantwell, Doty, Wineberry, Schoon, Wolfe, Wood, Horn, Ferguson, Rector, G. Fisher, Silver, Ebersole, Phillips, Vekich, Cooper, Inslee, Brumsickle, Youngsman, Walk, Bowman, Basich, Tate, Betrozoff, Belcher, Braddock, Morris, Beck, Jacobsen, Walker, Pruitt, Rayburn, Kremen, May, R. King, Todd, Winsley, Rasmussen, Spanel, P. King and Sprenkle; by request of Governor Gardner)

Creating the Washington economic development finance authority.

House Committee on Trade & Economic Development

Senate Committee on Economic Development & Labor

Background: Businesses need money to start up or expand. This money (capital) can be obtained by borrowing or by selling ownership interests in the business. Financial institutions normally provide capital through loans; venture capitalists and investors normally provide capital by purchasing an interest in the business. Access to capital is important for the success and growth of businesses.

Lending of credit prohibitions in the state constitution preclude state and local governments from providing direct support to businesses. These prohibitions do not allow the public to make gifts or loans to private persons or businesses, to invest in businesses, or to otherwise provide public backing of businesses. An exception is allowed to provide aid to the poor or infirm.

State lending of credit prohibitions also do not apply when the state uses federal funds to provide loans and grants to private businesses. Examples include the Community Development Block Grant program, the Development Loan Fund, and the Coastal Community Revolving Fund.

Capital may also be obtained through the use of bonds. Bonds are loan contracts issued by governments or private corporations. The bondholder purchases the bond from the issuer. In return, the bondholder receives interest and the bond is redeemed (the issuer repays the money) at a specified maturity date. Most bonds are negotiable (easily transferable), and normally run from 10 to 30 years from the date of issuance to the date of maturity.

Private bonds may be backed by assets of the business issuing the bonds (i.e., real estate or equipment) or may be unsecured. Government bonds may be backed by the taxing power of the government (recourse) or may be backed only by income from the project or purpose the bonds are used for (nonrecourse). Government bonds may be taxable or non–taxable.

Public corporations may issue bonds if legislative authority is given. However, if the bonds are used to provide financing for facilities not owned by the public, lending of credit prohibitions may apply.

The Washington Supreme Court held, until 1985, that issuing nonrecourse bonds for facilities not owned by the public violated lending of public credit prohibitions (although the court generally allowed this bond financing based on the "poor or infirm" exception, or based on low risk and public policy). In 1985, the court held that issuing public nonrecourse bonds was not lending of public credit because no debt or liability was incurred by the public. The court has approved the issuance of public nonrecourse bonds to provide

financing for facilities not owned by the public in the following instances: (1) the Washington Health Care Facilities Authority; (2) the Housing Finance Commission; and (3) the Washington Higher Education Facilities Authority.

Summary: The Washington Economic Development Finance Authority (WEDFA) is established as a public body to help small and medium–sized businesses meet their capital needs. The WEDFA is administered by a 15 member board, including one member each from the Department of Trade and Economic Development, the Department of Community Development, the state treasurer, four legislators, and eight members from the general public appointed by the Governor. Three of the public members must be from Eastern Washington. The Department of Trade and Economic Development will provide the staff for the WEDFA, although the staff cannot issue nonrecourse bonds or make credit decisions.

The WEDFA is authorized: (1) to develop programs to fund export transactions for small businesses that cannot get commercial loans from private lenders at competitive rates and terms; (2) to provide advance or up–front financing for economic development to farmers based on their subsidy from the federal government for not growing crops; (3) to pool loans guaranteed by the federal Small Business Administration or the Farm Home Administration; (4) to access federal development finance programs; and (5) to provide advice and technical assistance to Industrial Development Corporations. The WEDFA is also authorized to engage in broad activity to assist businesses as long as the activity is within policy guidelines specified in statute.

The WEDFA is required to develop a plan outlining economic development goals and defining strategies to accomplish the goals. The authority is required to hold at least one public hearing regarding its plan, and update the plan at least every two years. The authority is also required to implement operating procedures for itself and its programs.

The WEDFA may not lend state credit, issue bills of credit, take deposits, or finance housing, health care facilities, or educational facilities that are financed through other statutory commissions or authorities. The WEDFA is authorized to issue nonrecourse bonds. These bonds are not obligations of the state.

The authority may not exceed $250 million dollars in outstanding debt at any time. The authority must report annually to the Legislature. The Legislative Budget Committee is required to conduct a fiscal and program review of the authority by December 1, 1992.

The statutory list of executive state officers includes members of the WEDFA. Financial and commercial information provided to the WEDFA by businesses is exempt from public disclosure.

Votes on Final Passage:

House	89	5	
Senate	45	0	(Senate amended)
House	93	4	(House concurred)

Effective: July 23, 1989

SHB 1558

C 369 L 89

By Committee on Health Care (originally sponsored by Representatives Inslee, P. King, Van Luven, Appelwick, Beck, Wineberry, Wood, Rector, Smith, Brekke, Baugher, Winsley, Leonard, Todd, Ballard, Nutley, Rayburn, Jacobsen, Hankins, Braddock, Grant, Locke, Brumsickle, Jesernig, Wang, Betrozoff, Wolfe, Brough, Horn, Basich, Bowman and Ferguson)

Regulating use of steroids.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: Steroids are synthetic derivatives of male hormones that are used by some athletes to build up muscles. The use of steroids has been linked to serious side effects such as mood swings, severe ache, baldness, sterility, abnormal liver function, high blood pressure, cardiovascular disease, and possibly cancer of the liver.

The increase in the use of steroids, especially among teenage boys, has been alarming. A recent study indicated that as many as half a million teenage boys may be using steroids, primarily for body building purposes. Further, most of these drugs are procured through illegal sources.

Steroids are regulated as prescription drugs.

Summary: The term "steroids" is more specifically defined to include anabolic steroids of specified chemical derivatives, androgens, or human growth hormones. The Board of Pharmacy must specify, by rule, drugs to be classified as steroids and inform the Legislature of such decisions by December 1 of each year.

Practitioners are prohibited from prescribing steroids solely for the purpose of enhancing athletic ability without a medical necessity to do so, and must maintain patient medical records showing the diagnosis and purpose of any prescription for steroids. A violation of this requirement is a gross misdemeanor.

Possession of up to 200 tablets or eight 2cc bottles of steroids without a prescription is punishable as a

gross misdemeanor. Possession of greater amounts is punishable as a Class C felony.

Public schools must post signs on the premises of athletic departments advising students of the health risks of using steroids to enhance athletic ability and the penalties for illegal possession provided by law.

The Superintendent of Public Instruction and the regents or trustees of each institution of higher education must promulgate rules by January 1, 1990 regarding loss of eligibility to participate in school-sponsored athletic events for any student found to have violated the laws relating to the use or possession of steroids.

Votes on Final Passage:

House	97	0	
Senate	44	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	44	0	
House	84	0	

Effective: July 23, 1989

SHB 1560

C 260 L 89

By Committee on Health Care (originally sponsored by Representative Braddock; by request of Department of Social and Health Services)

Making changes to medical care provisions.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health Care & Corrections and Committee on Ways & Means

Background: Hospitals that receive funds based on the level of uncompensated care that they have provided relative to other hospitals are called "disproportionate share hospitals." The state definition of "disproportionate share hospitals" conflicts with the federal definition in the Omnibus Budget Reconciliation Act of 1987 (OBRA). To ensure Medicaid State Plan compliance for federal financial participation, it is necessary to revise the state definition.

Medical assistance payments for persons with AIDS are expected to grow substantially in the 1989–91 biennium. This amount can be reduced by purchasing "continuation coverage" (the purchase of insurance through the plan of a previous employer for not more than 18 months, as provided in federal law), or group health insurance coverage. The Department of Social and Health Services (DSHS) cannot purchase this coverage without statutory authority.

The Department of Social and Health Services is authorized to enroll a portion of all AFDC recipients in managed health care systems. However, all AFDC recipients in a geographic area must be enrolled in the same Health Maintenance Organization (HMO). This requirement does not allow flexibility if more than one HMO operates in the area. Medicaid regulations also prohibit mandatory enrollment under a single system.

Summary: The Department of Social and Health Services is required to make payment adjustments to disproportionate share hospitals using factors prescribed by federal law.

The department is authorized to enroll AFDC recipients in a variety of managed health care programs that meet departmental requirements.

The department may purchase health insurance coverage for persons with AIDS who meet eligibility requirements established by the department. This authorization terminates June 30, 1991.

An erroneous reference to the Emergency Medical Services statute is corrected.

Votes on Final Passage:

House	56	40	
Senate	39	7	(Senate amended)
House	92	5	(House concurred)

Effective: July 23, 1989

SHB 1568

C 399 L 89

By Committee on Environmental Affairs (originally sponsored by Representatives Cooper, D. Sommers, Ebersole, Sprenkle, May, Pruitt and Ferguson)

Revising requirements regarding procurement and solid waste disposal.

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

Background: Counties, cities, and towns sometimes have problems procuring solid waste services and facilities due to technical inconsistencies and uncertainties in current procurement statutes. Problems experienced by these local governments include difficulty in contracting with vendors, letting bids, and obtaining bond financing.

The Seattle Chamber of Commerce's Solid Waste Task Force has worked for nearly two years to develop proposed legislation providing local governments with

greater flexibility to procure solid waste facilities and services. The Chamber's Solid Waste Task Force consists of persons representing cities, counties, recyclers, waste haulers, attorneys, and disposal service vendors.

Summary: Cities and counties are authorized to use a negotiated bid process to award contracts for the design, construction, and operation of major solid waste facilities as an alternative to the competitive bid process.

Second and third class cities and towns are authorized to enter into contracts for solid waste services for periods greater than five years.

Solid waste definitions used throughout city and county statutes are made more consistent. Counties are given express authority to charge rates for disposal services.

Votes on Final Passage:

House	97	0	
Senate	45	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 23, 1989

SHB 1569

C 362 L 89

By Committee on Natural Resources & Parks (originally sponsored by Representatives Belcher, Locke, Holland and Sayan)

Regarding forest protection.

House Committee on Natural Resources & Parks
House Committee on Appropriations
Senate Committee on Ways & Means

Background: The Department of Natural Resources (DNR) provides forest fire protection for 12.5 million acres of forest land in the state. Of the 12.5 million acres, approximately 10.4 million acres is private land, and 2.1 million acres is state land. DNR protects about half the forest land in the state; the remainder is protected by various federal agencies and rural fire districts. DNR divides its fire control activities into two programs: protection and suppression.

The protection program includes prevention, presuppression, and detection activities, including the purchase of equipment and hiring and training of fire fighters. For the 1987–89 biennium, 62 percent of the protection program monies came from the state general fund, 33 percent from landowner assessments, and 5 percent from federal sources. The landowner forest protection assessments are set by statute at 21 cents per acre each year in western Washington and 17 cents per acre each year in eastern Washington.

The suppression program includes the costs associated with extinguishing forest fires such as crew costs, overtime, equipment rental, and supplies. Funding for suppression activities is determined by the cause of the fire. Suppression costs for fires started by the general public or by lightning are paid from the state general fund. Suppression costs for fires started as a result of a landowner operation are paid from the landowner contingency forest fire suppression account. Forest landowners pay an annual per acre assessment into the contingency account, the balance of which cannot exceed $2 million. Current annual assessment rates are 8 cents per acre in western Washington and 4 cents per acre in eastern Washington.

Summary: Annual forest assessments for the forest fire protection program are increased to 22 cents per acre statewide. In 1990, the minimum payment per parcel will increase from $5.10 in eastern Washington and $6.30 in western Washington to $10 statewide. In 1991, the minimum payment per parcel will increase to $14 per parcel.

Assessors are given the discretionary authority to collect the annual assessment on tax–exempt parcels smaller than 10 acres. DNR may collect the assessment if the assessor elects not to. Landowners with two or more parcels in a county, each containing less than 50 acres, may obtain a refund on assessments paid if the total acreage in a county does not exceed 50 acres.

Beginning in 1991, the department shall grant up to $200,000 a year of the forest assessment money to rural fire districts. The money shall be used for assisting the department with fire protection services on forest lands.

The landowner contingency forest fire suppression account becomes a non–appropriated account. The use of money in the account is expanded from forest fire suppression to funding activities which would abate, isolate, or reduce extreme fire hazards. Money recovered from a landowner for the costs of reducing extreme fire hazards are to be deposited in the account.

The maximum fund balance in the landowner contingency forest fire suppression account is increased from $2 million to $3 million.

The DNR may borrow money at any time from any fund the state treasurer deems appropriate in order to meet unbudgeted forest fire suppression expenses. Any borrowed money must be repaid with interest.

Votes on Final Passage:

House	90	0	
Senate	33	13	(Senate amended)
House	95	2	(House concurred)

Effective: July 23, 1989

SHB 1572

C 215 L 89

By Committee on State Government (originally sponsored by Representatives R. Fisher and McLean; by request of Secretary of State)

Clarifying procedures for nominations of minor parties and independent candidates.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Minor party and independent candidates for partisan, elective offices must be nominated by conventions. The convention must be attended by, and the nomination of each candidate must be supported by the signatures of, the greater of the following number of registered voters: 25; or one for each 10,000 persons who voted in the jurisdiction of the office sought at the last presidential election.

Certificates of nomination with the required number of supporting signatures must be filed with and canvassed by the Secretary of State. A declaration of candidacy for each person nominated under this system must be filed with the Secretary of State within one week of the time the certificate of nomination is filed with the secretary.

Summary: The convention held for nominating a minor party or independent candidate for a partisan elective office must be attended by at least 25 registered voters. The nomination of candidates for the office of president and vice–president, U.S. senator, or state–wide office must be supported by the signatures of 200 registered voters obtained at one or more nominating conventions. The nomination of a candidate for any other office must be supported by the signatures of 25 persons who are registered to vote in the jurisdiction of the office. The signatures of these 25 voters must be obtained at a single convention instead of requiring these conventions to be held on one specific day, conventions may be held at any time during a specified week that is before the date on which declarations of candidacy may be filed for an election.

The certificates of nomination from a convention must be filed with the county auditor if the nominations are for offices entirely within one county. If a convention nominates candidates for other offices, all certificates of nomination must be filed with the Secretary of State.

The elections officer with whom a certificate is filed must canvass the signatures and notify the presiding officer and other interested parties of the results. Appeals of the elections officer's determinations must be filed with the superior court. The nominating petitions are not available for public inspection or copying.

A convention nominating candidates for president and vice–president must submit lists of presidential electors to the Secretary of State within 10 days of the adjournment of the convention.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: July 23, 1989

HB 1573

C 141 L 89

By Representatives Ebersole, Wang, Betrozoff, May, Appelwick, Heavey, Valle, Walker, Locke, Holland, Cole, Pruitt, Ferguson, Horn, Dorn, Winsley and Jacobsen

Regarding identification of levy reduction funds.

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

Background: In 1987 the Legislature enacted legislation to determine which money received by a school district could be counted toward a reduction in the calculation of districts' levy authority. This reduction applies to any school district with levy authority above 20 percent, until its authorized levy is reduced to 20 percent. The 1987 legislation defined levy reduction funds as increases in state funds allocated to a district that are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments recognized in the state allocation formulas. Any other increases in state allocations that were not specifically excluded were considered levy reduction funds.

In 1988, legislation redefined levy reduction funds to include: enhancements in state funding formulas for basic education allocations; state and federal categorical allocations for pupil transportation, handicapped education, education of highly capable students, compensatory education, food services and state–wide block grant programs; and any other federal allocations for elementary and secondary school programs, including direct grants other than federal impact aid

funds and allocations in lieu of taxes. The 1988 legislation included language defining how to compute a formula enhancement.

Summary: The definition of levy reduction funds is changed. Levy reduction funds are increases in state funds that are not attributable to enrollment changes, compensation increases, or inflationary adjustments and that are or were specifically identified as levy reduction funds in the appropriations act. Levy reduction funds shall not include money received by a school district from cities or counties.

Votes on Final Passage:

House	93	0
Senate	43	0

Effective: July 1, 1989

SHB 1574

C 384 L 89

By Committee on Revenue (originally sponsored by Representatives Wang, D. Sommers, Haugen and Nealey)

Authorizing cities and towns to impose an excise tax on brokered natural gas.

House Committee on Revenue
Senate Committee on Ways & Means

Background: The state and some cities levy a public utility tax on the gross income received by natural gas utilities from the production or distribution of gas in Washington State. The state public utility tax rate for natural gas utilities is 3.852 percent. Cities may levy a utility tax at a rate not exceeding 6 percent unless city voters approve a higher rate.

Until recently, federal regulations required users of natural gas to purchase directly from in–state natural gas utilities. Due to changes in these regulations, large companies may now bypass in–state utilities and obtain natural gas directly from an out–of–state producer or broker. Purchases of brokered natural gas are not subject to public utility taxation, and are subject to sales or use tax instead.

Manufactured gas is treated the same as natural gas for tax purposes.

Summary: Brokered natural gas is exempted from both state and local sales and use taxation. A new state tax is imposed for the privilege of using natural gas in the state, with a rate equal to the state public utility tax on non–brokered natural gas. Cities are authorized to impose a new tax for the privilege of using natural gas in the city, with a rate equal to the city public utility tax on natural gas.

These new state and city use taxes do not apply to the use of natural gas if the seller of the gas has paid a state or city public utility tax on the gas. The tax base does not include charges for the transmission of gas that is subject to the new use taxes.

Credits are allowed against the new use taxes for (1) taxes similar to Washington's state and local public utility taxes that are paid by the seller to another state, and (2) taxes similar to the use taxes imposed by this bill that are paid by the consumer to another state.

The consumer of the gas is responsible for payment of taxes to the Department of Revenue. The person delivering the gas to the consumer must report quarterly to the department on the volume of gas delivered and the name of the consumer to whom the gas was delivered.

Votes on Final Passage:

House	93	4	
Senate	45	0	(Senate amended)
House	92	5	(House concurred)

Effective: July 1, 1990

SHB 1581

C 11 L 89 E1

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Brough, Cole, Miller, Vekich, Anderson, R. King, Winsley, Hankins, Rector, Brekke, Appelwick, Jacobsen, Leonard, Dellwo, Nutley, Locke, Belcher, H. Sommers, R. Fisher, Wineberry, Sayan, Prentice, Valle, Crane, Nelson, Ebersole, Fraser, Phillips, Rust and Basich)

Providing for family and medical leave.

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

Background: The growth in two wage–earner families, single parent families, and working women, among other factors, has prompted an examination of employer leave policies to better accommodate employees.

In 1987, the House of Representatives passed family leave legislation which would have provided for 16 weeks of unpaid, job–protected leave to care for a newborn or adoptive child or a family member with a serious health condition. The bill died in the Senate and the Legislature established a Select Committee on

Employment and the Family to study family leave and related issues. The Select Committee recommended what became known as the "family care" law, which was enacted in 1988. The family care law requires all employers to allow employees covered by industrial welfare (all major employee groups except agricultural employees) to use accrued sick leave to care for their children with health conditions requiring treatment or supervision.

Human Rights Commission rules also address leave from employment in a limited way. All employers with eight or more employees must grant a woman a leave of absence for the period of maternity disability. No leave is generally required beyond the period of a woman's disability or for other new parents, such as fathers and adoptive parents. However, an employer must treat men and women equally. If, for example, an employer grants leave to women to care for newly adopted children, the employer must also grant leave to men.

Summary:

FAMILY LEAVE

Coverage

Employees of covered Washington employers are entitled to unpaid, job–protected family leave. The family leave provisions apply to an employee who worked for a covered employer at least 35 hours per week during the previous year. Private business or local government must provide family leave if the employer employs 100 or more persons either at the place where the employee reports for work, or if the employer maintains a central hiring location and customarily transfers employees among workplaces, within a 20 mile radius of the place where the employee reports for work. The state government must also provide family leave.

An employer may limit or deny family leave to up to 10 percent of the employer's workforce in the state which the employer designates as key personnel, or to the highest paid 10 percent of the employer's employees in the state. Limitations are placed on an employer's designation of key personnel.

Leave

An employee is entitled to 12 weeks of family leave during any 24 month period for the following reasons:

- To care for a newborn biological child or stepchild, or adopted child under the age of six. The leave must be completed within 12 months of the birth or adoption placement, or
- To care for a child with a terminal health condition.

The leave is in addition to any maternity disability leave.

Job protection and benefits

An employee returning from leave is entitled to reinstatement to the same position or a position with equivalent benefits and pay within 20 miles of the employee's workplace, or, if the employer's circumstances have changed, to any other position which is vacant and for which the employee is qualified. The right to reinstatement does not apply if the employee's position is eliminated by a bona fide restructuring or reduction–in–force, the workplace is shut down or moved, or if the employee takes another job, fails to provide timely notice of leave, or fails to return on the established ending date of leave.

If an employer provided medical or dental benefits prior to leave, the employee may continue coverage by paying for the continued coverage.

Other provisions

Notice. An employee planning to take family leave for the birth or adoption of a child must give the employer at least 30 days' written notice of the dates of leave. The employee must adhere to the dates unless the birth is premature, the mother is incapacitated such that she is unable to care for the child, or an adoption placement is unanticipated, in which case the employee must state revised dates as soon as possible but at least within one working day. The employer and employee may also agree to alter the dates of leave.

If leave to care for a child with a terminal health condition is foreseeable, the employee must give the employer at least 14 days' notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. If the leave is not foreseeable, the employee shall notify the employer of the leave as soon as possible, but at least within one working day.

If an employee fails to give the required notice the employer may reduce or extend the leave by three weeks.

Use of paid leave. An employer may require an employee to use the employee's paid leave before taking unpaid leave.

Reduced leave schedule. With the employer's approval, an employee may take leave by working fewer than the employee's usual hours or days per week.

Confirmation by health care provider. An employer may require confirmation by a health care provider in case of a dispute regarding premature birth, incapacitation of the mother, maternity disability, or terminal health condition of a child.

General provisions. The Department of Labor & Industries is directed to administer the family leave provisions. The department must furnish employers with a poster which describes the law.

An employee may file a complaint with the department within 90 days of an alleged violation of the family leave or adoptive leave provisions. The department may fine an employer up to $200 for the first violation and up to $1000 for each subsequent violation. The department may also order an employer to reinstate an employee, with or without back pay. Employees do not have a private cause of action.

The department is directed to cease enforcing the act upon the effective date of any federal act which the department determines, with the consent of the Legislative Budget Committee, to be substantially similar to Washington law.

LEAVE FOR ADOPTIVE AND OTHER PARENTS

An employer must grant a parent adopting a child under the age of six and a stepparent of a newborn child leave under the same terms as the employer grants leave to biological parents. An employer must also grant leave to men and women upon the same terms. An employer is not required to grant men leave equivalent to maternity disability leave. The provisions for adoptive and other leave apply to all employees covered by industrial welfare. The Department of Labor and Industries is directed to administer and enforce the adoptive leave provision. The department may assess penalties for infractions.

Votes on Final Passage:

House	57	39	
First Special Session			
House	50	31	
Senate	27	18	(Senate amended)
House	78	16	(House concurred)

Effective: September 1, 1989

SHB 1582

FULL VETO

By Committee on Appropriations (originally sponsored by Representatives Cole, Peery, Ebersole, Prentice, Todd, Jones, Scott, Leonard, Valle, Rasmussen, P. King, Pruitt, Jacobsen, Appelwick, Anderson, Winsley, R. Fisher, Wang, Wineberry, R. King, Belcher, Rust, H. Myers Crane, Phillips and Brekke)

Establishing a before and after school child care pilot program.

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

Background: Numerous sources have reported on the difficulty faced by parents in finding safe and reliable child care. This problem is even more difficult for the low-income family that has limited resources to spend on child care.

The Department of Social and Health Services has authorized child care programs as part of its child welfare services. Currently, most school district before and after school child care programs are not licensed as child care providers through the Department of Social and Health Services. As a result, low-income parents who are eligible for state subsidies for child care cannot use these subsidies for the school district programs.

Summary: If a low-income family is eligible to receive funding for child care, placement of a child in a before and after school child care program provided by the school district shall qualify for payments from the Department of Social and Health Services. School child care programs shall not be required to meet the Department of Social and Health Services licensure requirements for child care programs.

By December 1, 1989, the Superintendent of Public Instruction, in consultation with the Department of Social and Health Services, shall adopt rules providing for minimum standards for before and after school care programs operated by school districts. The rules shall include, but are not limited to, staff qualifications, child to adult ratio, facility requirements, and program content.

Votes on Final Passage:

House	86	4	
Senate	40	6	(Senate amended)
House	97	0	(House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 1599

C 3 L 89

By Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Bristow, H. Sommers, Winsley, Miller, Sayan, Pruitt, Wineberry, P. King, Rayburn, Raiter, R. King, Belcher, Jones, Scott, Baugher, Jacobsen, H. Myers, Rasmussen, Spanel, Basich, Phillips, Appelwick and Day)

Making appropriations for persons suffering from alcoholism or drug addiction.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: In 1987, the Legislature enacted the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) to provide treatment or shelter services for low income disabled alcoholics and drug addicts. The size of the program was limited by appropriated funds. Under the original design, program participants would be offered a continuum of residential and outpatient treatment. Those not entering treatment would receive room and board through contracted housing. The state general assistance program (GAU) was revised to remove persons disabled solely because of drug or alcohol abuse.

Legal actions have expanded clients options. Clients may now receive cash grants through a protective payee instead of room and board. They may also enter directly into outpatient treatment without first receiving inpatient care. These changes resulted in rapid expansion of the program, particularly in outpatient treatment (which includes shelter).

In order to bring projected expenditures back within budget, the Governor, effective February 1, 1989, eliminated outpatient programs and limited shelter to those already in the ADATSA program. A subsequent Superior Court restraining order prohibited the limit on shelter, while allowing the elimination of treatment. Most of the successful legal actions were based on provisions of ADATSA general income assistance laws.

Summary: An emergency appropriation of $10,200,000, including $5,400,000 in state funds, is provided for the Alcohol and Drug Addiction Treatment and Support Act (ADATSA). This amount is in addition to $38.9 million already appropriated for the program. Caseload and expenditure limits are established to assure that the funds are distributed evenly through the remainder of the 1987–89 biennium.

Statutory revisions are made to enable the Department of Social and Health Services to operate the program within appropriated levels. Those revisions include repeal of statutes that may be interpreted as providing a service entitlement, and exempting ADATSA from most general income assistance provisions. The department is authorized to establish caseload ceilings, eligibility standards, and priority classifications for ADATSA services.

Votes on Final Passage:

House	93	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: February 17, 1989

HB 1618

C 363 L 89

By Representatives Locke, Nutley, Winsley, Wineberry, Betrozoff, Anderson, Jacobsen and O'Brien

Making major revisions concerning public housing authorities.

House Committee on Housing
Senate Committee on Economic Development & Labor

Background: The state's Housing Authorities Law, enacted in 1939, created local public housing authorities in each county and city of the state. The purpose of a public housing authority is to provide safe and sanitary housing for persons of low–income. Persons of low–income are defined as an individual or household whose annual income is at or below 50 percent of median income, based on household size, for the county where the housing is located. The housing for persons of low–income is provided through the administration of various federal, state, or local housing programs.

Public housing authorities are authorized to lease, rent, own or manage buildings containing a housing project for persons of low–income. A housing project is defined as dwelling units that occupy at least 30 percent of the interior space of any individual building in a project, and at least 50 percent of the interior space in the total project.

Public housing authorities are authorized to make loans to property owners to construct or improve their housing. In exchange for the financial assistance the property owner agrees to rent the property to persons of low–income for at least 10 years. In addition, the property owner must: (a) ensure that other federal, state, or local government financial assistance will be provided for the project; or (b) provide the public housing authority at least a 25 percent interest in the completed building or development or at least 25 percent ownership of the housing units in the completed building or development.

Under the state's Housing Authorities Law, public housing authorities must sell all real or personal property at fair market value and are not authorized to use the small works roster process to award public works contracts for construction, repair, or alteration projects.

HB 1618

Summary: The state's Housing Authorities Law is revised to allow public housing authorities greater participation in the provision of housing that is affordable to persons of low–income.

Several changes are made to assist public housing authorities in the development of housing that contains a mix of income groups. First, the definition of housing project is expanded to include mobile home parks. Second, single family or duplex residential buildings are exempt from the requirement that 30 percent of the interior space of any individual building must be occupied by persons of low–income, but the requirement that 50 percent of the interior space of the total project must be occupied by persons of low–income is retained. Finally, property of the public housing authority may be sold at below fair market value to governmental bodies, or non–profit corporations, or persons of low–income, provided that the property is used for housing for persons of low–income for at least 20 years.

Changes are also made to assist in the development of housing that is available to persons of low–income. Public housing authorities are authorized to provide financial assistance to profit motivated developers or property owners on the condition that: (a) the dwelling units cannot be rented to persons with income greater than 50 percent of median income; (b) the rents on the units cannot exceed 15 percent of the area median income, based on household size; (c) at least 30 percent of the interior space of any individual building, other than a detached single family or duplex residential building, or at least 50 percent of the interior space of the total project must be rented to persons of low–income; (d) the use of the property for persons of low–income is for at least 20 years; and (e) the written findings of the public housing authority support the need for financial assistance in order for the project to proceed.

The Housing Authorities Law is revised to allow the award of construction, repair, or alteration projects, estimated to cost less than $40,000, through the small works roster process. To use the small workers roster process, a housing authority must solicit quotations from at least five contractors on the roster. When possible, the authority must solicit at least one quotation from a minority or woman contractor, or a contractor that employs or commits to employ residents of housing owned or managed by the housing authority.

Votes on Final Passage:

House	98	0
Senate	45	0

Effective: July 23, 1989

SHB 1619

PARTIAL VETO

C 270 L 89

By Committee on Human Services (originally sponsored by Representative Brekke)

Revising treatment of alcoholism and other drug addiction.

House Committee on Human Services
Senate Committee on Health Care & Corrections

Background: The Bureau of Alcohol and Substance Abuse develops and administers a comprehensive program of alcoholism and drug addiction treatment and prevention services for residents of Washington. It seeks to reduce alcoholism and drug dependency by providing treatment services but the bureau does not provide any direct treatment services. The bureau's prevention and treatment funds are disbursed through contracts. The bureau regulates all providers of alcoholism and drug abuse services in the state. It contracts with counties and non–profit agencies to provide treatment services to persons who cannot pay for the full cost of that treatment and to provide a prevention program directed at youth.

The duties and responsibilities of the Department of Social and Health Services for providing these services are specified in three chapters of the law:

Chapter 69.54 establishes certification standards for drug treatment centers. It also provides for financial support for county drug abuse programs, the establishment of county drug abuse administrative boards, and the certification of methadone treatment programs.

Chapter 70.96 provides for the approval of alcoholism treatment facilities, financial assistance to county alcoholism programs, and the establishment of county alcoholism administrative boards.

Chapter 70.96A is the Uniform Alcoholism and Intoxication Treatment Law, providing for voluntary and involuntary treatment of persons incapacitated by alcohol. The chapter also authorizes a discrete treatment program for alcoholism provided by the department, including emergency treatment, inpatient and outpatient treatment and follow–up. Standards for both public and private treatment facilities are also established.

These three chapters contain dated terminology, obsolete definitions, and duplicative sections. They maintain a separate status for drug treatment centers and alcohol treatment facilities whose standards were combined and made uniform by rule in 1985.

Alcohol and drug addictions are considered unprofessional conduct under the Uniform Disciplinary Act for the regulated health professions.

Summary: Chapter 69.54 RCW relating to drug treatment, and Chapter 70.96 RCW relating to alcoholism treatment are repealed and re-codified in Chapter 70.96A RCW. The definition of alcoholic is clarified, and new definitions of alcoholism, chemical dependency, and drug addiction are provided. Chemical dependency refers to both alcoholism and drug addiction, which are declared diseases in need of treatment.

Obsolete language and duplicative sections are repealed and the separate distinctions for alcoholism and drug treatment programs are unified in a comprehensive chapter.

Alcohol and drug misuse are considered unprofessional conduct under the Uniform Disciplinary Act for the regulated health professions.

Votes on Final Passage:

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

Effective: July 23, 1989

Partial Veto Summary: The veto of selected sections, on technical grounds, removes conflicting amendments made to those same sections in two other bills which were approved by the Governor. (See VETO MESSAGE)

SHB 1630

PARTIAL VETO

C 343 L 89

By Committee on Housing (originally sponsored by Representatives Nutley, Winsley, Leonard, Todd and Brough)

Clarifying the property status of manufactured homes.

House Committee on Housing
Senate Committee on Economic Development & Labor

Background: A manufactured home (mobile home) is built in a factory and moved, generally in two sections, to a site. The manufactured home is built on a frame that includes a wheel chassis and hitch so that the home can be towed on the public highways. The construction of these homes is regulated by the federal Department of Housing and Urban Development. Manufactured homes generally are treated in statute as vehicles, and are titled.

Real property is generally defined as land and anything affixed or attached to the land, so that the thing attached and the land are considered as one. Real property ownership is based on a chain of ownership, with transfer of the property accomplished through the recording of documents with county officials. These records are based on the legal description of the land, which is a description of the boundaries of the land and where the land is located in the county. These records do not specify what is affixed to the property, such as a house or other improvements.

Personal property is something that can be owned that is not real property. Personal property includes boats, automobiles, stocks, bonds, patents, and appliances. Personal property ownership is usually based on possession of the property or on a title or other document evidencing ownership.

Personal property can be attached or affixed to real property so that it becomes part of and is treated as real property. This type of property is commonly called a fixture.

Manufactured homes are personal property when they are built, and when placed in a mobile home park or on a rented individual lot. The status of a manufactured home that is affixed to land owned by the same person who owns the manufactured home is not clear. While it may be argued that the manufactured home becomes real property much like a fixture, the titling statute appears to require that a manufactured home be treated like personal property even where it is affixed to land owned by the home-owner. The financial industry generally treats manufactured homes that are affixed to land owned by the home-owner as real property, although the title can cause confusion.

The distinction between personal property and real property can be very significant, especially with respect to the protections provided to the property owner (i.e. foreclosure), the terms and availability of financing, and the perfecting of security interests.

Summary: When a manufactured home is sold or transferred after the effective date of the act, it becomes real property when the new owner eliminates the title by following a statutory process. If a manufactured home is sold or transferred after the effective date of the act and the new owner does not eliminate the title by following the statutory process, the manufactured home is classified as personal property. A person who owns a manufactured home at the time the act takes effect may voluntarily eliminate the title by following the statutory process.

Law in effect prior to the effective date of the act applies to manufactured homes that have not changed

ownership and have not had the title eliminated after the effective date of the act.

A statutory process to eliminate the title and have the manufactured home classified as real property is established for homeowners who own the land to which the manufactured home is affixed. The process requires the owners of the manufactured home to apply to the Department of Licensing (DOL). The application contains: (1) information on the owner and the secured parties, (2) consent of the legal owner of the manufactured home, and (3) certification by the local government that the home is permanently affixed to the land.

After verifying that all requirements have been met, DOL must approve the application and have it recorded in the county where the land is located. After the documents are recorded by the county auditor, the manufactured home is treated the same as a site-built home is treated (real property), and removal of the home is not allowed unless the owners follow a statutory process to retitle the manufactured home.

The statutory process to retitle and move a manufactured home when the title has been eliminated requires: (1) that the owners apply to DOL for a title, (2) that all lienholders in the land consent to retitling and moving the home, and (3) that a title company list the owners and lienholders in the land. After verifying that all the requirements have been met, DOL must reissue a title and have the application recorded in the county real property records for the land from which the home is being removed. A process is also provided for moving the home from one location to another but not retitling the home.

The act applies prospectively only and has no effect on taxation. The act takes effect on March 1, 1990.

Votes on Final Passage:

House	95	0
Senate	45	0

Effective: March 1, 1990

Partial Veto Summary: A section changing some definitions in current law is vetoed; these definitions were changed by other enacted legislation. (See VETO MESSAGE)

HB 1631

C 277 L 89

By Representatives Ferguson, Haugen, Van Luven, Braddock, Hine, Nelson, May and Day

Financing convention centers through local improvement districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: In order to finance a variety of public facilities, including streets, sidewalks, sewer systems, and water systems, cities and towns are authorized to create local improvement districts and to impose special assessments within the local improvement districts.

Cities and towns are authorized to construct convention centers.

Summary: A certain type of city is authorized to create a local improvement district to finance the construction of a convention center. The city must have been incorporated before January 1, 1982, must be located in a county with a population of more than 1 million, and must have authority to impose a special excise tax on hotel/motel room rental charges. This authority does not extend to Seattle. The special assessments can be used only to cover a funding shortfall that occurs when the receipts from the tax on local hotel/motel room rental charges are insufficient to fund the annual debt service costs for construction of a convention center. The special assessments may not be imposed upon single-family or multi-family permanent residences.

Votes on Final Passage:

House	98	0	
Senate	37	6	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

SHB 1635

PARTIAL VETO

C 360 L 89

By Committee on Judiciary (originally sponsored by Representatives Brough, Appelwick and G. Fisher; by request of Department of Social and Health Services)

Making changes to support enforcement provisions.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A civil action to enforce a judgment or decree must be commenced within 10 years. A judgment becomes a lien on the property of the judgment debtor and remains in effect for 10 years. Judgments based on a child support debt accrue interest at 6 percent per year.

A continuing lien on wages has priority over any subsequent garnishment or wage assignment.

Federal pensions are exempt from garnishment, execution, or attachment, unless otherwise provided by

federal law. Except for wage assignments and administrative orders for child support, state pensions are generally exempt from execution, garnishment, or attachment. The Department of Social and Health Services (DSHS) may attach the bank accounts of a parent obligated to pay child support by serving an order to withhold and deliver on the bank branch where the account is located. The general garnishment statute allows a creditor to serve the garnishment on the main branch and attach all accounts of the debtor in all the financial institution's branches.

DSHS may enter an administrative order to any person to withhold and deliver property, including wages, to DSHS to satisfy a support debt owed to the department. The order may be issued 21 days after the debtor is notified of a support debt. If the person served with the order fails to comply, he or she is liable for 100 percent of the value of the debt, plus costs, interest, and reasonable attorney's fees.

Within DSHS's Office of Support Enforcement is the Washington State Support Registry. The support registry collects and disburses support paid to the registry. A person who has been ordered to make support payments through the registry is not entitled to a credit for any payments which are not paid through the registry.

DSHS must issue a notice of support debt prior to taking action to enforce a superior court order for child support. The notice must state the amount of debt owed and include a statement that the property of the debtor may be seized. The department may not initiate collection proceedings until at least 20 days after the notice has been served.

Twenty-one days after service of the notice of support debt or other notice of financial responsibility, the department may assert a lien on the real and personal property of the debtor. The lien attaches from the date of filing with the county auditor in any county in which the property is located. A lien against wages attaches when filed with the county auditor of the county in which the employer is located.

DSHS may accept requests from other states to provide child support enforcement services. The request from the other state must include a signed authorization from the state and from the person to whom support is owed granting the department authority to initiate enforcement proceedings. The department may require additional information and documentation.

At the time it enters an order for child support, the court must order payments to be made through the support registry or, if it determines that the parties have agreed to a plan that has assurances that support will be paid, to the person entitled to receive support. The support order must include a statement that a notice of payroll deduction may be issued if support is 15 days or more past due in an amount equal to one month's support. The support order must also include the custodial parent's social security number and address.

The Child Support Schedule Commission has 11 members, including the Secretary of DSHS, the Attorney General, and the Administrator for the Courts.

In proceedings under the Uniform Parentage Act, the court may enter an order for child support in appropriate circumstances. In determining child support, the court is directed to consider a number of factors. In proceedings for a dissolution of marriage, the court may order either or both parents to pay child support based on the child support schedule.

When the Legislature created the Washington State Child Support Registry, DSHS and the Employment Security Department were directed to study ways in which reports to the agencies could be combined for the purposes of both agencies.

Summary: A civil action to enforce a judgment for past due child support under an order entered after the effective date of the act may be commenced within 10 years after the youngest child subject to the support order turns 18. Liens for child support orders entered after the effective date of the act are also effective for the same period. Judgments based on a child support debt accrue interest at 12 percent per year.

A continuing lien on wages does not have priority over a notice of payroll deduction, a wage assignment, or a garnishment to enforce a child support obligation. In addition to other collection actions to enforce a child support obligations, a notice of payroll deduction may be issued for a federal or state pension.

The penalty for a failure to comply with an order to withhold and deliver issued by DSHS is the lesser of the amount that should have been withheld under the order or 100 percent of the value of the debt.

A person who has been ordered to make payments through the support registry but who makes payments in another manner may be credited with those payments if DSHS determines that the credit would not prejudice the rights of the person entitled to receive the payments or if a court directs that a credit be given.

DSHS may initiate a collection action to enforce an administrative order of support. Notice of intent to initiate the action need not be given if the court order or administrative order contains a statement that the collection action may be taken without further notice.

DSHS may assert a lien against property when a support obligation is past due.

A request from another state for child support enforcement services does not need to be signed by the person to whom support is owed.

For child support orders entered after July 1, 1990, the order must state that a payroll deduction may be initiated if support is past due. The 15 day grace period is eliminated.

In proceedings under the Uniform Parentage Act, the court must consider the child support schedule in determining the appropriate level of child support.

The chief administrative law judge is made the 12th member of the Child Support Schedule Commission.

In proceedings for the dissolution of a marriage, the court must order either or both parents to pay child support. If support is ordered, the court must determine the appropriate amount based on the child support schedule.

A parent who is obligated to pay child support may file a motion for an accounting of how the support is spent. The parent filing the motion must meet specified payment levels, based on the number of children, pay at least half of the basic support obligation, and be current in all support payments. The motion must be accompanied by an affidavit stating facts which demonstrate that a substantial portion of the support is not benefiting the child. If the court grants the motion, it must enter written findings of fact and may order mediation or may schedule a show cause hearing. If the motion is denied, it must award costs and attorneys fees. If the court determines at the show cause hearing that a substantial portion of the support is not benefiting the child, it must enter an appropriate order. A motion for an accounting may not be filed more often than once every 12 months.

Employers in five industrial categories are required to report new employees within 35 days of hiring to the Washington State Support Registry. Employers are not required to report employees who work less than one month, have fewer than 350 hours over six months, or earn less than $300 a month. An employer's failure to make a report may subject the employer to a warning on the first violation and a fine of up to $250 for subsequent violations. The reporting requirement expires July 1, 1993. The Legislative Budget Committee is directed to report the effectiveness of the reporting system by November 7, 1992.

Votes on Final Passage:

House	86	4	
Senate	46	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	46	0
House	91	6

Effective: July 23, 1989
May 12, 1989 (Sections 9, 10, and 16)
July 1, 1990 (Section 39)

Partial Veto Summary: The section of the bill providing a procedure for an accounting of how child support is spent is vetoed. The same section also provides that the court shall order either or both parents to pay child support. (See VETO MESSAGE)

SHB 1639

C 63 L 89

By Committee on Local Government (originally sponsored by Representatives Dorn, Ferguson, Cooper, R. Meyers, Haugen, Zellinsky and Rasmussen)

Regulating fire districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Fire protection districts are special districts authorized to perform fire suppression and emergency medical services. Fire protection districts have annexation powers. It is doubtful that these powers extend to territory located in more than one county. In 1987, two fire protection districts each annexed adjacent territory that was located in another county. The Department of Revenue would not permit these two districts to impose their property taxes in the newly annexed territory. Legislation was enacted in 1988 that permitted the collection of such property taxes, but general fire protection district laws were not altered to provide expressly that a fire protection district may include territory located in more than one county.

Fire protection districts are governed by either a three member or five member board of commissioners who are elected to six–year staggered terms at general elections held in odd–numbered years.

Some fire protection district election statutes vary from general election laws.

Summary: Fire protection districts are authorized expressly to include territory located in more than a single county within their boundaries. In specified instances, the county official of the county in which the largest portion of a fire protection district is located becomes the lead official for various actions.

Fire protection district election statutes are altered to conform with general election laws.

Duplicate hearings by both a boundary review board and the county legislative authority are eliminated on proposed incorporations of fire protection districts and annexations by fire protection districts. References to boundary review board statutes are made in fire protection district statutes.

Statutes concerning vacancies on boards of fire commissioners are altered to conform with general laws.

The direct property owner petition method for fire protection districts to annex territory is altered to require approval by the county legislative authority to the same extent as such approval is made for fire protection district annexations involving an election.

Votes on Final Passage:

House	96	0
Senate	45	0

Effective: July 23, 1989

HB 1645

PARTIAL VETO

C 415 L 89

By Representatives Walk, Prince, Zellinsky, Ballard, R. Fisher, R. Meyers and Chandler

Regulating the relationship between motor vehicle dealers and manufacturers.

House Committee on Transportation
Senate Committee on Transportation

Background: Washington State New Car/Truck Franchisees assert that inequities exist in the contractual relationships with their manufacturers. Examples of these inequities include the manufacturers denying the rights of: (1) transferability (selling, transferring, or exchanging the dealership to a qualified person of the dealer's choice); and (2) survivorship (willing the dealership to a qualified person, chosen by the dealer);

In addition, the dealers assert that the manufacturers' right to terminate a franchisee without proving good cause and acting in good faith allows the manufacturers to dictate all franchise provisions with no negotiations.

Dealers also express concern about "packing" or siting a new dealership of the same line of cars and trucks between two existing dealerships, or placing a new same line dealership across the street.

Summary: The relationship between motor vehicle dealers (franchisees) and manufacturers is re–defined. "Good faith" and "good cause" are defined for the purposes of determining if actions taken by the franchisee or manufacturer are justified.

Provisions are established for an administrative hearing on whether actions (termination, cancellation, or non–renewal) taken by the manufacturer are justified. Provision is made for a "stay" on termination and assignment actions by the manufacturer until the hearing process is completed. An appeal may be made to superior court, but following a superior court ruling any stay must be lifted.

In the case of a relevant market area protest, an arbitration process is used in lieu of an administrative law judge hearing. Any appeal of the arbitration process to the superior court shall be based solely on the character of the arbitrators and not on the finding of facts. In the case of a relevant market area protest, a stay is limited to 120 days instead of all the way through the superior court appeal process.

Criteria of a qualified person for purposes of survivorship and assignability are established. When a dealership is transferred through the survivorship or assignability provisions to an unqualified person, the manufacturer has the right to demand a qualified, experienced manager be hired.

Prior notification of an affected franchisee by the manufacturer for termination, cancellation, or non–renewal, or for locating a new dealership within the franchisee's "relevant market area" is required.

The bill establishes a "relevant market area" around franchisee dealerships. While the relevant market area applies to other franchise provisions (i.e. you must sell so many cars in your relevant market area), it is generally applied to the siting of a new or relocation of an existing franchisee. The relevant market area parameters are 10 miles in counties of 400,000 plus, and 15 miles in counties under 400,000 population, or an area described in the franchise agreement, whichever is greater.

The provisions of this legislation are applicable to franchises in effect at the time it becomes law.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 13, 1989

Partial Veto Summary: Sections allowing creation of geographic "relevant market areas" were vetoed. The Governor felt the language interferes with the competitive nature of the market and may adversely affect the consuming public. He remains convinced that the public does not benefit from this type of market interference. (See VETO MESSAGE)

SHB 1651

C 64 L 89

By Committee on Local Government (originally sponsored by Representatives Baugher, Chandler, McLean, Grant, Kremen, Jesernig, Rayburn, Rasmussen, Nealey, Braddock, Holland, Haugen, Beck, Zellinsky, Schmidt, Dorn, Basich, Raiter, Betrozoff, D. Sommers, Smith, Tate, Gallagher, Silver, Hargrove, Fuhrman, Day, Moyer, Hankins, Wood, Brooks, Walker, R. Meyers, Prince, Prentice, S. Wilson, Ebersole, Crane, Youngsman, May, Ballard, Brumsickle, Bowman, Winsley, Rector, Spanel and Inslee)

Makes various changes concerning the state flood plain management requirements.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Congress enacted the National Flood Control Insurance Act of 1968 that permits any county, city or town to participate in a federal insurance program for construction in floodable areas if certain requirements are met. This program involves flood plain management regulations that are somewhat similar to the state requirements. Failure to participate in the federal program can result in loss of federal moneys and a prohibition on the federally insured financial institutions lending money within the county, city or town.

The Legislature enacted legislation in 1935 restricting development of floodable areas. Some of these restrictions are more stringent than the federal flood insurance standards.

Summary: The state's flood control regulations are the same as the minimum federal requirements under the national flood control insurance program. However, the Department of Ecology may establish minimum state requirements for specific flood plains that exceed minimum federal requirements under the national flood insurance program if: (1) it certifies that the location of the 100 year flood plain is accurate; (2) negotiations with the affected county, city or town have been held; (3) public input has been obtained; and (4) it makes a finding that the increased requirements are necessary due to local circumstances and general public safety.

Counties, cities, and towns are permitted to adopt their own flood plain management requirements that exceed the minimum federal requirements of the national flood insurance program.

The Department of Ecology may assist local governments to locate the 100 year flood plain and petition the federal government to alter its designation of such an area.

A local flood control ordinance may not be disapproved by the Department of Ecology if the ground for disapproval is that the ordinance does not require flood proofing or elevating the lower floor levels of residential structures.

The Department of Ecology no longer can review plans for structures to be located in the flood plain areas, other than in the floodway, on banks, or in channels.

The Department of Ecology must consult with the public before adopting regulations under the state's flood plain management program.

Votes on Final Passage:

House	98	0
Senate	45	0

Effective: July 23, 1989

HB 1656

PARTIAL VETO

C 428 L 89

By Representative Crane

Changing land development regulations.

House Committee on Judiciary
Senate Committee on Financial Institutions & Insurance

Background: The Governor vetoed certain sections of the Washington Condominium Act (SB 5208) and signed the remaining sections into law. The Condominium Act is a comprehensive and extensive new law governing the development, management and ownership of condominiums. The Governor vetoed certain sections of article 4, which governs consumer protection issues.

The Governor vetoed the following sections:

Section 4–105. The Condominium Act requires the declarant to file an extensive public offering statement. The act as passed the Legislature provided several exceptions to the requirement of filing a public offering statement. The declarant was relieved from complying with the act's provisions if the declarant had filed a public disclosure document in compliance with the Securities Act, the Land Development Act, the Timeshare Act, or state law on camping resorts.

Section 4–111. The Condominium Act also contained a provision governing express warranties. One

internal reference in that provision contained a typographical error.

Section 4–114. The act provided for a four year statute of limitations for civil actions claiming violations of the Condominium Act.

Section 4–118. The act provides that a contract for sale may be negotiated but that no interest may be conveyed until the declaration is recorded. The section did not refer to another provision in the act that a declaration may not be recorded until all the units are substantially completed.

Section 4–121. The act created a statutory committee to continue to review the act and recommend changes to the Legislature.

Summary: The original provisions of the bill are stricken and certain provisions in article 4 of the Condominium Act (SB 5208) that the Governor vetoed are inserted with some modifications. The provisions govern consumer protection issues.

Section 1 is vetoed section 4–105. It is amended to reduce the available exceptions. A declarant must file a public offering statement in compliance with the act unless the declarant has filed a disclosure document under the Securities Act.

Section 2 is vetoed section 4–111 with a technical correction of a typographical error that caused some confusion regarding the express warranty provisions.

Section 3 is vetoed section 4–114 which establishes a four year statute of limitations and is inserted without change.

Section 4 is vetoed section 4–118 which states that a contract can be negotiated but no interest conveyed until the declaration is recorded and is inserted without change.

Section 5 is vetoed section 4–121 which creates a statutory review committee. The membership is modified to include designees of the Governor.

Votes on Final Passage:

House	93	0	
Senate	45	0	(Senate amended)
House	92	0	(House concurred)

Effective: July 23, 1989
July 1, 1990 (Sections 1–4)

Partial Veto Summary: The provision providing an exception to the public offering statement requirements is vetoed. The four year statute of limitations is vetoed. The provision restricting conveyance of an interest until the declaration is recorded is vetoed. (See VETO MESSAGE)

SHB 1658

C 32 L 89

By Committee on Judiciary (originally sponsored by Representatives Hargrove, Padden, Scott, Kremen, Brough, Bowman and P. King)

Modifying the sexual exploitation of children statute.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: State law prohibits various activities which involve children engaging in sexually explicit conduct. The definition of "sexually explicit conduct" includes, but is not limited to, masturbation and exhibition of the genitals or unclothed pubic or rectal area of a minor for the purpose of sexual stimulation of the viewer.

A person who compels, or a parent who permits a minor to engage in sexually explicit conduct knowing that such conduct will be photographed or will be part of a live performance is guilty of sexual exploitation of a minor. The offense is a class B felony if the minor is under 16 and a class C felony if a minor is 16 or 17 at the time of the offense.

A person who knowingly develops, sells or brings into the state, material depicting a minor under age 16 engaging in sexually explicit conduct is guilty of a class C felony.

A person who knowingly possesses material showing a minor under 16 engaged in sexually explicit conduct is guilty of a gross misdemeanor.

A person who processes material, such as film negatives, which shows minors under 16 engaged in sexually explicit conduct must report such incidents to the proper law enforcement agency. Persons failing to do so are guilty of a misdemeanor.

A person who communicates with a minor under 18 for immoral purposes or patronizes a juvenile prostitute under 18 is guilty of a class C felony.

A specific "reasonable belief" defense is provided to the crimes of sexual exploitation of a minor, communicating with a minor for immoral purposes, and patronizing a juvenile prostitute. The defense requires proof by a preponderance of the evidence that the defendant reasonably believed the minor to be over the requisite age based on the minor's declarations. It is not a defense to the crime of sexual exploitation of a minor that the defendant was a law enforcement agent. Minors may not be used to aid in investigation of the crimes of communicating with a minor for immoral purposes or patronizing a juvenile prostitute.

Summary: The statute prohibiting sexual exploitation of minors is amended. The definition of prohibited

sexually explicit conduct is modified to include exposure of the unclothed breast area of a female minor. Masturbation is included in the definition whether or not the depiction is for the sexual stimulation of the viewer.

For purposes of criminal offenses involving sexual exploitation of children, the distinction between minors under 16 and minors under 18 is eliminated. Offenses which previously applied only to minors under 16 apply to minors under 18.

The reasonable belief defense is extended to the crimes of selling or bringing into the state material depicting a minor engaging in sexually explicit conduct, but is no longer allowed as a defense to patronizing a juvenile prostitute.

It is a defense to the crimes of distributing, possessing, or bringing into the state material depicting a minor engaging in sexually explicit conduct that the defendant was a law enforcement agent in the process of conducting a criminal investigation of a sex–related crime against a minor.

Votes on Final Passage:

House	98	0
Senate	47	0

Effective: July 23, 1989

HB 1664

C 210 L 89

By Representatives Betrozoff, Baugher, Zellinsky, Patrick, R. Fisher, R. Meyers, Schmidt, Ferguson and Walker

Restricting the use of tinted glass on motor vehicles.

House Committee on Transportation
Senate Committee on Transportation

Background: Sunscreening vehicle windows is a legal practice up to a point. The limits of such tinting are established by rule of the Washington State Patrol. Some individuals are adding sunscreening over that which is installed by automobile manufacturers to a degree that it is not possible to view the driver and occupants of the vehicle or to a degree that safe driving is inhibited. A law enforcement officer approaching a vehicle with sunscreening of this type is placed in a hazardous situation because the officer is not able to view the occupants in the vehicle. With heavily tinted windows it is difficult to perceive driver switching, or the possession of weapons, contraband drugs or unlawful alcohol.

Summary: No tinting or coloring material may be applied to the surface of vehicle windows unless it measures a total reflectance of 35 percent or less, plus or minus 3 percent, and a light transmission of 35 percent or more, plus or minus 3 percent, when measured in conjunction with the safety glazing material. Sunscreening requirements are expanded to include all windows of a motor vehicle.

A greater degree of light reduction is permitted in a vehicle operated by or carrying as a passenger a person who possesses written verification from a physician that the individual must be protected from the sunlight for physical or medical reasons.

The application of sunscreening material is restricted to the top six–inch area of a vehicle's windshield.

If sunscreening material is applied to the rearview window, outside mirrors on both the left and right sides shall be located to reflect to the driver a rear view of the roadway, through each mirror, a distance of at least 200 feet.

Sunscreening materials such as mirror finish products or red, gold, yellow, or black material, are prohibited, as are spray–on or brush–on sunscreening.

Any person who operates a vehicle with tinting or coloring material in violation of this section for use on the public highways is guilty of a misdemeanor.

Limousines and passenger buses used to transport persons for compensation are exempt from the requirements of this section.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

SHB 1671

PARTIAL VETO

C 431 L 89

By Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, D. Sommers, Basich, Pruitt, Braddock, Appelwick, Ebersole, Walker, Phillips, Brekke, Rust, May, R. Fisher, Valle, Nelson, Rasmussen, Rector, Spanel, Todd and R. King)

Providing major solid waste reform.

House Committee on Environmental Affairs
House Committee on Appropriations
Senate Committee on Environment & Natural Resources and Committee on Ways & Means

Background: During the past few years several states across the nation have experienced a "solid waste crisis." The crisis is characterized by a shortage of landfill space combined with overwhelming public reaction against proposed solutions such as building new landfills or mass burn incinerators.

Some areas within the state may be on the verge of their own solid waste crisis. Many of the 78 solid waste landfills operating in the state are nearing capacity. In addition, many of these landfills may have serious environmental problems. Eight solid waste landfills are currently on the federal Superfund list and the state Superfund program will likely identify several others. Collectively, these cleanups will cost hundreds of millions of dollars.

In 1987, the Joint Select Committee for Preferred Solid Waste Management was created to recommend strategies for managing solid waste in an environmentally acceptable and cost–effective manner. The committee's efforts focused on developing a system to separate various components of the waste stream, such as paper, metals, glass, and yard waste, and managing them using a variety of "integrated" practices. These practices include recycling, composting, incineration, and landfilling. By separating the various components of the waste stream at the place where they are generated, each component can be managed in a way that will extract its highest economic value while minimizing adverse environmental impacts.

Another focus of the committee has been to identify ways in which the counties' authority to implement these practices can be increased. Under current law, counties have much less authority to manage solid waste than cities.

Summary:

Findings: The new solid waste management priorities, in descending order, are: (1) waste reduction, (2) recycling, with source separation as the preferred method, (3) energy recovery, incineration, or landfill of separated waste, and (4) energy recovery, incinerating, or landfilling mixed waste. A statewide goal of 50 percent recycling is established.

Definitions: "Recyclable materials" are defined to distinguish "recyclables" from "garbage." "Solid waste" is defined to include both "garbage" and "recyclable materials."

Service Levels: Counties and cities are required to revise their comprehensive solid waste plans by including a "waste reduction and recycling element." The plan revisions will be reviewed by the Department of Ecology within 120 days. If Ecology does not approve the plan revisions, the department must specify why they were not approved within an additional 45 day period.

Counties are grouped into four classes for the purpose of determining planning timelines. Class 1 areas are the counties of: Spokane, Snohomish, King, Pierce, and Kitsap. Class 2 areas are the counties in western Washington, except for those in class 1. Class 3 areas are the counties of eastern Washington, except for Spokane.

Revised plans must be submitted to Ecology as follows: July 1, 1991 for class 1 areas, July 1, 1992 for class 2 areas, and July 1, 1994 for class 3 areas. These plan revisions must designate urban and rural areas using population criteria, Department of Ecology planning guidelines, and other technical documents.

Urban level services include programs to: (1) reduce the amount of waste generated; (2) collect, at the residence, those recyclable materials identified by the local government; (3) monitor the collection of recyclable materials generated at businesses; (4) divert yard waste from disposal facilities, if markets exist; and (5) educate citizens about recycling. A local government may plan for an alternative to curbside collection of recyclables if approved by the Department of Ecology.

Rural level services include programs to: (1) reduce the amount of waste generated; (2) collect recyclables at drop–off and buy–back centers; (3) monitor collection of recyclable materials generated at businesses; (4) divert yard waste from landfills, if markets exist; and (5) educate citizens about recycling.

Collection and Management Authority: If a city or county chooses to remit collection authority for recyclable materials to the Utilities and Transportation Commission (UTC), the UTC is to direct the existing franchised hauler to collect the recyclables.

The commission is authorized to develop rules establishing a competition bidding process for recyclable materials but is not authorized to implement these rules.

Commercial generators may direct their recyclable materials to recycling companies. Recycling companies are authorized to collect and transport recyclables from recycling centers and, upon mutual agreement, from solid waste collection companies.

Counties may impose a fee on the service of garbage collection for the purpose of reducing the administrative and planning costs of implementing waste reduction and recycling programs. The UTC may require solid waste collection companies to use rate structures and billing systems consistent with the solid waste management priorities.

Enforcement Authority: The Institute for Urban and Rural Studies at Eastern Washington State University is to conduct a study evaluating the roles and

responsibilities of state and local entities in enforcing solid waste regulations.

Local health jurisdictions are authorized to grant to the Department of Ecology any part of its enforcement authority relating to solid waste management if approved by the legislative authority of a city and/or county.

Planning: The Department of Ecology is required to monitor the amount and types of waste generated, and to evaluate the programs to collect source separated materials by local governments. Companies engaging in recycling or garbage collection are required to provide waste stream data to Ecology.

Local governments are required to assess how the local solid waste management plan will affect solid waste collection costs. The UTC is directed to review local solid waste management plans and to advise Ecology and the local government on the plan's impact on ratepayers. Cities preparing an independent plan are no longer required to provide for disposal wholly within its jurisdiction.

Automotive Batteries: It is unlawful to dispose of automotive batteries in landfills or incinerators. Retail establishments selling batteries are required to accept used batteries from their customers purchasing new batteries in a one to one exchange. Battery wholesalers are required to accept batteries from retail customers in a one to one exchange. Battery retailers are required to add five dollars to the price of a battery if the customer does not return a used battery for exchange. Provisions are made to suspend the requirements on battery retailers and wholesalers if the market price of lead, the principle component of batteries, drops below a specified value.

Incinerators: An incinerator burning medical waste must operate in such a manner that the combustible portion of the medical waste is completely reduced to ash.

Product Packaging/Education: An environmental awards program is amended to include awards for product packaging. A product packaging task force is created to recommend standards to the awards committee for "environmental packaging," and to develop an action plan for reducing and recycling product packaging waste.

Local Government Restrictions: For a four year period commencing on April 1, 1989, the state preempts local government's authority to impose certain bans, deposits, or taxes on products or product packaging.

Local governments are prohibited from requiring retail businesses to site recycling facilities on or near their establishments as a condition of doing business.

Waste Reduction and Recycling Programs: Ecology and the Department of General Administration are required to develop a model state waste reduction and recycling program. All state agencies are required to implement the plan. Ecology is also directed to develop a competitive awards program within public schools for waste reduction and recycling. Ecology is directed to coordinate the efforts of state and local agencies developing educational materials on waste reduction and recycling.

Market Development: Local governments may develop policies to preferentially purchase products made of recyclable materials.

Local governments may receive funds from the Community Economic Revitalization Board to build public infrastructure facilities for the purpose of encouraging private development of facilities to process recyclable materials.

The Department of Trade & Economic Development (DTED) is established as the lead agency for creations and improving markets for recyclable materials. A committee is established within the department to make recommendations on creating markets for recyclable materials. The committee will be staffed by DTED and Ecology and will terminate in November of 1990.

Ecology is required to determine the feasibility of composting yard and food waste programs by providing grant funds to local government projects. Ecology is also directed to evaluate uses for mixed waste paper within the pulp and paper industry. The State Energy Office is required to determine the feasibility of burning mixed paper and plastics for energy recovery in existing facilities.

Operator Certification: Operators of solid waste incinerators and landfills are required to employ certified operators by January 1, 1992. Ecology is directed to create an advisory committee to develop a process to certify operators. Penalties for non–compliance are established.

Revenues: A 1 percent state tax is imposed on the charges made for solid waste collection services. Collection of recyclable materials is excluded from the base of the tax. A lid is imposed on the amount of the monthly collection charge that is subject to the tax, and residents not receiving refuse collection services are excluded from taxation on minimum monthly charges. The state tax is terminated July 1, 1993. Revenues, estimated at $6 million per biennium, are deposited in the state solid waste management account.

A $1 surcharge is imposed on each new replacement vehicle tire to pay for reusing or safely disposing illegally discarded tires. The surcharge will generate approximately $3 million per year and will expire October 1, 1994.

Utilities and Transportation Commission: The UTC is to consider certain expenses incurred by solid waste collection companies as normal operating expenses (i.e. "pass–throughs"), for purposes of rate–making. The UTC is directed to grant solid waste collection companies an interim rate before making a final decision about rates.

The regulatory fee imposed by the UTC on solid waste companies, including those collecting residential recyclable materials, is increased from 0.8 percent to 1 percent.

Problem Waste Study: Ecology is to determine the best available practices for the management of problem wastes. The study will include a literature search of toxic materials in landfills, incinerator ash and air emissions.

Joint Select Committee: The expiration date of the Joint Select Committee for Preferred Solid Waste Management is extended from July of 1989 to July of 1991.

Regional Facilities: Ecology is directed to provide up to three grants to local governments planning for regional solid waste facilities.

Votes on Final Passage:

House	81	13	
Senate	33	12	(Senate amended)
House	91	4	(House concurred)

Effective: July 23, 1989
July 1, 1989 (Sections 49 and 50)

Partial Veto Summary: Sections 7,14, 44, 105, and 106 were vetoed by the Governor.
The effect of removing these sections is to (1) require cities preparing an independent solid waste plan to provide disposal sites within its jurisdiction; (2) eliminate a double amendment; (3) eliminate a Business and Occupation tax exemption on core deposits; (4) delete a requirement that Ecology provide grant funds to certain regional solid waste facilities; and (5) delete a requirement that Ecology provide flexibility to local governments planning for a regional waste facility. (See VETO MESSAGE)

HB 1689

C 68 L 89

By Representatives Kremen, Gallagher and S. Wilson; by request of Department of Licensing

Revising provisions for refund of licensing fees.

House Committee on Transportation
Senate Committee on Transportation

Background: Under current law, the Department of Licensing is required to refund any overpayment of motor vehicle registration fees or motor vehicle excise taxes of $5 or more, and to collect any underpayment of $5 or more. If a license fee required under Title 46 RCW is paid erroneously, in whole or in part, a person is entitled to a refund, provided he or she applies for such refund within 13 months of the claimed erroneous payment. Current law does not provide a refund/collection procedure for vessels.

Summary: The Department of Licensing is required to refund overpayments and collect underpayments of license fees/excise taxes for motor vehicles, mobile homes, campers, travel trailers and vessels if the error is $10 or more.

Votes on Final Passage:

House	94	0
Senate	43	4

Effective: July 23, 1989

HB 1690

C 193 L 89

By Representatives Prince, Day and D. Sommers; by request of Department of Licensing

Changing provisions relating to the motor vehicle fuel tax.

House Committee on Transportation
Senate Committee on Transportation

Background: Under current law, out–of–state distributors who purchase motor vehicle or special fuel in Washington for export to another state or country must pay, in addition to the federal tax, the Washington State fuel tax. The distributor then applies for a refund of those taxes. The Department of Licensing has expedited the refund process, but it still creates a cash flow problem for out–of–state distributors.

No exemption currently exists for aircraft fuel purchased for export.

Under international law, foreign embassies and consulates and many of their personnel, as well as some international organizations, are generally exempted from paying motor fuel taxes. In most cases the exemptions are contained in treaties to which the United States is a party, and are granted only to those representatives of foreign governments that give reciprocal exemptions to United States missions and personnel. Current Washington law gives a blanket exemption to all foreign embassies and consulates and their personnel. The Office of Foreign Missions of the Department of State has requested that Washington law be modified to ensure that exemptions are granted only to those foreign governments that grant reciprocal privileges to the United States. A list of eligible foreign governments will be provided to the Department of Licensing by the Office of Foreign Missions.

Summary: Out–of–state distributors purchasing motor vehicle or special fuel for export are exempt from paying Washington State fuel tax if the purchaser obtains from the selling distributor an invoice detailing the transaction. The invoice must be filed both with the Department of Licensing and the appropriate out–of–state agency. Aircraft fuel falls within this export exemption and identical invoice requirements must be followed.

Eligible foreign government personnel are exempt from paying the Washington state tax on fuel. The U.S. Department of State shall furnish a list of eligible governments to the Department of Licensing.

Votes on Final Passage:

House	96	0	
Senate	48	0	(Senate amended)
House	92	0	(House concurred)

Effective: July 23, 1989

HB 1698

C 278 L 89

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

Consolidating standards for establishing precinct boundaries.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Each election precinct must be wholly within the district boundaries of a state and county legislative district. The precincts must be numbered consecutively for the preparation of maps and apportionment purposes. They may also be named.

Prior to the 1980 state primary, county auditors were required to prepare maps delineating precinct boundaries and to transmit the maps and corresponding lists of census blocks and enumeration districts to the Secretary of State. The maps of cities or towns were also to be transmitted to the appropriate cities or towns. The maps and lists are public records but the Secretary of State is prohibited from associating voting results with these maps and lists.

Summary: In addition to satisfying other requirements of state law, each voting precinct must be wholly within a single congressional district. Generally, alterations to the boundaries of a precinct must follow physical features delineated on the most current maps provided by the U.S. Census Bureau. A boundary does not have to follow these features if: it is identical to the exterior boundary of a new annexation or incorporation; or following those features would substantially impair election administration in the area involved.

After a change in precinct boundaries, the county auditor must send a map or maps delineating the new precinct boundaries and a legal description of the new precincts to the Secretary of State and to the cities or towns containing those precincts. The county auditor may assign names or other numbers rather than just names to the precincts for other election purposes. Copies of precinct maps must be made available to the public for a reproduction fee. The Secretary of State may adopt rules governing the review of maps delineating precinct boundary changes.

Provisions of the state's Election Code are repealed that required auditors to prepare, prior to the 1980 state primary, precinct maps and corresponding lists of census blocks and enumeration districts. Also repealed is a provision that prohibits the Secretary of State from associating voting results with these maps and lists.

Votes on Final Passage:

House	89	1	
Senate	42	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1709

C 189 L 89

By Representatives O'Brien, Patrick, R. King and Sayan; by request of Department of Labor and Industries

Revising provisions for medical aid purchase of health care goods and services.

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

Background: The Department of Labor and Industries is authorized to enter into volume–based contracts for health care services. Bidding for these contracts may require a business to disclose confidential commercial information. Under the Public Records Law, the confidential information provided by these contractors to the department is not generally protected from public disclosure.

Summary: The Department of Labor and Industries' authority to contract for health care goods and services is expanded removing the requirement that the contracts be volume–based. Upon request of a contractor, the department is required to keep financial and valuable trade information confidential. The information is not subject to public inspection and copying under the Public Records Law.

Votes on Final Passage:

House	97	0	
Senate	44	0	

Effective: July 23, 1989

SHB 1711

PARTIAL VETO

C 357 L 89

By Committee on Commerce & Labor (originally sponsored by Representatives Cole, R. King, Winsley, Jacobsen, Wood, Wang, Patrick, Anderson, Wineberry, Walker and Todd)

Creating a crime prevention employee training program for businesses during late night hours.

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

Background: Many convenience stores and other businesses remain open 24 hours per day. Training in robbery prevention and other safety precautions are not required by state law.

Summary: Businesses making sales to the public between the hours of 11 p.m. and 6 a.m. must provide crime prevention training to their employees. The required training is limited to: (1) providing a training manual developed and distributed by the Department of Labor and Industries or certified by the department; and (2) attendance at a training seminar or video presentation where the video is developed and distributed by the department or certified by the department.

In addition to the crime prevention training, the business must post a conspicuous sign in the window which states (1) that the safe on the premises is not accessible to the employees and (2) that the cash register contains only a minimal amount of cash. The establishment must also arrange posted material so that the cash register is visible from the street if the cash register is otherwise in a position visible from the street, have a drop–safe or comparable device, and provide night lighting for parking areas.

Violations of the crime prevention training requirements are subject to the penalty provisions and procedures of the Washington Industrial Safety and Health Act. An employer is not subject to penalties (1) for keeping cash in the store that exceeds the minimal amount needed to conduct business or (2) if the employees have been provided with the training manual and have been given written notice of the time, date, and place of the training seminar or video presentation.

Compliance with the crime prevention training program requirements is the sole responsibility of the employer.

Votes on Final Passage:

House	98	0	
Senate	39	6	(Senate amended)
House	97	0	(House concurred)

Effective: January 1, 1990

Partial Veto Summary: The sections of the bill were vetoed that: (1) mandated employee crime prevention training and required the development of training manuals and seminars; and (2) that limited employers' penalty liability if employees were provided with a training manual and informed of the training seminar. The Governor's veto message stated that he would request the Department of Labor and Industries to adopt rules requiring employers to develop appropriate crime prevention training programs. (See VETO MESSAGE)

HB 1718

C 108 L 89

By Representatives Hine, Silver, Baugher and D. Sommers; by request of Department of Retirement Systems

Changing provisions relating to disability retirement for Washington state patrol.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: Members of the Washington State Patrol Retirement System (WSPRS) who become disabled while actively employed receive a disability allowance paid directly by the Washington State Patrol. The contributions that the members have made to the WSPRS remain on deposit with the retirement system during their disability because no statutory authority exists for refunding contributions. Upon the death of a disabled WSPRS member, the WSPRS pays a survivor allowance to the surviving spouse. Ambiguous statutory language has been the basis in two recent appeals for arguing that the statute authorizes a refund in the case of a disability.

Summary: Members of the Washington State Patrol Retirement System who receive a disability allowance are not authorized to receive a refund of their contributions.

Votes on Final Passage:
House 98 0
Senate 43 0

Effective: July 1, 1989

HB 1719
C 191 L 89

By Representatives Hine, Silver and D. Sommers; by request of Department of Retirement Systems

Providing for disposition of excess retirement benefits upon death of the recipient.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: Persons who retire on a service retirement under Plan II provisions of the Public Employee's Retirement System, Teachers' Retirement System, and Law Enforcement Officers and Fire Fighters Retirement System, may choose from several options with respect to the pay out of their benefit. If they select the single life option and die before the total allowance paid to them equals the value of their accumulated contributions, a refund of the balance of their accumulated contributions is made either to a person designated by the retiree or to the estate.

For persons who retire on an earned disability, current law does not provide for any refund of accumulated contributions if the person dies prior to recovering earned disability payments equal to the value of accumulated contributions. Accumulations are retained by the retirement system.

Accumulated contributions are the monies contributed by the employee during active employment, plus interest.

Summary: The balance of accumulated contributions for Plan II earned disability retirees must be refunded if the retiree dies before the earned disability payments equal the value of accumulated contributions. This applies to members of the Public Employee's Retirement System, Teachers' Retirement System, and Law Enforcement Officers and Fire Fighters Retirement System.

Votes on Final Passage:
House 98 0
Senate 45 0

Effective: April 27, 1989

HB 1729
C 220 L 89

By Representatives Dellwo, Chandler, Crane and Doty; by request of Department of General Administration

Cleaning up provisions of Title 30 RCW.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: Various amendments to the bank code have modified provisions of the code and have added or deleted sections of the code. As a result, internal references in the bank code cite sections that either no longer exist or have been substantially changed.

Summary: Several technical amendments are made to the bank code correcting internal references.

Votes on Final Passage:
House 95 0
Senate 44 0

Effective: July 23, 1989

SHB 1737
PARTIAL VETO
C 5 L 89 E1

By Committee on Appropriations (originally sponsored by Representatives H. Sommers, Locke and Appelwick; by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: The Crime Victim's Compensation Program is administered by the Department of Labor and Industries. It provides benefits to crime victims pursuant to standards set under the Worker's Compensation statute. The program currently pays victims and/or their relatives for medical bills, time loss, counselor fees, therapy, and death benefits. In 1985 the Legislature authorized victims of intrafamily violence and child victims of sexual and physical abuse to receive benefits from the Crime Victim's Compensation Program. There has been a rapid increase in the caseload since this change was authorized. There are also a small number of extremely high cost cases which are consuming a significant portion of the Crime Victim's appropriation. The funding for this program comes from the Public Safety and Education Account (PSEA). The PSEA funds the operation of several agencies and programs and is derived from fines assessed against persons convicted of crimes. The retail sales tax rate is 6.5 percent on the sale of goods. Most services are not subject to the retail sales tax.

Summary: Several changes are made to the Crime Victims Compensation Program. A cap on medical expenses of $150,000 per victim is established. The director of Labor and Industries is authorized to set service levels and fees no lower than those established by the Department of Social and Health Services for comparable services and fees. The Office of Financial Management is required to study public safety and education account funded programs with special emphasis on the crime victim's compensation program. Crime victims who are eligible for medical services provided through the Department of Social and Health Services must use those services before receiving assistance through the crime victim's compensation program. A retail sales tax surcharge of 11.5 percent is imposed on adult entertainment materials. A retail sales tax of 18 percent is imposed on adult entertainment services. The proceeds of these two taxes are dedicated to the crime victims compensation fund established under Chapter 7.68 RCW.

Votes on Final Passage:

House	95	1	
Senate	27	20	(Senate amended)
First Special Session			
House	79	2	
Senate	35	10	(Senate amended)
House	94	1	(House concurred)

Effective: July 1, 1989
May 14, 1989 (Sections 3 and 7)

Partial Veto Summary: The Governor vetoed the retail sales tax surcharge on adult entertainment materials and the retail sales tax on adult entertainment services. A study of the crime victims compensation program and other Public Safety and Education Account (PSEA) funded programs, was also vetoed. (See VETO MESSAGE)

SHB 1756

C 282 L 89

By Committee on Energy & Utilities (originally sponsored by Representatives Sprenkle, S. Wilson, Rector, Fuhrman, Hargrove, K. Wilson, Haugen, Jacobsen and Scott)

Providing for extended area service by telecommunications companies.

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

Background: Extended Area Service (EAS) means the ability to call from one telephone exchange to another without incurring a toll charge. Many communities in the state have EAS. The most well known example is the ability to call from Seattle to Bellevue without incurring an additional toll charge. Other communities have limited calling areas. Monroe, Washington is an example of one. Monroe residents must pay a toll charge to call their neighboring town of Snohomish, and the nearby city of Everett. EAS patterns have not always been consistent with the type of growth experienced by a community. The urban communities tend to have a wider geographical base for EAS. The base for rural communities is smaller. The Utilities and Transportation Commission (UTC) formed an EAS advisory committee to make recommendations on state-wide EAS policy. That recommendation has been published and submitted to the commissioners of the UTC.

Multiparty telephone lines cannot accommodate certain telecommunications equipment and services. Additionally, subscriber mileage charges are unevenly applied in portions of the state and, in some cases, are a large expense for subscribers.

Summary: A pilot program for extended area services is established. Any telephone customer may petition to have Extended Area Service (EAS) to a certain community within the boundaries of a single telephone company. The petitioner must submit to the Utilities and Transportation Commission (UTC) signatures of

a representative majority of the affected customers. A representative majority is defined as 15 percent of the access lines in that community. When the signatures are submitted, the (UTC) shall authorize a study to determine if there is a "community of interest." A community of interest is established if there is an average of five calls per customer per month from the petitioning community to the location to which EAS is desired.

If a community of interest exists, the UTC shall calculate any increase increment based on the charges to a rate group having the same or similar calling capability. The telecommunications company affected may propose an alternative plan. The UTC shall notify the subscribers of the increased increment and the alternative plan and conduct a poll. If a majority of the subscribers votes in favor of the EAS plan, the UTC shall order the EAS. The pilot program applies to petitions for EAS on file with the UTC as of January 1, 1989. Petitions filed after January 1, 1989 are subject to terms and conditions of the UTC. The pilot program terminates on December 1, 1990. Any EAS granted under the act will remain in place. The UTC is directed to report to the House and Senate Energy & Utilities Committees about EAS by December 1, 1990.

The UTC shall study the feasibility of eliminating, by January 1, 1992, multiparty lines and mileage charges in all telephone exchanges throughout the state. The UTC shall also study the relationship between mileage charges and EAS. The UTC shall report study results to the House and Senate Energy and Utilities Committees by December 1, 1989.

Votes on Final Passage:

House	63	34	
Senate	45	0	(Senate amended)
House	82	14	(House concurred)

Effective: July 23, 1989

HB 1757

C 263 L 89

By Representatives Fuhrman, Morris, Dellwo, Raiter, Cooper, Brumsickle, Grant, H. Myers, Peery, Ballard, Hankins, Smith, Rector and Nealey

Permitting certain second class school districts to hire officers' spouses as substitute teachers.

House Committee on Education
Senate Committee on Education

Background: A municipal officer shall not benefit directly or indirectly, in any contract which may be made by, through or under the supervision of the officer. This prohibition does not apply to contracts to drive school buses in second class school districts so long as the compensation is the same as for other bus drivers, or to employment of a spouse as a certificated or classified employee in a second class school district of less than 250 full time equivalent students.

Summary: The spouse of an officer of a second class school district may be employed as a substitute teacher in districts of less than 500 full time equivalent students. The salary shall be commensurate with the pay plan or collective bargaining agreement applicable to all district employees. The school district board of directors shall make a finding that there is a shortage of substitute teachers in the school district.

The board of directors of each second class school district shall adopt a written policy on the procedure for letting of any contract authorized as an exception to the general prohibition on school district officers benefitting from contracts. The policy shall include provisions requiring a finding that there is a shortage of substitute teachers before hiring the spouse of an officer and to ensure fairness and the appearance of fairness in all matters pertaining to employment contracts so authorized.

Votes on Final Passage:

House	95	0	
Senate	44	0	(Senate amended)
House	92	0	(House concurred)

Effective: May 5, 1989

SHB 1759

C 370 L 89

By Committee on Appropriations (originally sponsored by Representatives Peery, Betrozoff, Crane and Winsley)

Creating the educational staff diversification act.

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

Background: In 1987 the Legislature authorized the schools of education to give credit to individuals who have worked as a classroom assistant. The credit may be counted toward fulfilling teacher certification requirements.

Summary: The State Board of Education and the State Board of Community Colleges, in consultation with the Superintendent of Public Instruction, the Higher

Education Coordinating Board, the State Apprenticeship Training Council, and the community colleges, shall develop a 90 unit educational paraprofessional associate of arts degree. In addition to the general requirements for an associate of arts degree, the program shall include training in the areas of childhood education, orientation to handicapped children, fundamentals of childhood education, creative activities for children, instructional materials for children, fine arts for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

In preparing the program, consideration shall be given to transferability of credit earned in the associate degree to a teacher preparation program at a college or university. The program shall be developed during the 1990–91 and 1991–92 school years for implementation during the 1992–93 school year.

An educational paraprofessional is an individual who has completed an associate of arts degree for an educational paraprofessional. This paraprofessional may be hired to work under the direct supervision of a certificated teacher in individualized instruction, testing children, recordkeeping and preparation of materials.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1762

C 61 L 89

By Representatives Walker, Appelwick, Brekke, Wineberry, Winsley and Heavey; by request of Human Rights Commission

Prohibiting discrimination in real estate transactions against physically disabled persons who use guide dogs.

House Committee on Human Services
Senate Committee on Law & Justice

Background: In 1985, the Legislature added guide dogs for the physically disabled to (1) the provisions concerning protection from discrimination in admittance to public facilities, (2) the penalties for failing to adhere to those provisions, and (3) the precautions for drivers of motor vehicles approaching a pedestrian using a guide dog for the physically disabled.

Since that time, it has been discovered that there are additional areas that require expansion of anti–discrimination provisions. It is an unfair practice to discriminate because of sex, marital status, race, creed, color, national origin, the presence of any sensory, mental, or physical handicap, or the use of a trained dog by a blind or deaf person in the processes and procedures relating to real estate transactions.

Summary: Physically disabled persons who use guide dogs or service dogs are added to the list of those protected from discrimination in real estate transactions.

Votes on Final Passage:

House	98	0
Senate	47	0

Effective: July 23, 1989

HB 1768

C 256 L 89

By Representatives Todd and Nutley; by request of Department of Community Development

Increasing the building permit fee.

House Committee on Housing
House Committee on Appropriations
Senate Committee on Energy & Utilities

Background: The State Building Code Council is the rule–making body established to develop and maintain the various construction codes and standards that guide the construction, repair, or alteration of residential, commercial, and industrial structures in the state. These uniform codes and related standards comprise the State Building Code.

The state currently requires all counties, cities, and towns to collect a surcharge fee of $1.50 on each building permit that is issued for the construction, repair, or alteration of buildings or structures. The fee is used by the State Building Code Council to cover administrative and clerical costs and to cover costs for its operations. In 1988, the Legislature authorized an additional surcharge of $2.00 on each building permit to cover the increased duties of the State Building Code Council. The additional surcharge is scheduled to expire on June 30, 1989.

Summary: The building permit surcharge fee, that is used to cover administrative and clerical costs and operational costs of the State Building Code Council, is increased from $1.50 to $4.50. There is also imposed an additional surcharge fee of $2.00 per residential dwelling unit on buildings with more than one residential dwelling unit.

Votes on Final Passage:

House	84	14	
Senate	41	3	(Senate amended)
Senate	38	4	(Senate receded)
House	93	4	

Effective: July 23, 1989

HB 1769

C 290 L 89

By Representatives Fraser, Jacobsen, Heavey, H. Myers, Inslee, Prince, Wood, Jesernig, Spanel, Ebersole, Rector, Van Luven and Schoon

Allowing student exchange programs with institutions in other states.

House Committee on Higher Education
Senate Committee on Higher Education

Background: Washington law permits colleges and universities to waive all or a part of tuition and fees for students participating in certain exchange programs or exchange agreements. Students from Oregon, Idaho, and British Columbia, who are selected by their institution to participate in reciprocal tuition agreements that Washington has entered into with their state or province, are exempt from the tuition differential normally charged to non–resident students.

Foreign students participating in academic exchange programs at four–year institutions of higher education may have all tuition and fees waived. The number of foreign student waivers granted by a college or university must not exceed the number of students from that institution attending college in a foreign country as part of an approved study abroad program.

Foreign students attending community college and participating in academic exchanges or in special programs recognized through formal agreements between states, cities, or institutions, may have the non–resident portion of their tuition waived. The number of waivers granted by a community college must not exceed the number of that institution's own students enrolled in approved study abroad programs.

Summary: The Legislature recognizes the value of expanding opportunities for Washington students to attend schools in other states through student exchange programs.

The state four–year universities and college may enter into student exchange programs with comparable public four–year colleges and universities in other states. Participating institutions may waive the non–resident tuition differential for undergraduate, upper–division students from other states.

The number of exchange students receiving non–resident tuition waivers at a given Washington institution must not exceed the number of students from that institution receiving non–resident tuition waivers at participating out–of–state institutions. Waiver imbalances occurring in one year must be off–set in the next year. In addition, a student's participation in the exchange program is limited to one calendar year.

Votes on Final Passage:

House	98	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1772

C 218 L 89

By Representatives Spanel, S. Wilson, Haugen and R. King; by request of Department of Fisheries

Renaming and defining certain species of fish.

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

Background: The Department of Fisheries has jurisdiction over three broad classes of fish that include salmon and trout. Fish under the jurisdiction of the Department of Fisheries can be commercially caught and sold. Certain species of anadromous fish are defined as game fish which removes them from the Department of Fisheries' jurisdiction and places them under the Department of Wildlife. Game fish cannot be commercially caught and sold.

Atlantic salmon are defined as game fish. They are an anadromous fish species commonly grown by aquaculturists in salmon net pens and are present in marine waters. Fish sometimes escape from the pens and can become part of the marine water harvest and are incidentally caught by commercial fishers but cannot be sold.

The American Fisheries Society has updated the recognized scientific naming of some fish species. The designations of these species in current statute do not reflect these changes.

Summary: The Department of Fisheries has jurisdiction over all species of salmon except for those classified as game fish. The Atlantic salmon species is classified as a game fish in its landlocked form, and as such, comes under the jurisdiction of the Department of Wildlife. Commercial sale of this species in its landlocked form is prohibited. In any other form,

Atlantic salmon is a food fish coming under the jurisdiction of the Department of Fisheries and can be caught and sold commercially.

The scientific names of cutthroat, golden, and steelhead trout are changed to conform to the nationally recognized and updated terminology.

Votes on Final Passage:

House	96	0	
Senate	43	0	(Senate amended)
Senate	42	0	(Senate receded)

Effective: July 23, 1989

SHB 1774

PARTIAL VETO

C 81 L 89

By Committee on Judiciary (originally sponsored by Representatives Locke, Hargrove, Patrick, Zellinsky, McLean, Haugen, Doty, Scott, Rayburn, Brooks, Baugher and Ferguson)

Promoting ski area safety.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Under current statutes, operators of ski areas have a duty to maintain a sign system instructing skiers how to use equipment and warning skiers of ski slope difficulty and trail closures. Skiers have a duty to abide by the operator's instructions and to ski in a manner protecting their own and others' safety. The law states that "any person skiing on other than improved trails or slopes within the area shall be responsible for any injuries or losses resulting from his or her action." In a recent case, the state Supreme Court held that under this statute "slope" is not limited just to ski runs but includes the entire area served by the chairlift and that "improved" modifies "trail" and not "slope." Consequently, the court held a ski operator was liable to a skier who was injured on an unimproved slope that the operator did not consider open for skiing.

Summary: The statute that establishes responsibility for skiing injuries is amended to clarify and reduce ski area operators' exposure to liability for injuries to skiers. A ski operator is not liable for injuries to skiers who sustain injuries while skiing in areas the operator designates as closed to skiers. Operators must post a notice warning skiers that the skiers assume the risk of injury if they ski in closed areas. Some changes are made in the sign and warning system. Technical changes are made in the statute's internal organization.

Votes on Final Passage:

House	98	0
Senate	48	0

Effective: July 23, 1989

Partial Veto Summary: The emergency clause is stricken. (See VETO MESSAGE)

HB 1776

C 194 L 89

By Representative Hine; by request of Office of Financial Management

Creating a volunteer firefighters' pension administrative fund.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: The Volunteer Firemen's Pension System is administered by the Board for Volunteer Firemen. Participation is open to members of volunteer fire departments. The system is funded through members' fees and revenue received from a tax on fire insurance premiums. Assets of the system are held in the Volunteer Firemen's Relief and Pension Fund. Both benefits and administrative expenses are paid from this fund.

Assets for the other state retirement systems are held in separate funds from the monies required for administration of the retirement systems.

In 1987, the Deferred Compensation Revolving Fund was split into a Principal Account and an Administrative Account. The same change was also made to the State Employees Insurance Fund.

Summary: The Volunteer Firemen's Relief and Pension Fund is split into two funds. The Volunteer Firefighters' Relief and Pension Principal Fund will be used for making all benefit payments. The Volunteer Firefighters' Relief and Pension Administrative Fund will be used for administrative and budget functions. Changes in language are made to make the statute gender neutral.

Votes on Final Passage:

House	98	0
Senate	45	0

Effective: July 1, 1989

HB 1777

C 269 L 89

By Representatives Leonard, P. King, Pruitt, Sayan, R. King, Todd and Raiter; by request of Department of Social and Health Services

Providing for alternative residential placement.

House Committee on Human Services
Senate Committee on Law & Justice

Background: The alternative residential placement (ARP) procedure was established to allow families in conflict to temporarily have a child placed outside of the home on a voluntary basis. An ARP petition can be filed by either the parent or the child.

When the Department of Social and Health Services has already been working with the family, reconciliation attempts have been made to avoid out–of–home placement. However, when there has been no prior involvement, the department's role is limited to finding a suitable placement for the child after a petition has been granted.

The court may deny an ARP petition for several reasons including: capriciousness of the petition, lack of reasonable efforts to resolve the conflict, the conflict can be resolved by services available within the parental home, or a petition based only upon dislike of reasonable rules and discipline. The department has no ability to influence the court's decision or authority to request dismissal of an ARP petition.

While any party can be held liable for contempt of court for failure to comply with the terms of an ARP, historically, the courts tend to charge only the child with contempt.

Frequently children are placed in homes that are in different school districts than their family home. Schools are not required to release the school records of children who owe monies to the district.

Summary: An Alternative Residential Placement (ARP) petition may not be filed without verification that a family assessment has been completed by the department. The family assessment shall be directed at family reconciliation and avoidance of an out–of–home placement.

The juvenile court is required to notify the department when a fact–finding hearing on an ARP petition is scheduled. The department's recommendation for approval or dismissal of the petition and the availability of a suitable out–of–home placement resource must be considered by the court in reaching its decision on the petition.

The department may request dismissal of an ARP petition at the original fact–finding hearing and any subsequent hearing, when they are unable to provide services due to any of the following circumstances: (1) the child has been absent from a placement for 30 consecutive days; (2) the parent, or child, or both refuse to cooperate in appropriate intervention aimed at keeping the family together; or (3) all available resources that would result in reunification have been exhausted.

Contempt of court charges are equally applicable to both the child and the parent. The school records of a child in the custody of the department may not be withheld for non–payment of school fees.

Votes on Final Passage:

House	70	28	
Senate	42	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1778

PARTIAL VETO

C 392 L 89

By Representatives Holland, Wang, Horn, Morris, Silver, Hine, Brumsickle, Prince, Van Luven, H. Sommers, Fuhrman, Jacobsen, Locke, Bowman, Ferguson, Rector, Youngsman, May, Schoon and Hargrove

Modifying tax status of trade shows and other convention–oriented events.

House Committee on Revenue
Senate Committee on Ways & Means

Background: Non–profit trade associations and professional societies pay business and occupation tax at the rate of 1.5 percent on income derived from meetings, conventions, seminars, and trade shows held in Washington state. This income includes fees collected from members as registration fees for attendance and fees charged to exhibitors for occupying space at a convention or trade show.

Summary: When computing business and occupation tax, non–profit trade and professional organizations may deduct from gross income charges made to members for attending or occupying space at a trade show, convention, or educational seminar. These deductions apply only if the show or convention is sponsored by the non–profit organization and is not open to the general public.

Votes on Final Passage:

House	93	2	
Senate	43	2	(Senate amended)
House	96	1	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: The delayed effective date of July 1, 1991 is vetoed. (See VETO MESSAGE)

SHB 1788

C 4 L 89 E1

By Committee on Appropriations (originally sponsored by Representatives Wang, Brough, Ebersole, Walker, Walk, Tate, R. Fisher, Winsley, Locke, Dorn, R. Meyers, Dellwo, Pruitt, Belcher, Crane, Rasmussen and Schoon; by request of Department of Community Development)

Pertaining to the Puyallup tribe of Indians' land claims.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: The Puyallup Reservation and Land Claims: The Puyallup Reservation was formed in 1854 under the Treaty of Medicine Creek. Due in part to including the passage of time and a history of lost or vague survey notes, the actual boundaries of the Reservation, ownership of the property within the Reservation, and jurisdictional matters relating to the Reservation are all issues of great dispute. A great deal of land in Pierce County is subject to Tribal claims, including portions of downtown Tacoma, most of the Port of Tacoma, the former riverbed of the Puyallup River, part of the city of Fife, and the tidelands of Commencement Bay.

In 1981 the Puyallup Tribe won a lawsuit claiming title to two parcels of land that are part of the former bed of the Puyallup River. In 1984, the Tribe filed a quiet title action against the Port of Tacoma and the Union Pacific Railroad Company claiming ownership of tidelands in Commencement Bay. This suit led to four years of negotiations which have resulted in the "Settlement Agreement" approved by the members of the Puyallup Tribe in August 1988.

Settlement Agreement: The Settlement Agreement is a comprehensive agreement between the Puyallup Tribe, the federal government, the State of Washington, local governments in Pierce County, and private property owners.

Under the agreement, the Tribe will relinquish all claims to lands within the State of Washington, confirm all current public use or easements on trust land within the Puyallup Reservation, and agree to restrict its jurisdiction to land held in trust by the federal government for the Tribe.

In return for these concessions the Tribe will receive approximately 900 acres of land, an annuity to make one-time payments to members of the Tribe, a permanent trust fund for funding social services to Tribal members, and funds for fishery enhancements, job training, and community and health services facilities. Improvements will be made to the Blair waterway and the parties have agreed to consult on matters relating to fishery enhancements, land use and flood control, and law enforcement. Finally, the State will release any claim it may have on the submerged lands of the Puyallup River within the Reservation.

The total value of the agreement is $161.8 million. Of this total, Washington State has agreed to contribute $21 million, the federal government $77.2 million, local governments in Pierce County $52 million, and the private sector $11.4 million.

The private parties to the agreement have advocated for the use of local improvement districts to finance their obligations under the settlement agreement. Local governments do not have statutory authority in order to establish local improvement districts for this purpose.

Summary: The Governor is authorized to relinquish any claim the State may have to title of the submerged lands of the Puyallup River within the boundaries of the 1873 survey area.

Cities and Counties are authorized to establish local improvement districts for the purposes of paying all or a portion of the settlement costs of resolving Indian claims.

Votes on Final Passage:

House	98	0	
First Special Session			
House	81	0	
Senate	35	10	(Senate amended)
House	95	0	(House concurred)

Effective: August 9, 1989

2SHB 1793

PARTIAL VETO

C 271 L 89

By Committee on Appropriations (originally sponsored by Representatives Ebersole, Appelwick, Patrick, Wolfe, Haugen, Tate, Crane, Ballard, Brekke, Bowman, Sayan, Brumsickle, Walk, Wood, Dorn, Horn, Valle, Youngsman, Wang, McLean,

Cantwell, Basich, Day, Brough, R. Meyers, Rayburn, Moyer, Peery, Winsley, Rasmussen, May, R. Fisher, Holland, Sprenkle, Miller, Rector, S. Wilson, Baugher, Chandler, Cooper, Schmidt, Raiter, Betrozoff, Pruitt, Walker, H. Myers, Nealey, Heavey, Brooks, Ferguson, Padden, Doty, Fuhrman, Van Luven, Silver, D. Sommers, Beck, Spanel, Dellwo, Scott, Inslee, Todd, Morris, K. Wilson, Gallagher, Prince, P. King, O'Brien, Jones, Smith, Hine and G. Fisher)

Creating the Omnibus Alcohol and Controlled Substance Act of 1989.

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Ways & Means

Background: Drug and alcohol abuse have become an increasingly heavy burden on many of society's institutions. The problem impacts educational, social and law enforcement agencies. A variety of criminal and other laws address the problem in some manner.

In recent years, drug–related crimes of violence by members of youth gangs engaged in illegal drug sales have become more common. Particularly disturbing is the kind of random violence involved in recent shootings from speeding automobiles.

Most drug crimes are covered in the Uniform Controlled Substances Act, and sentencing for felony violations of that act is part of the Sentencing Reform Act. The Uniform Controlled Substances Act contains "schedules" of drugs, with schedule I and II drugs generally being the most addictive or dangerous. Cocaine and opium related drugs, such as heroin, are schedule I and II drugs that are also classified as "narcotic" drugs. The maximum penalties for violations of the Uniform Controlled Substances Act are set in that act. However, the Sentencing Reform Act determines the sentence that is likely to be given in a particular case.

The Sentencing Reform Act provides for presumptive sentences for various ranked felonies, including violations of the Uniform Controlled Substances Act. A presumptive sentence is a narrow range of incarceration time within which a judge is to sentence an offender. The presumptive sentence is based on the "seriousness level" of the crime committed and the criminal history score of the offender. The higher the felony of conviction is ranked, and the higher the offender's criminal history score, the longer the presumptive sentence will be. Presumptive sentences may be departed from by a sentencing judge in exceptional circumstances. If there are sufficient aggravating circumstances, a sentence may be given that exceeds the presumptive range. However, no sentence may exceed the statutory maximum sentence prescribed by the law that creates the offense of which the offender has been convicted.

The Uniform Controlled Substances Act prescribes various maximum penalties for violations. In some instances the otherwise applicable maximum is doubled. If an adult distributes certain drugs to a minor, the maximums are doubled. A second or subsequent conviction for most drug offenses also results in doubling of the maximums. Under the act, it is a misdemeanor to transfer drug paraphernalia, including hypodermic needles, to a person, knowing that the person is likely to use the paraphernalia to take an illegal drug.

The state's Privacy Act generally prohibits the interception, transmission or recording of any private conversation or communication without the consent of all parties concerned. The act, however, provides a number of exceptions to this general prohibition. Four major categories of these exceptions apply mainly to criminal activity. First, certain telephone calls may be recorded. A telephone call may be recorded if it is of an emergency, threatening or harassing nature, or if it involves a hostage holding situation, so long as one party to the call consents to the recording. This exception applies to private citizens as well as government officials and requires no prior authorization of any kind. Second, statements made during arrests and incoming calls to police, fire and emergency personnel may be recorded without prior judicial authorization. Third, a police officer or undercover agent may record a conversation without the consent of all parties if the officer has acquired prior judicial authorization. That authorization may be obtained from any judge or magistrate in person or by telephone and must be based on probable cause to believe that the conversation will involve a felony. Fourth, an exception exists for certain conversations in which no party has consented to the interception. An example of such an interception is wiretapping a phone call between two parties neither of which knows of the wiretap. This exception requires the state attorney general or a county prosecuting attorney to get prior authorization (an "ex parte" order) from a superior court judge. This exception is limited to situations involving national security, threat to human life, arson or riot.

Information obtained through an interception or recording of a private conversation in violation of the Privacy Act is generally inadmissible in court. Information obtained pursuant to an ex parte order, when no party to the conversation has consented to the

interception or recording, is also generally inadmissible. There are two exceptions to this general rule of inadmissibility. First, the rule does not apply to prevent admission of the information at the request of a person whose rights have been violated under the Privacy Act. Second, the inadmissibility rule does not apply to prosecutions of crimes that jeopardize national security.

A violation of the Privacy Act is a gross misdemeanor. Persons injured by violations may also bring a civil suit to recover actual damages, attorney fees, costs and liquidated damages of up to $1,000.

Under the state's Uniform Controlled Substances Act, certain property that is used or intended for use in illegal drug activities may be seized by law enforcement or regulatory agencies. These provisions apply only to certain items of personal property such as illegal drugs, drug paraphernalia, drug money, manufacturing equipment, drug containers, and vehicles used to transport drugs. Real property is not covered.

Seizure and forfeiture are civil processes and are independent of the outcome of any criminal charges that might be brought against the owner of the property. The seizing agency must notify the owner of seized property of the right to a hearing. Notification may be by publication. In a forfeiture hearing, the burden of proof is on the owner of the property to show by a preponderance of the evidence that the property either was not used in illegal drug activity or was used without the consent or knowledge of the owner.

Decisions of the state supreme court have authorized public school officials to conduct a warrantless search of a student's locker when an official has reasonable grounds to believe that the locker contains drugs or other contraband.

The law allows for the involuntary treatment of persons suffering from mental disorders and of those suffering from alcohol addiction. While such persons may also be suffering from drug addiction, the involuntary treatment law does not specifically address the treatment needs of drug abusers, and does not allow their treatment at all unless their problems also stem from mental disorders or alcohol abuse.

Summary:

CRIMES AND PENALTIES: Penalties for various drug–related crimes are increased, and the crime of first degree reckless endangerment is created as a class C felony.

The seriousness levels of various drug crimes are increased. Delivery of heroin, cocaine or methamphetamines is increased to a level VIII crime which carries a presumptive sentence of two years for a first time offender. Delivery of heroin or cocaine was previously a level VI crime with a first time offender sentence of 13 months. Delivery of methamphetamines was a level IV crime with a first time offender sentence of six months.

Misdemeanor drug offenses are given a mandatory minimum sentence of one day in jail and a $250 fine. The minimum fine rises to $500 on a second offense. A felony drug conviction carries a mandatory minimum fine of $1,000 for a first offense and $2,000 for a second offense.

Enhancements are also provided for sentences for other drug offenses. An increased maximum fine is authorized for offenses involving two or more kilograms of certain drugs. A fine of $100,000 may be imposed for two kilograms, and an additional fine of $50 per gram may be imposed for amounts above two kilograms. The otherwise applicable maximum penalties are doubled and the presumptive sentence is increased by 24 months for certain drug offenses committed within 1,000 feet of a school or school bus route stop.

The points assigned to an offender for criminal history are increased for prior drug offenses. If an offender is being charged with a drug offense and has prior drug offenses, those prior convictions count three points instead of two in determining the offender's criminal history score. This increase in counting will increase the presumptive sentence for repeat drug offenders.

An additional prohibition is placed in the Uniform Controlled Substances Act against giving hypodermic needles to known drug users. The Department of Social and Health Services is directed to study needle exchange programs in other states and countries.

The crime of first degree reckless endangerment is created. The crime is a class C felony, and involves the discharge of a firearm from a motor vehicle in a reckless manner which creates a substantial risk of death or serious injury to another person.

The Department of Social and Health Services is directed to develop a juvenile offender structured residential program. The department is to develop the program for selected offenders, and to provide enhancements to county detention facilities for inpatient drug treatment, based on the current DSHS "exodus" program. The department is to complete a study of the program by December 31, 1992. The program expires July 1, 1993.

ONE–PARTY CONSENT: A number of changes are made in the Privacy Act to give law enforcement agencies greater authority to intercept, transmit or record conversations that involve illegal drug activities.

Officer Safety. Certain police officers may authorize interceptions and transmissions of private conversations solely for the purpose of protecting the safety of an officer or undercover agent. A police commander or officer above the rank of first line supervisor may authorize such an interception if: (1) at least one party has consented to the interception; (2) the authorizing officer has a reasonable suspicion that the consenting party will be in danger; (3) the conversation will involve illegal drug activity; and (4) the authorization is made in writing. These authorizations do not apply to telephone conversations.

Law enforcement agencies are to make monthly reports to the Office of the Administrator for the Courts indicating the number of authorizations issued and the number of conversations intercepted under these officer safety provisions.

Information obtained through these officer safety interceptions is inadmissible except with the permission of a nonconsenting party or in a trial involving death or injury to an officer. However, officers may testify as to information gained independently of the interception. An agency must destroy records or information obtained through any interception where an officer has not been injured or killed.

Interceptions with Judicial Authorization. Existing provisions for obtaining judicial authorization to intercept a conversation in which one party to the conversation has consented to the interception are altered. The presiding superior court judge in each class AA and A county is to establish a procedure for insuring that a judge or magistrate is on call at all times for purposes of issuing authorizations. The period for which such an authorization is good is extended to 14 days in the case of conversations involving illegal drug transactions. Authorizations in other cases remain good for only seven days. The requirements for specifying the parties to, and circumstances of, the conversation to be intercepted are lessened in drug cases.

Interceptions without Judicial Authorization. Police agencies conducting drug crime investigations are allowed, without prior judicial authorization, to intercept conversations consented to by one of the parties to the conversation. The chief officer of an agency may authorize an interception if there is probable cause to believe the conversation will involve an illegal drug transaction. The authorization must be in writing and must indicate whether an attempt was made to get judicial authorization, and if so, what the outcome of the attempt was.

Police authorizations are good for only 24 hours. An authorization may be extended twice for additional consecutive 24 hours periods on the same probable cause. Any recordings made must be protected from alteration. Within 15 days after an authorization, a court must review the authorization to see if probable cause existed for the agency to authorize the interception, and to see if all procedural requirements for an authorization have been met. If the court finds there was no probable cause or was a procedural defect, any record of information obtained by the interception is to be destroyed. Destruction of a recording will be stayed during an appeal of such a finding. Six months following a determination that an authorization was invalid, the court is to notify nonconsenting parties to the conversation that an unauthorized interception was made. Agencies may seek extensions of this six month period in cases of ongoing criminal investigations.

Intentionally violating these provisions relating to agency authorized interceptions is a class C felony. Civil damages of $25,000 are also available to parties whose privacy rights are violated if the agency has been found not to have had probable cause and also not even to have had a "reasonable suspicion" that the conversation in question would involve illegal drug transactions.

The state attorney general is given authority to prosecute violations of the Privacy Act.

PROPERTY FORFEITURE: Real property is added to the types of property that may be seized and forfeited under the Uniform Controlled Substances Act. Special standards and procedural rules are made applicable to the forfeiture of real property.

In a hearing on forfeiture of real property, the seizing agency must prove that there was a "substantial nexus" between the seized property and the illegal drug activity.

Notice of the right to a hearing must be given to the owner of seized real property in the same manner as notice is given in ordinary civil actions.

Certain limitations apply to the forfeiture of real property in some cases. Giving drugs as bona fide gifts, or possessing small amounts of marijuana, or selling small amounts of marijuana or legend drugs cannot lead to forfeiture. Forfeitures are subject to bona fide security interests. The community property interest of an owner who did not participate in the illegal drug activities cannot be forfeited.

Until July 1, 1995, 25 percent of the proceeds from real property forfeitures will go to the seizing agency, and 75 percent will go to the state. After that date, the percentages will be reversed.

OFF LIMITS ORDERS: A court may enjoin a known drug trafficker from entering an off limits area. A known drug trafficker is someone who has any prior

felony drug conviction and has been arrested for a felony drug offense.

An off limits order may be sought in conjunction with any civil action, nuisance abatement action, an action to evict tenants for drug activity, pretrial release of a known drug trafficker, or post conviction sentencing.

A prosecutor, city attorney, or any resident or owner of property in an area affected by drug trafficking may petition a court for a temporary or permanent injunction against a known drug trafficker. Private petitioners must file a bond of at least $1,000. For employment or health reasons, a court may allow exceptions to an off limits order. Permanent orders are for a one year period with extensions possible.

DRUG SITE CLEANUP: Law enforcement agencies are authorized to contract with private firms to clean up illegal drug manufacturing sites. The Department of Ecology is to attempt to recover the cost of cleanup from the responsible parties.

KEG REGISTRATION: A system for registering beer kegs and other large beer containers is established. Registration is required for containers of four gallons or more. The registration system requires retail sellers of beer containers to affix an identification on each container sold. The purpose of the registration is to facilitate tracing of the sellers and purchasers.

Sellers of kegs or other containers must require retail purchasers to supply certain information. A purchaser must provide adequate identification; must sign a receipt; agree in writing not to allow minors to drink the beer; indicate where the beer will be consumed; and post a sworn statement near the keg or container indicating that minors may not drink from it.

The Liquor Control Board is required to develop rules for the identification of beer containers. Selling of an unidentified container is a misdemeanor. A civil penalty of $500 may be imposed for failure to comply with the sales or identification provisions of the act. An intentional violation of those provisions is also a misdemeanor.

The state preempts the entire field of beer container registration. Local ordinances may contain only the same or lessor restrictions and penalties as are provided by the state law.

SPECIAL NARCOTICS UNIT: A special narcotics enforcement unit is established within the state patrol's drug control assistance unit. The new unit is to consist of attorneys, investigators, accountants and support staff.

The special narcotics enforcement unit is responsible for conducting criminal narcotic profiteering investigations and prosecutions; training local undercover narcotics agents; and coordinating interjurisdictional narcotic investigations.

PROSECUTION ASSISTANCE PROGRAM: An advisory committee is established to oversee the operation of a state-wide drug prosecution assistance program. The committee consists of the attorney general, the chief of the Washington State Patrol, both United States attorneys in the state, and three county prosecutors picked by the Washington Association of Prosecuting Attorneys. One of the three county prosecutors is to be selected by the committee to be the project director.

The project director may employ up to five attorneys to act as deputy prosecutors in counties that request help in prosecuting drug cases.

NEIGHBORHOOD BLIGHT: A local government may condemn and acquire individual land parcels if those parcels are "blighted." A property is blighted if it has been abandoned for at least a year and is associated with illegal drug activity. The local government must adopt a resolution declaring the property a blight in the neighborhood. The government can then acquire the property, sell it, or improve it in the public interest.

SCHOOL LOCKER SEARCHES: A school principal may search a student's person, property or locker if the principal has reasonable grounds to believe that the search will yield evidence of the student's violation of the law or school rules. The scope of the search is proper when the methods used are reasonably related to the search objectives and are not excessively intrusive considering the student's age and sex and the nature of the infraction. In addition, the Legislature declares that students do not have a reasonable expectation of privacy in school lockers and that a principal may search all school-issued student lockers at any time without prior notice. If during the search, the principal develops a reasonable suspicion that containers in the locker contain drugs, weapons, or contraband, the principal may search the containers.

INVOLUNTARY TREATMENT: The Uniform Alcoholism and Intoxication Treatment Act is amended to allow for limited involuntary commitment and treatment of drug abusers to the extent that resources allow. Drug addicted persons may be detained for 72 hours of detoxification.

Applicable privileged communications statutes affecting spouses, physicians and registered nurses are

amended to allow for a conditional waiver of a privilege in cases of involuntary treatment of alcohol abusers.

Certain definitions are changed or added to allow treatment of a wider variety of alcohol and drug affected persons. The period of allowed involuntary treatment of alcoholics is extended from 30 days to 60 days.

EARLY INTERVENTION: Grants will be provided for the implementation of local school district drug abuse intervention programs in grades kindergarten through 12. The programs are to provide counselling, assessment and referral for treatment, aftercare, student mentor programs, and training for staff, parents, students and the community.

Programs are to be delivered by, or under the supervision of substance abuse intervention specialists. These specialists may be certificated counselors, psychologists, nurses or social workers, or they may be staff from a certified drug treatment center under contract with the district. However, diagnosis, assessment, counseling and aftercare for drug dependency may be performed only by a person with the qualifications required for a counsellor in a state approved treatment program.

The Superintendent of Public Instruction is to select districts to receive grants. Each grant is to be at least $20,000, and districts are to be selected on the basis of district characteristics such as family income levels, truancy rates, juvenile justice referrals, social service caseloads, and community group participation in drug prevention programs. Grants are on a district match basis and may provide no more than 80 percent of a program's cost.

Grant applications must include provisions for comprehensive planning and establishment of an advisory committee, and must contain a needs assessment. Districts receiving grants must send annual program evaluation reports to the Superintendent of Public Instruction.

COMMUNITY MOBILIZATION: A grant program is established in the Governor's office, to be administered by the Department of Community Development, for the purpose of community mobilization against substance abuse. At a minimum, grant applications must include: (1) a description of a community's geographical area; (2) the extent of substance abuse in the community; (3) evidence of active community participation; (4) identification of a community–wide strategy for the prevention, treatment, and enforcement activities; and (5) identification of activities requiring additional or new funding. Communities must provide at least a 25 percent match for any grant. Not more than 50 percent of the funds are to be awarded on a per capita basis, and not less than 50 percent through a competitive allocation process. The Governor is to report to the Legislature by January 1, 1991, regarding the operations of the grant program.

STATE PREEMPTION: The state preempts all local laws on controlled substances and invalidates any local ordinances that have penalties different from those in state law.

Appropriation: A dedicated "drug enforcement and education account" is created. The following appropriations are made from that account:

(1) For increased prison capacity, $8,800,000 for operating costs and $12,505,000 for capital costs, to the Department of Corrections;

(2) For a juvenile offender structured residential program, $1,835,000 to the Department of Social and Health Services;

(3) For interception of inmate phone calls, $175,000 to the Department of Corrections;

(4) For the special narcotics enforcement unit, $940,000 to the Washington State Patrol;

(5) For prosecution assistance, $560,000 to the Department of Community Development;

(6) For involuntary treatment, $4,900,000 to the Department of Social and Health Services;

(7) For early intervention in schools, $10,000,000 to the Superintendent of Public Instruction;

(8) For alcohol and drug abusing pregnant women, $5,500,000 to the Department of Social and Health Services;

(9) For community mobilization, $3,640,000 to the Department of Community Development;

(10) For security in public schools, $3,000,000 to the Superintendent of Public Instruction;

(11) For crime laboratory enhancement, $800,000 to the Washington State Patrol;

(12) For detection and treatment or drug use in juvenile facilities, $625,000 to the Department of Social and Health Services;

(13) For inpatient youth assessment and treatment, $12,000,000 to the Department of Social and Health Services;

(14) For adult correctional facility drug treatment programs, $565,000 to the Department of Corrections;

(15) For work release drug treatment, $110,000 to the Department of Corrections;

(16) For community corrections drug surveillance in King, Pierce and Yakima counties, $1,120,000 to the Department of Corrections;

(17) For "drug abuse resistance education", $230,000 to the Criminal Justice Training Commission;

(18) For methadone treatment, $400,000 to the Department of Social and Health Services;

(19) For "treatment alternatives to street crime," $1,800,000 to the Office of the Administrator for the Courts;

(20) For detection and treatment of drug abuse in adult correctional facilities, $875,000 to the Department of Corrections;

(21) For the "alcohol and drug abuse treatment and shelter act," $10,000,000 to the Department of Social and Health Services;

(22) For law enforcement training in community relations, $150,000 to the Criminal Justice Training Commission.

Revenue: Various taxes are imposed to fund the drug enforcement and education account. Additional taxes of $.01 per liter of wine, $.2344 per liter of wine containing 14 percent or more of alcohol, $2.00 per 31 gallon barrel of beer, $.07 per liter of hard spirits, and $.03 per pack of cigarettes are imposed. A new tax is imposed on non–alcoholic carbonated beverages at a rate which is the equivalent of $.01 per 12 ounce container. This new tax on non–alcoholic beverages is to be paid by the first entity in the state to possess the beverage or the syrup used to make the beverage.

All of these taxes will expire on July 1, 1995. The Legislative Budget Committee will conduct a review prior to the 1995 expiration date. Agencies receiving dedicated funds are directed to submit expenditure plans to the Legislative Budget Committee by December 1, 1989.

Votes on Final Passage:

House	89	8	
Senate	37	10	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	38	10
House	80	17

Effective: May 7, 1989
June 1, 1989 (Sections 502 and 504)
July 1, 1989 (Sections 229 – 233, 501, 503, and 505 – 509)

Partial Veto Summary: The partial veto removes the provision that declares it illegal to give a hypodermic needle to someone knowing he or she will use the needle to take drugs. The veto also removes a requirement that the Department of Social and Health Services study needle exchange programs in other countries and states. (See VETO MESSAGE)

HB 1794

C 356 L 89

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

Modifying the state's ability to enter into contracts for the purchase of real or personal property.

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

Background: Lease/purchase contracts are a way for state agencies to finance equipment such as computers, telephone systems, and motor vehicles on an installment basis using their current operating budget. Lease/purchase contracts can also be used in the acquisition of real property, including buildings, over an extended period of years. However, the emphasis in all lease/purchase transactions is on making the installment payments from the current operating budget.

The distinction that is usually made between bonded indebtedness and lease/purchase obligations is that bonds are approved in such a way as to bind future legislatures to make funds available to repay the debt, while lease/purchase obligations are considered a current expense. The payments on bonds are usually considered general obligations of the state and payment is secured or guaranteed by the general taxing authority of the state. Payments on lease/purchase contracts are not guaranteed by the state and are secured by the equipment or building purchased under the contract. In effect, if the state fails to make payment on the lease/purchase contract the lessor would take possession of the equipment or real estate. The theory is that the current character of the obligation gives the legislature the opportunity to review the continuing payments and elect not to appropriate for the installment payments. However, this financing instrument is an obligation and termination would be a serious act.

In the absence of specific legislative authority for lease/purchase financing in Washington, state agencies, with the aid of equipment vendors, banks, and finance companies, have used this device to make major equipment purchases. However, this activity has been fragmented and proper financial reporting and accountability has not been established. There is no legislative and public oversight of lease/purchase financing. No coordination exists to ensure compliance with federal or state regulations, or that proper budget authority has been obtained.

Summary: The purpose of this act is to confirm the authority of state agencies to enter into financing contracts for the acquisition of real and personal property

where the contracts provide payments over a term of more than one year but less than 30 years. These financing contracts are exempted from the definition of debt in the computation of the statutory and constitutional debt limits. State agencies are authorized to issue certificates of participation or other types of financing structures subject to the approval of the state finance committee. The committee must approve all financing contracts with the exception of those for state university facilities operated from non-appropriated funding sources such as dormitories and dining halls. The Legislature must approve all such contracts for the purchase of buildings and land. The finance committee may also consolidate existing and new financing contracts into a master contract and make rules for the issuance of financing contracts.

Votes on Final Passage:

House	98	0
Senate	40	3

Effective: July 23, 1989

HB 1802

PARTIAL VETO

C 328 L 89

By Representatives P. King and Scott

Creating new court of appeals and superior court positions.

House Committee on Judiciary
House Committee on Appropriations

Background: The court of appeals is divided into three divisions. The first division is headquartered in Seattle, the second division is in Tacoma, and the third division in Spokane.

Each of the divisions is further divided into districts. The judges of the court of appeals are elected from these districts.

The first division has eight judges. Six of those judges come from district one, which is King County, one of the judges comes from district two, which is Snohomish County and one of the judges comes from district three, which is Island, San Juan, Skagit and Whatcom counties.

The number of judges in each of the superior courts is also determined by statute. Snohomish County has nine superior court judges and Pierce County has 15. King County is authorized 46 judges, seven of which were authorized by legislation passed in 1987 that required those seven new positions to be filled by January 1, 1990.

One half of the salary of a superior court judge is paid by the state, and the other half is paid by the county. Most other costs associated with a judicial position, such as capital and support staff costs, are borne by the county. Superior court judges are provided health care benefits by the state. Counties are also authorized to provide health care benefits to all county employees.

A statute requires counties to provide a stenographic court reporter for each superior court judge. Recently created superior court positions have been exempted from this requirement.

Summary: The number of judges in division one of the court of appeals is increased from eight to nine. The additional judge is to come from Snohomish County.

The number of superior court judges in Pierce county is increased from 15 to 19, effective January 1, 1990. The number of superior court judges in Snohomish county is increased from nine to 11 with one of the new positions effective July 1, 1990, and the other effective no later than June 30, 1991. The newly created positions in both counties are dependent on an agreement by the respective county legislative authorities to pay for the counties' shares of the costs of the new positions. No stenographic reporters are required for the new positions.

The deadline by which the King County legislative authority must agree to the new superior court positions created in 1987 is extended by one year to January 1, 1991.

Superior court judges who receive health care benefits from the state are excluded from the definition of "employee" for purposes of the statute that authorizes counties to provide health care benefits to their employees.

The newly created position in division one of the court of appeals is to be filled by gubernatorial appointment on January 1, 1990. In November of 1990, that position will be subject to election for a six year term.

Votes on Final Passage:

House	93	3
Senate	43	0

Effective: July 23, 1989

Partial Veto Summary: The partial veto removes the provision that prevents a superior court judge from receiving medical benefits from both the state and county. (See VETO MESSAGE)

HB 1841

C 371 L 89

By Representatives Peery and Winsley

Establishing criteria for composing the instructional materials committee.

House Committee on Education
Senate Committee on Education

Background: Each school district must establish a policy relating to the selection of instructional materials. An instructional materials committee must be appointed and approved by the school board and superintendent. The committee includes members of the professional staff including curriculum development committees. If the district is only a K–8 district, the committee must also include an educational service district superintendent to assure correlation of the district's instructional material adoptions with the high school district which would serve these students. The committee shall make recommendations to the board of directors based on the policy adopted by the board. The recommendations are subject to approval by the board.

Summary: Each school district shall adopt a policy relating to the selection or deletion of instructional materials. The instructional materials committee may include parents. Parent members shall make up less than one–half of the total membership of the committee. Reasonable notice shall be given to parents of the opportunity to serve on the committee. The school district board of directors may approve or disapprove the committee's recommendations.

Votes on Final Passage:

House	97	0	
Senate	43	0	(Senate amended)
House	96	1	(House concurred)

Effective: July 23, 1989

HB 1844

C 216 L 89

By Representatives Doty, Rasmussen, Heavey, Cole, Ballard, Leonard, Schoon, Nealey, Walker, Ferguson, May, Moyer, Brough, Miller, Bowman, Wood and Patrick

Regulating house–to–house sales.

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

Background: Several states and the U.S. Congress have investigated the practices of sales companies that employ youth in house–to–house sales. Testimony before Congress in 1987 indicated that this is a national concern with approximately 15,000 youths involved in house–to–house sales for 200 networking companies across the nation. Typically these companies recruit through advertisements placed in local newspapers. California, Oregon, Delaware and Massachusetts are among the states that regulate the employment of youth in house–to–house sales.

Summary: No person under 16 years of age may be employed in house–to–house sales, except under a variance granted by the Department of Labor and Industries.

Persons 16 or 17 years of age may be employed in house–to–house sales if the employer obtains and maintains a validated registration certificate from the department, provides the employee with a picture identification card to be shown to all customers, ensures supervision during all working hours, obtains written parental consent to transport the employee to another state, and does not permit the employee to engage in house–to–house sales after 9 p.m.

Any person using an advertisement that specifically prescribes a minimum age under the age of 21 for employment in house–to–house sales must also be registered with the department. The advertisements must include the person's registration number, the specific nature of the employment and product or services to be sold, and the average monthly compensation paid to new employees. The advertisement may not be false, misleading, or deceptive. A violation of the advertisement requirements is a consumer protection violation.

Employment with a parent, employment as a newspaper vendor, or voluntary activities for educational, charitable, religious or governmental entities are excluded from these regulations.

Votes on Final Passage:

House	94	0
Senate	32	13

Effective: July 23, 1989

SHB 1853

C 388 L 89

By Committee on Environmental Affairs (originally sponsored by Representatives Jones, Hargrove, Rust, Winsley, Haugen, Spanel, Basich, R. King, Belcher, Cole, Jacobsen, Pruitt, P. King, Valle and Nelson)

Providing for oil spill damage assessments.

House Committee on Environmental Affairs
House Committee on Appropriations

Background: Four major oil spills have occurred in Washington waters over the last five years: the SS Mobil Oil spill near the mouth of the Columbia river in March, 1984; a spill of unknown origin on the shores of Whidbey Island in December, 1985; the grounding of the Arco Anchorage near Port Angeles in December, 1985; and the spill from the Nestucca barge in Grays Harbor in December, 1988.

Under current state law, damage assessment studies are conducted to determine the damages to natural resources that result from oil spills. Although damage assessment studies have been conducted in the past, this method of assessing damages has been criticized because the studies can cost more than the damages actually claimed. For instance, the 1984 Mobil oil spill resulted in $181,000 in assessment study costs and $35,000 in damages claimed. The 1985 Arco oil spill resulted in $285,000 in assessment study costs and $33,000 in damages claimed. Another criticism of current damage assessment methods is that damages to natural resources are underestimated.

In 1986, the Legislature responded to oil spill concerns by directing the Department of Ecology (Ecology) to establish an Oil Spill Advisory Committee to study existing oil spill prevention, containment and clean–up provisions. This committee recommended, among other things, that the Legislature consider the enactment of legislation similar to Alaska's which imposes a monetary charge per gallon of oil spilled.

The 1987 Legislature directed Ecology to contract with the University of Washington to conduct a study of the state's oil spill damage assessment methods and develop a recommended damage assessment methodology. These recommendations include the establishment of preassessment screening committees to determine whether damage assessment studies should be conducted, and the creation of a compensation schedule to be used when assessment studies should not be conducted.

Summary: The Department of Ecology (Ecology) is directed to adopt an oil spill compensation schedule by July 1, 1991. The schedule will be designed to compensate the state for oil spill damages that are unquantifiable or for damages that are not quantifiable at a reasonable cost. The schedule will set up a ranking system that takes into account factors such as the toxicity of the oil, the sensitivity of the affected areas, and actions taken by the spiller that mitigate or exacerbate the damage. The amount of compensation assessed under the schedule will range from no less than $1 per gallon of oil spilled to no greater than $50 per gallon of oil spilled. A scientific advisory board will assist in the development of the schedule.

For each oil spill, a formal preassessment screening committee will be convened to determine whether a damage assessment study should be conducted or whether the compensation schedule should be used. Damage assessment studies may only be conducted if the committee determines that the damages are quantifiable at a reasonable cost and that the proposed studies are clearly linked to quantification of the damages incurred. The compensation schedule will be used if the committee determines that restoration of the injured resources is not technically feasible and that damages are not quantifiable at a reasonable cost. Liable parties may propose restoration projects in lieu of damage assessment studies or in lieu of the compensation schedule.

Monies received from the compensation schedule will go into the coastal protection fund and be dedicated to the following uses: (1) Environmental restoration and enhancement projects; (2) investigations of the long–term effects of oil spills; and (3) reimbursement of agencies for reconnaissance and damage assessment costs. A steering committee consisting of the Departments of Ecology, Fisheries, Wildlife, and the Parks and Recreation Commission will authorize the expenditure of these monies.

Ecology will report on implementation of the compensation schedule to the legislature for the next five years.

Any person who intentionally or recklessly causes an oil spill is subject to a civil penalty of up to $100,000 for each day the spill poses risks to the environment.

Votes on Final Passage:

House	95	0	
Senate	37	10	(Senate amended)
House	92	0	(House concurred)

Effective: May 13, 1989

SHB 1854

PARTIAL VETO

C 262 L 89

By Committee on Environmental Affairs (originally sponsored by Representatives Jones, Hargrove, Rust, Winsley, Basich, R. King, Belcher, Cole, Spanel, P. King and Nelson)

Modifying resource damage assessment under the state water pollution control act.

House Committee on Environmental Affairs

Senate Committee on Environment & Natural Resources

Background: The State Water Pollution Control Act authorizes the state to collect damages for injuries to natural resources that result from illegal discharges into the waters of the state. The measure of damages is the amount necessary to "restock such water, replenish such resources, and otherwise restore the stream, lake, or other water source to its condition prior to the injury."

Recently, this language has been judicially interpreted as limiting damages to the amount of money necessary to restock the water with the quantity and species of fish killed by the discharge. Evidence regarding the economic value of the fish was excluded because the court determined that this had no bearing on restocking costs and was not a proper method of measuring damages under current law.

Damages recovered under the act for natural resources are currently transferred to the appropriate state agency to use for food fish or shellfish management or propagation.

Summary: Any person who damages natural resources by discharging a pollutant in violation of the state Water Pollution Control Act is liable for the sum of money necessary to: (1) Restore the damaged resource to its condition prior to injury and compensate for the lost value during the period of time between injury and restoration; or (2) compensate for the lost value throughout the duration of the injury if restoration is not technically feasible. When only partial restoration is technically feasible, compensation will be required for the remaining lost value.

Restoration is defined to include the cost to restock, replenish, or replace the resources and to restore the environment to its condition prior to injury.

Lost value is defined to include consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues.

Damages received under the act will go into the coastal protection fund and be dedicated to the following uses: (1) Environmental restoration and enhancement projects; (2) investigations of the long–term effects of oil spills; and (3) reimbursement of agencies for reconnaissance and damage assessment costs. A steering committee consisting of the departments of ecology, fisheries, wildlife, and the parks and recreation commission will authorize the expenditure of these monies.

Votes on Final Passage:

House	95	0	
Senate	41	3	(Senate amended)
House	92	0	(House concurred)

Effective: May 5, 1989

Partial Veto Summary: A section providing for prospective application of the act was vetoed, allowing the clarified measure of damages to apply retroactively. (See VETO MESSAGE)

SHB 1857

C 207 L 89

By Committee on Energy & Utilities (originally sponsored by Representatives Rasmussen, Miller, Nelson, Hankins and Fraser)

Regulating public water systems.

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

Background: The State Board of Health is responsible for regulating domestic water supply. The board is directed to adopt standards and procedures for the design, construction, and operation of water supply systems for domestic use.

The Utilities and Transportation Commission has regulatory authority over any person or entity operating a water system for hire. Water systems include those systems supplying water for power, irrigation, reclamation, manufacturing, municipal, or domestic purposes. The commission's authority does not extend to any system serving fewer than 100 customers if the annual gross revenue per customer does not exceed a specified level that may be adjusted by the commission to account for inflation.

The commission may initiate a complaint on its own motion or on motion of any other person alleging that a regulated utility is violating the law or a rule of the commission. The complaint must be served on the utility and a time set for a hearing on the complaint. If the commission determines that the purity, volume or pressure of water does not meet the appropriate standards, the commission may order a water utility to correct the problem. The commission may also order a utility to correct any rules, regulations, measurements, practices, acts, or services that it determines are inadequate.

Any utility subject to regulation by the commission may appeal a commission order. The court may stay the commission's order if the utility shows that great or irreparable damage will result if the order is not stayed pending judicial review.

Summary: The authority of the State Board of Health to regulate domestic water service is modified. The board is required to adopt rules to assure safe and reliable drinking water. The rules must include standards for the design and construction of water systems, water quality, reporting requirements, planning and emergency response requirements, and the management of existing but inadequate water systems.

If the Department of Social and Health Services has issued an order finding a water company to be in violation of Board of Health standards, the Utilities and Transportation Commission must either audit a water company or issue a complaint against the water company.

If the commission finds that the quality of water supplied by a water company is inadequate, it shall order corrective measures. Failure of a company to comply with Board of Health regulations is prima facie evidence that the water supply is insufficient. In ordering improvements, the commission must consult with the Department of Social and Health Services. If a company fails to comply with the commission's order, the commission may request the Department to place the company in receivership.

The commission may enter into an agreement with a county to have the county exercise the commission's regulatory authority over water companies located in the county.

A water company that appeals a commission order must be in compliance with the Board of Health water quality standards in order to obtain a stay of the commission's order during judicial review.

Votes on Final Passage:

House 98 0
Senate 45 0

Effective: July 23, 1989

SHB 1858

C 212 L 89

By Committee on Trade & Economic Development (originally sponsored by Representatives Kremen, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Braddock and Wineberry)

Authorizing the supervisor of banking to regulate the small business association 7(a) loan guaranty program.

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

Background: The Small Business Administration administers a national small business loan program known as the 7(a) loan guaranty program. This loan program provides financing to small firms that need long-term financing and working capital for plant acquisition, construction, conversion, or expansion. This includes the acquisition of land, material, supplies, equipment, and other fixed assets. With some exceptions, the loans may not exceed a period of 25 years.

The Small Business Administration guarantees up to 90 percent of these 7(a) loans. This guaranteed portion of the loans is valuable on the secondary loan market. The Small Business Administration, however, will not guarantee 7(a) loans made by non-depository lenders unless these lenders are regulated by the state. Washington State does not have a regulatory mechanism established for non-depository lenders.

Summary: The State Supervisor of Banking is authorized to license and regulate corporations to enable them to participate in the federal 7(a) loan guaranty program.

Before approving an application for a license to make federal 7(a) loans, the supervisor must review information concerning the controlling persons of the corporation making the application, review the applicant's business plan, and consider other information the supervisor deems relevant. The supervisor must determine that the applicant has established a loan loss reserve sufficient to cover projected loan losses which are not guaranteed by the federal government, that the applicant is competent and of good character, and that the applicant is capitalized in an amount not less than $500,000 and in an amount sufficient to conduct business as a 7(a) lender.

Licensees are prohibited from holding control, either directly or indirectly, over a business firm to which it has made a loan under the federal 7(a) program. Any change of control of a licensee is subject to the approval of the supervisor.

The supervisor is authorized to charge a fee for an application for a license, an application to acquire control over a licensee, an application for a licensee to merge with another corporation, an application for a licensee to purchase the business of another, and an application for a licensee to sell its business to another licensee. The supervisor may include the costs of investigation within the fees charged for the applications for these licenses. The supervisor may also charge a fee for an annual license and may charge for excess examiner time. All fees collected by the supervisor of Banking pursuant to the implementation of the

7(a) program are to be transmitted and credited to the banking examination fund.

Licensees must keep records in the manner that the supervisor requires. Each licensee must file an annual audit report with the supervisor. The supervisor must examine each licensee at least once each year. If the supervisor retains professional assistance in the course of examining a licensee, the licensee must pay the fees of the person retained.

Violations of any rules established by the supervisor to enforce the 7(a) lender program is punishable by a fine as determined by the supervisor. No fine may exceed $100 for each offense. Each day that a violation continues is a separate offense. All fines are credited to the banking examination fund.

The supervisor is authorized to deny, suspend, or revoke a license if an applicant or licensee violated rules adopted pursuant to the 7(a) lender program. The supervisor may bring an action for a restraining order or injunction to enjoin any violations or to enforce compliance.

Votes on Final Passage:

House	98	0
Senate	46	0

Effective: July 23, 1989

HB 1862

C 289 L 89

By Representatives McLean, Hine, Sayan, Silver, Winsley, Van Luven and Doty

Providing twelve-months' service credit to public employees' retirement system members who are employed on a continuous nine-month basis at designated schools.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: Classified employees of higher education institutions, community colleges, the state school for the blind, and state school for the deaf are members of the Public Employees Retirement system (PERS). Members of PERS Plan I must work 70 or more hours in a month to earn service credit for that month; members of PERS Plan II must work 90 or more hours.

In 1979 PERS was amended to allow members employed by these institutions to receive 12 months of service credit for each contract year, school year, or academic year of employment. This change applied to both PERS I and PERS II, but was not made effective for years of employment prior to 1979.

Classified employees of school districts are members of PERS. They receive 12 months of credit when they work nine months on a continuing basis and earn nine months of credit in a year. Prior to 1987, this applied only to years of employment since 1973. As a result of legislation enacted in 1987, all years of classified employee service, including those prior to 1973, are covered.

Summary: Members of the Public Employees Retirement System (PERS) who are employed by institutions of higher education, community colleges, the state school for the blind, and the state school for the deaf, may receive up to 12 months of service credit for each school year or contract year of employment. This applies on a retroactive basis for all members who retire after the effective date of the act.

Members of PERS Plan I who are employed by school districts are permitted to receive service credit for days that the employee could not work due to the effects of inclement weather. This applies only to the 1988–89 school year.

Votes on Final Passage:

House	97	0
Senate	44	0

Effective: July 23, 1989

SHB 1864

PARTIAL VETO

C 372 L 89

By Committee on Health Care (originally sponsored by Representatives Day, Brooks, Braddock, D. Sommers, R. Meyers, Sprenkle, Cantwell, Morris, Scott, Wolfe, Vekich, Patrick, Chandler, Crane, Winsley, Dellwo, Brough, Wineberry, P. King, S. Wilson, Bowman, Kremen, Dorn, Schoon, Van Luven, Wood, R. King, Cooper, Doty, Todd, McLean and O'Brien)

Concerning quality of care in nursing homes.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health Care & Corrections and Committee on Ways & Means

Background: During the last biennium a broad based coalition of nursing home professionals, long term care advocates, consumers, and health professionals identified several significant quality of care issues facing the nursing home industry. Their findings indicated the need for changes in the nurses cost center and for increased formal training for direct care nursing staff

and administrators. The wages paid for nursing home nursing staff are 16 to 30 percent below wages paid to nurses in acute care hospitals. Concerns were also expressed about the quality and continuity of care relating to the increasing use of temporary nursing staff.

Supervised nursing students working and training in hospitals are allowed to provide medication to patients. This same professional privilege, however, is not available in nursing homes. Allowing qualified nursing students to provide medications to nursing home residents was identified by the coalition as a way to help alleviate the nursing shortage in nursing homes. Appropriate and effective policies for denial of nursing home licensing, and for stop placement and emergency transfer of patients, were also issues of concern to the coalition.

The state does not assess a fee for post survey visits to nursing homes. These visits verify whether the home has corrected deficiencies found in the initial survey.

Federal nursing home depreciation provisions were changed in July, 1984. One nursing home in Washington state was negatively affected. A nursing home's legal, accounting, and bookkeeping fees are fully reimbursed under the current reimbursement system.

Summary: Graduate nurses and student nurses are permitted to administer medication to nursing home residents.

The reasons for which the Department of Social and Health Services may deny a nursing home license application are expanded. The department is authorized to order the immediate closure of a nursing home and/or the immediate transfer of residents if an emergency exists affecting the health or safety of residents. The department may deny payment for all Medicaid eligible individuals admitted after the nursing home has been cited for deficiencies and did not correct those deficiencies within three months, or if the home has been found in violation of standards of care on three consecutive surveys. Monetary penalties are also established.

More detailed provisions are provided to govern stop placements and emergency transfers in nursing homes.

The process of dealing with nursing homes in receivership status is changed to ensure the smooth functioning of the nursing home and protection of its residents during the transfer of the home.

Post survey charges of $12 per bed are assessed to the nursing home for those surveys required by the facility after the first post survey or visit.

The department is required to provide written information to the public regarding the availability of long–term care services. The department is authorized to purchase services for persons in need of active treatment in institutions for mental diseases. These services are not allowable costs under the nursing home reimbursement system. A nursing home's legal, accounting, and bookkeeping fees will not be reimbursed if they exceed the eighty–fifth percentile of such costs reported by all nursing homes. Nursing home depreciation provisions are clarified to allow a nursing home to receive federal reimbursement based on the purchase price agreed to in July, 1984.

Votes on Final Passage:

House	96	0	
Senate	43	4	(Senate amended)
House	96	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: The Governor vetoed the section requiring the Department of Social and Health Services to prepare and distribute printed information regarding the statewide availability of long–term care services and requiring nursing homes to make that information available. (See VETO MESSAGE)

HB 1872

C 288 L 89

By Representatives Heavey, Prince, Valle, Brough, Anderson, R. Meyers, Walker, Haugen, Rasmussen, Ebersole, Bristow, Scott, Fraser, Patrick, Raiter, Ballard, Hine, Phillips, G. Fisher, K. Wilson, Day, Winsley, Prentice, D. Sommers, Leonard, Zellinsky, Todd and Wood

Allowing counties, cities and towns to regulate hitchhiking in some situations.

House Committee on Transportation
Senate Committee on Transportation

Background: Under current law, hitchhiking offenses are traffic infractions carrying only a monetary penalty. The state has preempted local governments from regulating hitchhiking.

Some local governmental representatives feel that giving local government the power to ban hitchhiking in areas of known prostitution would assist in controlling prostitution.

Summary: Counties, cities or towns may, by order or resolution, regulate or prohibit hitchhiking in areas of known prostitution, as determined by the local government, after a finding that such regulation will help to reduce prostitution in the area.

Votes on Final Passage:
House 97 0
Senate 45 0

Effective: July 23, 1989

HB 1885

C 139 L 89

By Representatives Hine, Silver, H. Sommers and Sayan

Making adjustments to the judicial retirement system.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: Prior to July 1, 1988 the Judicial Retirement System provided that: 1) the surviving spouse of a retired judge would lose his or her survivor benefits if he or she remarried, and 2) the benefits paid to retired judges and surviving spouses could, under some circumstances, be reduced by the amount of the earnings from private employment. These provisions were repealed in 1988.

The Department of Retirement Systems, based on a series of previous court cases, has removed the restrictions only for judges (and their surviving spouses) who retire after the effective date of the 1988 legislation. The general rule is that a retiree's rights and benefits are determined as of the day of retirement and are not affected by any subsequent statutory changes unless the Legislature expresses a clear intent to make a retroactive change. Based on this rule, judges who retired before July 1, 1988, are not affected by the 1988 legislation.

In 1988, the Legislature also created the Judicial Retirement Account plan, under which members contribute 2.5 percent of salary with an equal state match. The State Investment Board is authorized to invest monies in the account.

Summary: Two provisions in the Judicial Retirement System that were repealed in 1988 are repealed on a retroactive basis. These include: 1) the provision specifying that the surviving spouse of a retired judge would lose his or her survivor benefits if he or she remarries, and 2) the provision that benefits paid to retired judges and surviving spouses could be reduced by the amount of the earnings from private practice.

The Committee for Deferred Compensation is authorized to invest monies in the Judicial Retirement Accounts.

Votes on Final Passage:
House 98 0
Senate 43 0

Effective: July 23, 1989

SHB 1889

PARTIAL VETO

C 413 L 89

By Committee on Judiciary (originally sponsored by Representatives Appelwick, Sayan, Locke and Brekke)

Providing immunity for certain public employees.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Concern has been expressed about protection of public employees who are sued for acts or omissions within the scope of the employee's official duties. Under current statutes, a state official, employee, or volunteer who is sued for damages may request the Attorney General to defend the action at the state's expense if the suit arises from the person's acts or omissions while performing, or in good faith purporting to perform, official duties. If the Attorney General finds that the person's acts or omissions were in good faith, or were purported to be in good faith, and were within the scope of the person's official duties, the Attorney General will defend the suit. Expenses for the defense will be paid by the department to which the employee is attached.

Another statute provides for defense of state employees charged with criminal offenses. If a state officer or employee is charged with a criminal offense arising out of the performance of an official act, the employing agency may request the Attorney General to defend the employee. The Attorney General will defend the employee and the defense cost will be borne by the employing agency if the agency and the Attorney General agree that (1) the employee's conduct was fully in accordance with established written rules, policies and guidelines of the state or a state agency, and (2) the act was performed within the scope of employment. If a court finds that the employee was performing an official act or was acting within the scope of employment, and also finds that his actions were in conformity with established rules and policies, monetary fines which are assessed will be paid from the tort claims revolving fund.

Summary: If a civil action for damages is brought against a state officer, employee or volunteer arising

from good faith acts or omissions within the scope of the person's official duties, or alleging a violation of federal civil rights law, the Attorney General is directed to defend the suit and the expenses must be paid by the department to which the employee is attached.

If a criminal proceeding or action is instituted against a state employee, officer, or volunteer arising from acts or omissions within the scope of official duties and in conformity with established state policies, the Attorney General will defend the action and expenses will be paid by the employee's department.

If a judgment is entered against an employee who has been defended by the Attorney General, and the body presiding over the action finds that the acts or omissions were within the scope of official duties, the judgment creditor can only seek satisfaction of the judgment from the state. The judgment cannot become a lien on the employee's property.

The state will indemnify employees in the amount of judgments, fines, or settlements against them if their acts or omissions were in good faith and occurred while they were acting within the scope of their employment, and they are being represented by the Attorney General.

Votes on Final Passage:

House	98	0	
Senate	42	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: Section 1 was vetoed because it eliminated existing authority of the Attorney General to make a finding regarding whether the employees acts or omissions were in good faith and within the scope of official duties, and because it inappropriately expanded the state's duty to represent officers, employees or volunteers charged with criminal violations. Section 4, listing the sections repealed by the bill, was also vetoed. RCW 4.92.060, regarding a request for defense, and RCW 10.01.150, regarding defense in criminal actions, are not repealed. (See VETO MESSAGE)

SHB 1894

PARTIAL VETO

C 202 L 89

By Committee on Health Care (originally sponsored by Representatives Braddock, D. Sommers, Brooks, Sprenkle, Vekich, Day, Cantwell, Wolfe, Morris, Chandler, Patrick, Valle, Dellwo, Rector, Nelson and Phillips)

Making technical changes in dental hygiene and dentistry.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: The practice of dental hygiene is regulated by the Department of Licensing. A person must hold a license in order to practice dental hygiene. The Director of Licensing's general authority to implement the law is not specified. There are no exemptions from licensure provided by law.

Applicants for licensure must be citizens, at least 18 years of age and of good moral character, and must submit proof of graduation from a training school.

The examining committee is composed of three dental hygienists, and examinations must be given twice annually. Terms for membership and experience requirements for members are not specified. There is no member representing the public.

Licenses must be renewed by October 1 annually.

The practice of dentistry is regulated by the Department of Licensing. A person must hold a license in order to practice dentistry. Licensure applicants must have specified hours of training at the high school, college, and dental school levels, and must be United States citizens. Applicants may take an indefinite number of subsequent examinations. Licenses are renewable annually on October 1.

There is no residence requirement for members of the Board of Examiners.

Dentists licensed in other states may be applicants for licensure in this state only if there is a similar reciprocal agreement in the other state.

Summary: Technical changes are made to the dental hygiene and dentistry practice acts.

Applicants for licensure as dental hygienists must complete relevant course work, pass an examination and not engage in unprofessional conduct. Licenses are renewable as determined by the Director of the Department of Licensing.

The Dental Hygiene Examining Committee is expanded to include a public member. The two dental hygiene members must be licensed and in practice for at least five years. Members may serve for three year terms or until successors are appointed, and can be removed for misconduct. Members of the committee are declared immune from legal liability in the course of their duties.

The director is given authority to set license renewal dates and to adopt rules specifying examination subjects, passage standards, examination dates, and procedures for appeal. The director is also given authority to implement the provisions of the law, including the establishment of minimum education requirements for applicants, and the approval of educational programs.

Exemptions from licensure are provided for dental hygienists employed by the federal government, as well as dental hygiene students.

Three of the nine members of the Board of Dental Examiners must be residents from Eastern Washington. The expiration of terms of board members is changed from July 1 to January 1, but members may serve until their successors are appointed. The board is authorized to adopt rules to implement the law and the Uniform Disciplinary Act.

Applicants for licensure as dentists must have graduated from schools approved by the board. The specification of hours of training at the high school, college, and dental school level is repealed. Examination records are open for inspection to an applicant. Applicants are not required to be U.S. citizens. The board must notify an applicant of an appearance before the board. Examination papers are to be preserved for a period of one year rather than three years. Except by leave of the board, an applicant is only entitled to take four subsequent examinations, rather than an indefinite number. Licenses are renewable annually as determined by the director, and failure to renew for three years renders the license invalid, except by leave of the board.

Members of the board may be removed by the Governor for cause.

Applicants for licensure as dental hygienists or dentists from other states may practice in Washington without examination if they are licensed in jurisdictions with substantially equivalent standards to those in Washington.

Gender oriented language is stricken. Other technical changes are made, including recodification of sections and the repeal of redundant sections.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	89	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: The compensation received by members of the Board of Dental Examiners and Dental Disciplinary Board for each day that the members perform their prescribed duties was raised from $50.00 to $100.00 in the bill. The veto restores the compensation to $50.00 a day, consistent with the compensation authorized for members of other professional regulatory boards, and in accordance with the statutory policy prescribed for boards of this nature. (See VETO MESSAGE)

HB 1904

C 296 L 89

By Representative Hine

Substituting the word improvements, in place of facilities, for use as security for transportation impact fees.

House Committee on Transportation
Senate Committee on Transportation

Background: The Legislature enacted the Local Transportation Act in 1988. This act authorized local governments to develop and adopt programs to jointly fund, from both public and private sources, transportation improvements necessitated by economic development and growth within their jurisdictions. Local governments must adopt the programs by ordinance. The programs are required to identify areas affected by the transportation improvements, be based on a long–term transportation plan identifying the specific transportation improvements associated with the plan, and have a six–year capital program to accomplish the improvements. The local governments are authorized to impose a transportation impact fee on developers to pay for off–site transportation improvements.

Summary: The Local Transportation Act of 1988 provisions regarding credits for developers constructing off–site transportation facilities are clarified. "Facilities" are more clearly identified as transportation improvements, making that term consistent with definitions set forth in the chapter and terminology used in the section.

Votes on Final Passage:

House	95	0	
Senate	43	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 1909

FULL VETO

By Representatives Horn, Haugen, Ferguson, Cooper, Silver, May, Raiter, Holland, Nelson, Phillips, K. Wilson, Betrozoff, Brumsickle, Walker, Wood, Nealey, Wolfe, Nutley, Rayburn, Zellinsky, Todd, D. Sommers, Rector and Winsley

Authorizing local government to file abandoned intangible property records in archives after five years and transfer the property to its general fund.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Various statutes require local governments to retain funds to pay a warrant or other instrument that was issued by the local government.

The Uniform Unclaimed Property Act requires most unclaimed intangible property to be forwarded to the Department of Revenue. However, unclaimed money that is held by a race track as a result of unredeemed pari–mutuel betting tickets is not required to be forwarded to the Department of Revenue. Pari–mutuel betting is allowed on horse racing at county fairs.

Summary: A local government that holds abandoned intangible property that is not forwarded to the Department of Revenue shall not be required to maintain current records of this property for longer than five years, and at that time may archive such records and transfer the money to its current expense fund. However, the local government remains liable to pay the intangible property to a person or entity that subsequently establishes its ownership of this intangible property.

Votes on Final Passage:

House	95	2
Senate	45	0

FULL VETO: (See VETO MESSAGE)

HB 1912

C 6 L 89

By Representatives Bowman, Patrick, Brumsickle, Belcher, Padden, Tate, Walker, Wolfe, Silver, Fraser, Van Luven, Schmidt, Moyer, Brough, Betrozoff, Locke, Brooks, Vekich, Appelwick, Wood, Youngsman, McLean, Baugher, D. Sommers, Scott, Holland, Horn, Winsley, Dorn, Doty and Rasmussen

Authorizing a juvenile court administrator to fingerprint juvenile offenders under certain conditions.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: It is the duty of the chief law enforcement officer or local director of corrections to send to the State Patrol within 72 hours from the time of arrest, the fingerprints and other identifying data on persons arrested, fingerprinted and photographed. At the arraignment or preliminary hearing of a felony case, the judge must ensure that the defendant has been fingerprinted and that an arrest and fingerprint form has been sent to the State Patrol.

Summary: The juvenile court administrator is authorized to initiate the arrest and fingerprint form for a juvenile felony defendant. When a juvenile is arrested and is brought directly to a juvenile detention facility, a juvenile court administrator may have the juvenile photographed and fingerprinted, and may transmit this information to the appropriate law enforcement agency.

Votes on Final Passage:

House	93	0
Senate	47	0

Effective: July 23, 1989

HB 1917

PARTIAL VETO

C 414 L 89

By Representatives O'Brien, May, Gallagher, Wineberry, Nelson, Locke, Sayan, Patrick, Baugher, Ferguson and McLean

Establishing a certified real estate appraiser law.

House Committee on Commerce & Labor
House Committee on Appropriations
Senate Committee on Financial Institutions & Insurance and Committee on Ways & Means

Background: State law requires real estate appraisers who perform appraisals for taxation purposes and for sales of certain public property to meet specified standards. Otherwise, the state does not regulate persons who conduct real estate appraisals.

In 1987 and again in 1988, the House of Representatives passed legislation that authorized appraisals which met certain standards to be termed "certified." In both years, the bill died in the Senate.

Following the 1988 session, the House Commerce & Labor Committee requested the Department of Licensing to conduct a sunrise review of the regulation of appraisers. The department recommended that no certification or licensing be required. However, the

department further recommended that if federal law were to require state certification of appraisers, the Legislature should provide only the minimal level of certification to meet the federal standards.

In November, 1988, the federal Office of Management and Budget issued a directive to federal agencies to require state certified appraisals for certain transactions by July 1, 1991. A state certification program must be adopted for Washington appraisers to perform appraisals for these transactions.

Summary: The Certified Real Estate Appraiser Act is adopted. The Department of Licensing shall administer the act.

No person may use the terms "certified appraisal" or "state certified real estate appraiser" unless he or she is certified by the state. However, a person who is not certified may perform appraisals.

Two classes of certification are created. A certified residential real estate appraiser may render certified appraisals of residential real property of one to four units. A certified general real estate appraiser may make certified appraisals of all types of real property.

To obtain certification, an appraiser must meet experience and education requirements and pass an examination. The director may waive the education requirement if the applicant was practicing as a real estate appraiser in the state on July 1, 1990. The director may also impose continuing education requirements. Fees shall be charged to meet the costs of the program.

A seven member real estate appraiser certification board is established. Two members shall be public members and five shall be real estate appraisers. The board shall make recommendations regarding the experience, education, and examination requirements, and may conduct disciplinary hearings upon request of the director.

The director may revoke or suspend an appraiser's certification for negligence or incompetence in making an appraisal, and for other specified violations.

A certified appraiser must place his or her certificate number on appraisal documents.

An appraiser certified in another state may obtain a certificate without passing the examination if the certification requirements of the other state are substantially similar and the other state grants reciprocity to Washington certificate holders.

The provisions shall be null and void unless specific funding is provided in the 1989–91 appropriations act.

Votes on Final Passage:

House	97	0	
Senate	36	10	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	40	0	
House	97	0	

Effective: July 23, 1989
July 1, 1989 (Sections 2, 3, 5 – 8, and 26)
July 1, 1990 (Sections 1, 4, 9 – 22)

Partial Veto Summary: The real estate appraiser certification is eliminated. (See VETO MESSAGE)

SHB 1952

C 211 L 89

By Committee on Judiciary (originally sponsored by Representatives Braddock, Appelwick and P. King)

Clarifying the durable power of attorney statute.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A statute provides for the creation of a "durable" power of attorney. A power of attorney is the grant of authority by a principal to another to act on behalf of the principal. A durable power is one that begins with or survives the death or disability of the principal. A durable power is created in a written power of attorney by the recitation of words that indicate the principal's intent that the power be exercisable notwithstanding the principal's disability or incapacity. The person acquiring the power is known as the principal's "attorney–in–fact."

There is no express provision in the power of attorney statute indicating that the power extends to making health care decisions. There is, however, a provision in the informed consent statute that expressly states that a person with a power of attorney may supply informed consent on behalf of a principal.

There is no express provision in the statute for the termination of a durable power of attorney.

Summary: The durable power of attorney statute is amended to provide expressly that a principal may delegate the power to give informed consent for health care decisions. The provider of the health care, however, may not be granted this power of attorney unless the provider is also the principal's spouse, adult child or sibling. The power does not extend to decisions about psychosurgery, shock treatments, amputations or certain other psychiatric or mental health procedures.

A durable power of attorney continues until it is revoked by the principal or terminated by court action.

Votes on Final Passage:

House	98	0
Senate	43	4

Effective: July 23, 1989

SHB 1956

C 255 L 89

By Committee on Human Services (originally sponsored by Representatives Winsley, Brekke, Heavey, Leonard, Moyer, Bristow, Padden, Ebersole, Anderson and Youngsman)

Revising and adding provisions on adoption.

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

Background: Currently there are no limitations on who can advertise regarding the following: (1) the desire to adopt a child; (2) the availability of a child for adoption; or (3) the provision of adoption–related services.

There has been concern expressed regarding out–of–state agents or attorneys who advertise throughout the country and appear to be "baby brokering." In addition, the opinion has been expressed that additional protection would be offered to a prospective adoptive child or children if a favorable pre–placement report was required prior to a party's advertising for a child.

Summary: No person or entity may advertise his or her desire to adopt a child or place a child up for adoption unless the person or entity is: (1) an agent, employee, or contractee of the Department of Social and Health Services, (2) a licensed child–placing agency, (3) an attorney licensed to practice in Washington State, or (4) the recipient of a favorable pre–placement report or such person's authorized, uncompensated agent. Any person or entity who violates these restrictions shall be guilty of a misdemeanor.

Votes on Final Passage:

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

Effective: July 23, 1989

SHB 1958

PARTIAL VETO

C 258 L 89

By Committee on State Government (originally sponsored by Representatives R. Fisher, Hankins, Anderson, R. King, McLean, Sayan and Morris)

Specifying chiropractic board membership requirements and clarifying the duties of board members.

House Committee on State Government
Senate Committee on Health Care & Corrections

Background: All chiropractors must be licensed to practice in the state. The State Board of Chiropractic Examiners and the Chiropractic Disciplinary Board administer state requirements for the regulation of chiropractors.

The State Board of Chiropractic Examiners consists of five practicing chiropractors and one consumer member, all appointed by the Governor for three–year terms. Board members must be residents of the state for at least five years prior to appointment during their tenure. The Board of Examiners prepares and grades examinations for licensing, approves symposiums for the continuing education requirement for license renewal, and grants accreditation to schools and colleges of chiropractic.

All licensed chiropractors must pay renewal fees by September 1 of each year. A licensee whose license has lapsed for more than three years must be re–examined.

The Chiropractic Disciplinary Board consists of six practicing chiropractors and one member of the general public, appointed by the Governor for five–year terms. The Governor may remove members for neglect of duty, misconduct, malfeasance, or misfeasance. The Disciplinary Board receives and investigates complaints of alleged violations of the Uniform Disciplinary Act for health professionals, reviews the complaints and investigations to determine probable cause, and determines disciplinary action.

Summary: The structure and responsibilities of the two state boards responsible for regulation of chiropractors are modified.

State Board of Chiropractic Examiners. Chiropractor board members must have been engaged in active, licensed practice of chiropractic in the state for at lease five years. The term served by members is lengthened from three to five years, and members are limited to two consecutive full terms. Board members may be removed by the Governor for neglect of duty, misconduct, or misfeasance or malfeasance. Compensation for members is increased to $100 per day.

The examination for a chiropractic license is expanded to include a practical examination in addition to the written examination. Required subjects for the written examination are made consistent with standards of the National Board of Chiropractic Examiners. The board may make additional requirements for tests administered by the National Board.

The continuing education requirement is changed to require at least 25 hours of chiropractic symposia during the preceding 12-month period instead of three-year period. The board no longer approves all chiropractic symposia. Instead, the board is to set criteria for the course content of educational symposia, and the licensee must determine if the course content meets the criteria.

License renewal fees are to be paid by the licensee's birth date, rather than September 1 each year. Re-examination of licensees whose licenses have lapsed for over three years is now at the discretion of the board.

Inactive status for chiropractic licenses is created. Chiropractors may put their license on inactive status, and are not to practice unless the license is reactivated under rules developed by the board.

Chiropractic Disciplinary Board. Members of the Chiropractic Disciplinary Board must now be Washington residents and licensed, practicing chiropractors in the state for at least five years prior to serving on the board and during their tenure on the board. Board members are not to serve more than two consecutive full terms. The board is no longer required to elect a secretary. Compensation for members is increased to $100 per day.

Votes on Final Passage:

House	91	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: An increase in compensation from $50 per day to $100 per day for the Board of Chiropractic Examiners and the the Chiropractic Disciplinary Board is removed. (See VETO MESSAGE)

SHB 1965

C 329 L 89

By Committee on Health Care (originally sponsored by Representatives Hine, G. Fisher, Day, D. Sommers, Cantwell, Braddock, Cole, Dellwo and Rector)

Excluding certain types of housing from the boarding home definition.

House Committee on Health Care
Senate Committee on Economic Development & Labor

Background: State licensing is required for a boarding home for aged persons that provides housing and domiciliary care to three or more aged persons not related to the operator.

Day training centers and group training homes provide residential care to three or more developmentally disabled persons. They are regulated by the Department of Social and Health Services. The department is authorized to certify day training and group training facilities.

Summary: Independent senior housing and living units in continuing care retirement communities, or in other similar residential settings, are not regulated or classified as boarding homes.

Day training centers and group training homes are required to meet local health and safety standards as established by local health and fire safety authorities. The department's authority to consider health and safety factors for the purpose of granting or revoking certification is deleted from the law.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

SHB 1968

PARTIAL VETO

C 427 L 89

By Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Day, Cantwell, Leonard, Prentice, Bristow, Brekke, Vekich, Kremen, Valle, Raiter, D. Sommers, Morris, Sprenkle, Ebersole, Wineberry, H. Sommers, Cole, Hine, Basich, Anderson, Van Luven, Dellwo, Todd, Winsley, Sayan, Cooper, R. King, Crane, Rector, Brough, Zellinsky, Phillips, Pruitt, O'Brien, Nelson, Spanel, G. Fisher, Rasmussen, H. Myers and Fraser)

Establishing a plan for long-term care services.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health Care & Corrections and Committee on Ways & Means

Background: In the next ten years, the demand for long term care services is expected to grow substantially. This demand is being driven largely by a virtual

age wave of adults, many of whom are over the age of 85. Persons with AIDS, the mentally retarded, traumatically brain injured, and others with functional dependency due to incapacity will also require an array of community based long term care services.

Long term care services in this state are delivered through several independent programs that are not uniformly bound in terms of common goals, methods of approach, eligibility criteria, and overall coordination of services. Both federal and state funding categories have influenced this fractured approach. Long term care programs are scattered among several divisions within the Department of Social and Health Services (DSHS), including the Division of Developmental Disabilities, Division of Aging and Adult Services, Division of Mental Health, Division of Children and Family Services, Division of Vocational Rehabilitation, Office on AIDS, Division of Health, and Bureau of Alcohol and Substance Abuse.

A range of community based health, social and supportive services, including chore services, limited respite assistance, adult family homes, group homes and other types of long term care services are provided to the elderly, developmentally disabled, and mentally ill. Respite services are not provided state–wide, uniform case management services are lacking, and there is no personal care service program for persons with AIDS. Community based services make up only a small fraction of the state's total long term care budget. Nursing home care accounts for 76 percent of the total long term care budget. Funding for community based long term care is hampered by the lack of federal funds. Title XIX federal Medicaid funding for personal care, hospice or case management is not used for our state's community based long term care service system. This funding option is available if the state is willing to accept the eligibility requirements established by the federal government. The need to have a balanced and funded array of community based long term care services has been noted in several recent legislative and executive branch reports and by advocates of long term care services.

Adult family homes are regular family abodes whose regular residents provide full–time family care and supervision for adults in need of personal or special care. They include persons age 18 or over who, because of developmental disability, age, or physical or mental infirmity, require some degree of supervision or health care beyond the level of room and board. Homes are required to be licensed if the residents served are developmentally disabled, have their care paid for by the state or if there are more than two residents in the home. No home may have more than four residents and are inspected by DSHS about every three years.

There is no uniform approach to siting residential care facilities in cities and counties across the state. Siting such facilities frequently is very difficult because of local opposition.

Summary: A long term care policy is established for the state. This policy calls for the coordination of long term care services, a state–wide balanced array of community based care, and long term care service eligibility based on a person's measurable functional incapacity due to disability.

State funded chore services are revised to make service categories comply with similar categories mandated by federal law and to maintain consistency with existing administrative policies. Persons who were receiving chore services for household tasks only or attendant care prior to the chore service program changes in 1988 will be allowed to remain in the chore service program.

The Department of Social and Health Services is authorized to establish a Title XIX personal care program and set program eligibility standards for medicaid categorically needy persons. The department is required to operate the respite care program within available state funds. The department is also required to establish a medicaid Hospice program for the categorically needy, and report to the Legislature on the cost of the program by December 20, 1989.

The department is required to request permission from the federal government to provide Medicaid funded respite services under the state's Community Options Program Entry System (COPES). The department is also directed to request another separate Medicaid waiver to allow personal care services for persons with AIDS.

A long term care commission is created. The commission is to develop a plan to establish coordination between all Department of Social and Health Services long–term care providers; design a non–categorical long term care system; develop a statewide case management; improve non–institutional residential options; design a uniform sliding fee scale for non–Title XIX federal social security act programs; establish programs to increase the involvement of volunteers in long term care; design a coordinated information system; and ensure a coordinated long term care education system.

All adult family homes must be licensed by July 1, 1990. An initial and yearly license fee of $50 is established for adult family homes. For good cause, DSHS may permit an adult family home to operate with up

to six residents. The inspection of adult family homes is required every 18 months.

Provisions are established for client rights and enforcement. Sanctions are specified for failure to meet health and safety requirements.

A siting policy is established for all residential care facilities.

Votes on Final Passage:

House	96	0	
Senate	45	0	(Senate amended)
			(House refused to concur)
Free Conference Committee			
Senate	45	0	
House	97	0	

Effective: July 23, 1989

Partial Veto Summary: Four sections were vetoed: the vetoed sections would have required the Department of Social and Health Services to develop rules for adult family homes that are equal to the rules currently existing; required training materials for adult family home operators; required the department to report to the Legislature; repealed the rule–making authority over congregate care facilities; and established a preemptive zoning status for residential care facilities servicing up to 15 individuals. (See VETO MESSAGE)

HB 1976

C 182 L 89

By Representatives Prentice, S. Wilson, Gallagher, Baugher, Schmidt and Walk

Extending the project cost evaluation methodology program.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1986, the Legislative Transportation Committee authorized a study to identify a reasonable, equitable method for comparing the public and private sector costs for roadway construction and maintenance. In 1987, the Legislature authorized a pilot project to be conducted involving selected volunteer cities, counties and the Department of Transportation utilizing the project cost evaluation methodology (PCEM) recommended by the 1986 study. The entities use PCEM to determine whether a particular project should be done in–house or contracted out, regardless of who had done the work traditionally.

The goal is to collect enough statistical data to make policy recommendations to the Legislature. The results are to be presented in February 1990. A statistically valid sample cannot be accomplished by this deadline.

Summary: The period for the project cost evaluation methodology (PCEM) pilot project is extended by one year to 1991.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: July 23, 1989

HB 1980

C 206 L 89

By Representatives Peery, Padden, Hargrove, H. Myers, Cantwell, Brough, Winsley, Belcher, G. Fisher, Heavey, Holland, Phillips, Dellwo, Valle, P. King, Pruitt, Leonard, Spanel, Cooper and Morris

Providing for job sharing in school and educational service districts.

House Committee on Education
Senate Committee on Education

Background: Employment practices for state government have recognized the possibility of job sharing as an efficient and effective way to fill positions. Some school districts have also begun to allow job sharing.

Summary: School districts and educational service districts shall consider applications from two individuals wishing to share a job. All announcements for job openings shall contain a statement indicating a willingness to accept applications from individuals wishing to share the position. Job sharing shall be available to certificated staff.

Votes on Final Passage:

House	95	0	
Senate	43	0	(Senate amended)
House	92	0	(House concurred)

Effective: July 23, 1989

SHB 1983

PARTIAL VETO

C 373 L 89

By Committee on Judiciary (originally sponsored by Representatives Appelwick, P. King and Crane)

Revising laws on contempt of court.

House Committee on Judiciary

Senate Committee on Law & Justice

Background: Washington statutes regulating contempt of court have not changed significantly since territorial days. Two general statutes govern civil and criminal contempt proceedings. In addition to these two general statutes, a number of other statutes have specific provisions governing contempt in particular cases.

The civil contempt statute defines the activities that constitute contempt of court. These activities may be broadly categorized as: (1) acts that take place in the courtroom and are disruptive of the judicial proceedings; (2) acts that obstruct the judicial process through fraud, deceit, or abuse of the judicial process; and (3) are acts that violate an order of the court.

The maximum penalty for statutory civil contempt is a fine of $300 and six months imprisonment. The penalty may not exceed $100 if the contempt did not involve disruptive behavior in the courtroom and the right or remedy of a party to the proceeding was not harmed by the contempt.

If the contempt takes place in the immediate presence of the court, it may be handled summarily. In all other cases the contempt charge must be made by affidavit and a show cause hearing. The state is the plaintiff in any contempt proceeding. The court may indemnify any person injured by a person's contemptuous conduct and may also order the contemnor imprisoned until he or she complies with a court order.

Washington's criminal code also provides a misdemeanor penalty for contempt of court. The actions that constitute contempt under the criminal code are essentially the same as the acts that constitute contempt in the civil contempt statute. The major difference between the provisions is that the criminal contempt statute requires willfulness on the part of the contemnor in many circumstances. The maximum penalty for a misdemeanor is imprisonment for 90 days and a $1000 fine.

Summary: The law governing contempt of court is revised. The existing distinction between criminal and civil contempt is replaced by a distinction between punitive sanctions and remedial sanctions. A court may impose a remedial sanction for contempt of court to coerce a person into obeying a court order. A punitive sanction may be imposed for a past failure to comply with a court order.

The court on its own motion or on the motion of a party court to impose a remedial sanction for a contempt of court. After notice and hearing, the court may impose a remedial sanction that may include imprisonment until the person agrees to comply, a forfeiture of up to $2,000 a day, or an order designed to assure compliance. The person found in contempt may also be ordered to compensate for any losses caused by the contempt, including reasonable attorneys' fees.

Except for a summary order of contempt, a punitive sanction may be imposed only upon the filing of an information or complaint by the prosecuting attorney or a city attorney. The court may appoint a special counsel to prosecute the action if necessary. Upon a finding of guilty, the court may impose a maximum penalty of $5,000 and one year in jail for each contempt of court.

The court may summarily impose a punitive or remedial sanction if a person commits a contempt of court within the courtroom and in the presence of the judge. The sanction must be imposed immediately or at the end of the proceeding and may be no greater than $500 and 30 days in jail. An appeal of a contempt finding does not stay any other proceeding out of which the contempt arose.

An administrative agency may petition the superior court for imposition of a remedial sanction against a person who is in contempt of an order in an administrative action or proceeding.

Several statutes making reference to civil or criminal contempt are amended to reflect the changes made by the act.

Votes on Final Passage:

House	91	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: A section of the bill which was amended by another bill is vetoed to eliminate double amendment problems. (See VETO MESSAGE)

HB 1993

C 257 L 89

By Representatives Rasmussen, Nealey, Dorn, Rayburn, McLean, Baugher, Youngsman and Kremen

Specifying labeling requirements for uncooked poultry.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The Uniform Washington Food, Drug, and Cosmetic Act establishes certain labeling requirements for food. The act is administered by the Department of Agriculture. Food which is falsely labelled is considered to be "misbranded." The act

prohibits the sale in intrastate commerce of any food that is misbranded. A violation of this prohibition is a misdemeanor. Upon application of the department, the superior court may, for cause, issue a temporary or permanent injunction restraining any person from violating this prohibition.

Summary: Uncooked poultry is deemed to be misbranded under the state's Food, Drug, and Cosmetic Act if it is produced outside of this state but the label for the poultry contains the geographic outline of this state.

Votes on Final Passage:

House	87	0
Senate	43	0

Effective: May 5, 1989

HB 1996

C 261 L 89

By Representatives McLean, R. Fisher, Ballard, Rector, Rayburn, Miller, Brumsickle, Holland, Sayan, Prince, Anderson and Winsley

Revising voter registration cancellation procedures.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Whenever certain governmental information is sent to a registered voter and is returned by the postal service as being undeliverable, the county auditor must inquire into the validity of the registration of that voter. The auditor must send a notice to the person at the address indicated on the voter's registration record. If the auditor does not receive a response within 60 days, the auditor must cancel that voter's registration and notify the person of this cancellation. However, if the person responds to the notice of cancellation within 45 days, the auditor must reinstate the person's voter registration.

If a person whose registration has been cancelled in this manner offers to vote at any time within four years of the cancellation, the person must be issued a questioned ballot and the validity of the person's registration and ballot must be determined by the canvassing board.

Summary: Procedures are altered for inquiring into the validity of a voter's registration following the return of certain governmental information sent to the voter but returned by the postal service as being undeliverable. The period during which a voter must respond to the initial inquiry sent by the county auditor is shortened from 60 days to 45 days. A person whose registration has been cancelled for failure to respond to the county auditor may cast a questioned ballot at the next ensuing election, rather than at any time in the next four years.

Votes on Final Passage:

House	94	0
Senate	37	10

Effective: July 23, 1989

SHB 2000

C 355 L 89

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

Establishing fair practice standards for produce handlers and associations.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The state's Consumer Protection Act declares unfair or deceptive acts or practices in the conduct of trade or commerce to be unlawful. The act authorizes the Attorney General to bring actions in the name of the state to prevent persons from performing acts in violation of its provisions and authorizes the court to order the restoration of moneys or property. The act also permits the court to award attorney's fees and damages in certain circumstances. Civil penalties are also established for violations of certain provisions of the act.

Summary: Fair practices standards are established for negotiating the production or marketing of certain agricultural commodities.

Negotiating Units. Requirements are established for handlers and accredited associations of producers of sweet corn or potatoes. An association of producers may file an application with the Director of Agriculture requesting accreditation as the exclusive negotiating agent for its members within a negotiating unit with respect to the sweet corn or potatoes produced by its members. The director must approve an application if the director finds that the association satisfies certain specified requirements.

Negotiations. Negotiations between handlers and accredited associations of producers regarding the sale, compensation, or production of sweet corn or potatoes must begin at least 60 days before the normal planting date of the crop. The required negotiations must conclude within 30 days of the normal planting date. A

serious, fair, and reasonable attempt to reach agreement is required. However, neither party to a negotiation must agree to a proposal, make a concession, or enter into a contract. Nor is either party required to disclose proprietary business or financial records or information. Negotiation is not required by a processor that only cleans, sorts, grades, and packages these products for sale without altering the natural condition of the products. A cooperative association that contracts for crops from its own members is not required to negotiate.

Prohibited Acts. It is unlawful for a handler to: coerce a producer regarding the producer's right to belong to or contract with an association; discriminate against any producer in price or other terms because of such a membership or contract or the producer's promotion of legislation on behalf of an association of producers; offer inducements to a producer for refusing or ceasing to belong to an association; make, knowingly, certain false reports regarding an association; refuse to negotiate with an accredited association; or engage in certain related activities. It is unlawful for an association to: refuse to negotiate with a handler; coerce or intimidate a handler with respect to terminating a contract with an association or a member of the association; make, knowingly, certain false reports regarding an association or a handler; or engage in certain related activities. The director must investigate complaints regarding alleged violations of these requirements. If the director issues a complaint charging a violation, a hearing on the charge must be conducted as a contested case under the Administrative Procedure Act.

Any person injured by a violation of the act may sue to recover damages, reasonable attorneys' fees and costs within two years. A person who violates the act may also be assessed a civil penalty by the director of not more than $5,000. The director or an aggrieved producer or handler may seek injunctive relief regarding violations.

Other. The director may establish requirements for records, reports, and other information. The director must establish a 12 member advisory committee.

Votes on Final Passage:

House	93	5	
Senate	43	2	(Senate amended)
House	96	1	(House concurred)

Effective: May 12, 1989

HB 2001

C 286 L 89

By Representatives Rayburn, Baugher and Sayan

Revising provisions regarding livestock.

House Committee on Agriculture & Rural Development

Senate Committee on Agriculture

Background: It is a misdemeanor for the owner of horses, mules, donkeys, or cattle to permit the animals to run at large in a stock restricted area. Livestock running at large in restricted areas are declared to be a public nuisance and may be impounded. These animals may run at large on state or federal lands under state or federal permits. Cattle may run at large in open range areas.

A person suffering damage resulting from livestock trespassing on cultivated land within a stock restricted area may retain the livestock until the owner of the livestock pays for the damage and costs or provides adequate security for the damage and costs. For a second or subsequent act of trespass by swine, the owner is liable for treble the amount of the damages done by the swine.

State law prohibits a person who owns or controls livestock from willfully or negligently permitting the livestock to run at large in a stock restricted area or to stray onto the right–of–way of a public highway with two or more lanes within a stock restricted area.

Summary: Provisions in eight chapters of state laws governing livestock and estrays are consolidated into three chapters.

A county legislative authority may designate a special open range area within which only cattle may run at large. Livestock are prohibited from running at large on the right–of–way of any public highway in a stock restricted area, not just the right–of–way of such highways with two or more lanes. The authority of horses to run at large in certain circumstances is repealed.

The owner of swine is liable for damages, but not treble damages, for damage caused by the swine during a second or subsequent act of trespass. The amount due to a person who has restrained a trespassing animal under certain circumstances is the reasonable cost of keeping the animal, rather than 50 cents per day, and the amount that may be charged by the person for gelding the animal is increased to a reasonable amount. If an estray has been impounded, the owner must pay the costs of any related advertising or legal proceedings.

The penalty for failing to corral livestock when examining a herd for estrays is repealed. Class I estrays, livestock illegally running at large, and Class II estrays, livestock for which proof of ownership is lacking, are both referred to as estrays.

Votes on Final Passage:

House	93	0	
Senate	42	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 2010

PARTIAL VETO

C 297 L 89

By Representatives R. King, Basich, McLean and Inslee

Allowing nonambulatory disabled persons to hunt from nonhighway motor vehicles.

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

Background: To hunt legally in the State of Washington, a person must obtain the proper hunting licenses and must observe laws relating to possessing and discharging weapons.

A licensed hunter may not carry a loaded weapon in a motor vehicle, a nonhighway vehicle, or a snowmobile, and may not hunt from a nonhighway vehicle or a snowmobile. A hunter may not shoot from, across, or along the maintained portion of a public highway.

Summary: A disabled hunter may obtain a permit from the Department of Wildlife to hunt from a non–moving motor vehicle that has the engine turned off. Motor vehicles to which this provision applies include highway vehicles, nonhighway vehicles, and snowmobiles.

A disabled hunter may not hunt from a vehicle that is parked on or beside the maintained portion of a public highway, and may not possess a loaded weapon in a motor vehicle that is moving.

The disabled hunter may have one non–disabled hunter assist in killing, tagging, and retrieving the animal; however, the non–disabled hunter may not carry a loaded weapon in a vehicle or hunt from the vehicle.

A disabled hunter must possess all necessary hunting licenses and must comply with permits for concealed weapons and must comply with all laws regarding discharge of a weapon.

A disabled hunter is a person of disability who is permanently disabled and who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

Votes on Final Passage:

House	95	0
Senate	44	2

Effective: July 23, 1989

Partial Veto Summary: This bill does not allow any exception to the prohibition against hunting from the maintained portion of a public highway. An unnecessary amendment to current law that repealed this prohibition was removed by the Governor's veto. (See VETO MESSAGE)

SHB 2011

C 316 L 89

By Committee on Fisheries & Wildlife (originally sponsored by Representative R. King)

Changing provisions regulating commercial fishing licenses.

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

Background: The Department of Fisheries manages the state's food fish resource in part through a licensing scheme that gathers harvest information, produces revenue, and identifies the participants in particular fisheries.

Annual licenses are issued to fishers harvesting in state waters. Fishers who harvest offshore (beyond the three mile limit) and bring their catch to a Washington port must have a delivery permit.

The current licensing scheme distinguishes between salmon fishers and fishers harvesting other food fish and shellfish. License fees related to salmon are generally higher than licenses for other food fish. Most license fees for other food fish and shellfish have not been increased since the mid 1960's, while salmon licenses were increased in 1977. Not all license fees distinguish between resident fees and non–resident fees.

There is increasing demand for commercial harvest of species that have not been widely harvested in the past. The Department of Fisheries does not have authority to set fees administratively for licenses in new commercial fisheries using new types of gear.

Standard measures of inflation can be used to adjust fee schedules. One measure is the implicit price deflator (IPD) that measures, over time, the price changes of goods and services. It reflects the changes in the actual consumption pattern of the American consumer, and uses the base year 1982. It is published by the U.S. Department of Commerce.

The Department of Fisheries has designated state oyster reserves in Puget Sound, Willapa Harbor, and the Willapa River. The purposes of the reserves are to furnish oysters to oyster growers and processors, and to provide stock for public beaches. To take shellfish from an oyster reserve, a person must have an oyster reserve license. Additionally, oyster growers may bring their oyster shell to the reserves to collect oyster seed that then is planted on private property for eventual harvest.

Summary: Commercial fishing license fees are increased as follows: (1) the minimum fee for a harvest license is $50; (2) fees currently less than $100, but greater than $50 (primarily food fish other than salmon and shellfish) are increased to $100; and (3) fees greater than $100 (primarily salmon) are increased by 37 percent rounded to the nearest five dollars. Non–resident license fees are two times the amount of resident license fees.

Permits are re–designated as licenses. Six new licenses are established and two licenses (crab pot and trawl) are divided between Puget Sound licenses and coastal–Columbia River licenses.

Licenses used for fishing on the coast (trawl other than Puget Sound and crab pot other than Puget Sound) include delivery licenses which allow the fishers to harvest in offshore waters and deliver to a Washington port. The additional pot fee for certain pot licenses (bottom fish, shellfish, and crab pots) is removed.

The oyster reserve license for the commercial taking of shellfish from the state reserves is increased from $15 to $50, and oyster growers who bring their oyster shell onto state reserves to collect oyster seed must provide 10 percent of their seeded oysters to enhance the supply on state reserves and public beaches.

In 1993, license fees are to be adjusted based on the implicit price deflator (IPD).

Votes on Final Passage:

House	97	0	
Senate	38	3	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	32	14	
House	96	1	

Effective: January 1, 1990

SHB 2012

C 298 L 89

By Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cantwell, Wolfe, Nealey and Phillips)

Regulating port district land improvement.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: One statute authorizes port districts to improve and develop their lands for sale or lease for industrial and commercial purposes.

Other statutes permit port districts to sell their property that is no longer needed for district purposes and to lease their real and personal property.

Summary: Statutory language is deleted limiting the ability of port districts to sell or lease their improved property for only commercial or industrial purposes. Port districts are permitted expressly to lease port property for purposes which the port commission deems proper.

Votes on Final Passage:

House	90	2	
Senate	42	5	(Senate amended)
House	91	1	(House concurred)

Effective: July 23, 1989

HB 2013

C 184 L 89

By Representatives Ferguson, Haugen and Winsley

Specifying that tax proposals may be submitted to voters of a proposed park and recreation district at the election to authorize the district.

House Committee on Local Government
Senate Committee on Governmental Operation

Background: Park and recreation districts, and park and recreation service areas, are special districts that can be formed to provide park and recreation facilities and services.

The ballot proposition authorizing the creation of a park and recreation service area may include a provision authorizing the imposition of voter–approved regular property taxes or voter–approved excess property tax levies. The ballot proposition authorizing a park

and recreation district may not include such a provision.

Summary: Ballot propositions authorizing the imposition of voter–approved regular property taxes, or voter–approved excess levies, shall be submitted to the voters of a proposed park and recreation district at the same election as the ballot proposition authorizing the creation of the district is submitted, if the petition or resolution proposing the creation of a park and recreation district includes such a request.

Votes on Final Passage:

House	98	0
Senate	47	0

Effective: July 23, 1989

SHB 2014

C 400 L 89

By Committee on Appropriations (originally sponsored by Representatives Peery, Locke, Valle, Winsley, Crane and O'Brien)

Revising provisions for special education programs for handicapped children.

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

Background: On July 1, 1988 the federal Medicare Catastrophic Coverage Act was signed into law. Although relating primarily to medicare, the federal legislation also amended Title XIX of the Social Security Act to allow Medicaid payments for covered services provided by schools to handicapped children under an individual educational plan.

No process exists for school districts in the state to bill Medicaid for costs of medical services provided for eligible handicapped children. The federal government reimburses the Department of Social and Health Services (DSHS) at a rate of 53 percent for Medicaid payments under Title XIX of the Social Security Act.

Summary: School districts may receive medical assistance payments for eligible medical services provided to students in handicapped education programs. The state share of these medical assistance payments will be reimbursed from state handicapped education appropriations, but will also generate federal matching funds once a billing system for Medicaid payments is implemented.

The billing system for school districts to receive Medicaid payments will be implemented during the 1990–91 school year, but may be phased in by region. The intent is that the system be in operation in selected regions of the state during the first half of the 1990–91 school year. The billing system is to be extended state–wide prior to the start of the 1991–92 school year.

The Superintendent of Public Instruction (SPI) and the Department of Social and Health Services (DSHS) have joint responsibility for planning and development of the system, and may contract with educational service districts or other organizations for billing services. The planning process will include consideration of whether the state's medical assistance plan should expand coverage for services provided to children. SPI and DSHS must submit a joint progress report to the House Appropriations Committee and the Senate Ways & Means Committee before January 15, 1990.

Votes on Final Passage:

House	98	0	
Senate	41	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

HB 2016

C 339 L 89

By Representatives Miller, Jacobsen, Spanel, Heavey, Wood, Belcher, H. Myers, Inslee, Rector, Hankins, Anderson, O'Brien, R. King, Valle, Winsley, Jesernig, P. King and Kremen

Requiring a conference on gender equity in athletics.

House Committee on Higher Education
Senate Committee on Higher Education

Background: During 1988, a subcommittee of the House Higher Education and Education Committees studied the opportunities available to men and women athletes in high school and college. The subcommittee found that, during the 1987–88 academic year at state baccalaureate universities, women participants in intercollegiate athletic programs comprised 29 to 38 percent of the total participants. These women athletes comprised between 29 to 31 percent of the athletes receiving financial aid, and their programs received between 26 to 36 percent of the available funding. In contrast, young women competing in high school interscholastic competition comprised 39 percent of the participants.

The subcommittee recommended the introduction of legislation to encourage equitable intercollegiate athletic opportunities for men and women students,

including a bill directing the Higher Education Coordinating Board and the Superintendent of Public Instruction to sponsor a gender equity conference for persons involved in athletic programs.

Summary: The Higher Education Coordinating Board and the Superintendent of Public Instruction are directed to sponsor a gender equity in athletics conference in 1990. The conference will be held for the benefit of coaches, administrators, teachers, sports information personnel, people involved in community sports programs, the media, and others interested in intercollegiate and interscholastic athletic programs.

The purposes of the conference include identifying barriers to achieving equitable scholarship opportunities and identifying measures to achieve equal opportunities in intercollegiate athletic programs.

Votes on Final Passage:

House	97	1	
Senate	46	0	(Senate amended)
House	45	0	(House concurred)

Effective: July 23, 1989

SHB 2020

C 340 L 89

By Committee on Higher Education (originally sponsored by Representatives Jacobsen, Miller, Spanel, Heavey, Wood, Belcher, Rector, Hankins, Anderson, O'Brien, R. King, Winsley, Jesernig, P. King, Pruitt, K. Wilson, Patrick, Leonard and Nutley)

Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity.

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

Background: The passage of Title IX in 1972 was the impetus for the rapid expansion of sports programs for women, particularly in high schools. However, by the middle to late 1970's, women athletes and coaches of women's sports programs began to file formal legal complaints under Title IX and the state's Equal Rights Amendment charging that college athletic opportunities were much more limited than opportunities available to young men.

In 1979, a discrimination lawsuit was filed against Washington State University based on Washington's Equal Rights Amendment. In Blair v. Washington State University, a superior court found the university guilty of discrimination. The court's decree presented a series of formulas meant to ensure equitable funding of women's athletic programs. However, football was exempted from the calculations of required scholarship and participation opportunities. On appeal, the state Supreme Court decided that football scholarships and participants could not be excluded from the formulas designed to protect against discrimination. These legal decisions, as well as the requirements of Title IX, may impact programs at all Washington colleges and universities that have an intercollegiate athletic program.

During 1988, a subcommittee of the House Higher Education and Education Committees studied the opportunities available to men and women athletes in high school and college. The committee found that, during the 1987–88 academic year at state baccalaureate universities, women participants in intercollegiate athletic programs comprised 29 to 38 percent of the total participants. These women athletes comprised between 29 to 31 percent of the athletes receiving financial aid, and their programs received between 26 to 36 percent of the available funding. In contrast, young women competing in high school interscholastic competition comprised 39 percent of the participants. In Blair, Washington State University was required to provide intercollegiate athletic opportunities based on its percentage of male and female undergraduate enrollments.

The subcommittee recommended the introduction of legislation to encourage equitable intercollegiate athletic opportunities for male and female students, including a bill to create an intercollegiate athletic scholarship program for students attending state colleges and universities.

Summary: Beginning in the 1991–92 academic year, the state four-year institutions of higher education may waive up to 1 percent of their estimated tuition and fee revenue to achieve or maintain gender equity in intercollegiate athletic programs.

At any institution that has an underrepresented gender class, the waivers must first be awarded to athletes of that class, and any money saved or displaced as a result of the waivers must be used for athletic programs for those students. If additional waivers are available, they may go to students who are not members of the underrepresented gender class, but any money saved or displaced by the waivers must be used for athletic programs for members of the underrepresented gender class. Additional waivers may also be awarded to members of the underrepresented gender class even if no moneys are saved or displaced as a result of the waivers.

An underrepresented gender class occurs when the ratio of women to men students in intercollegiate athletics is less than approximately the ratio of women to men students enrolled as undergraduates at an institution of higher education.

Institutions granting the waivers are required to strive to accomplish the following goals:

(1) Provide equitable intercollegiate athletic opportunities for men and women students;

(2) Provide a variety of services related to intercollegiate athletics equitably to men and women students; and

(3) Provide women coaches and administrators to act as role models for participants in intercollegiate athletics.

Before an institution is permitted to grant any waiver during the 1991–92 academic year, its governing board must adopt a plan to accomplish the specified goals. The plan must be submitted to the Higher Education Coordinating Board. Beginning in the 1992–93 academic year, the Higher Education Coordinating Board must approve the institution's plan before any waivers are granted. Plans must ensure that, by July 1, 1994, the institution will provide athletic opportunities for women at a rate that meets or exceeds the rate at which girls participate in high school interscholastic athletics in Washington.

The Higher Education Coordinating Board is directed to report biennially, beginning in December, 1992, on institutional efforts to achieve gender equity in intercollegiate athletics. The first report will include a recommendation on whether to extend this waiver authority to community colleges. Before the board reports in December, 1994, it must assess the extent of institutional compliance with the requirements of this act. The 1994 report must include a recommendation on whether to continue this waiver authority.

Nothing in the act excuses any institution from more stringent requirements imposed by law.

The act expires on June 30, 1997.

Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	46	0
House	90	0

Effective: July 23, 1989

SHB 2024

PARTIAL VETO

C 374 L 89

By Committee on Trade & Economic Development (originally sponsored by Representatives Walk, Cantwell, Schoon, Rasmussen, Doty, Winsley, P. King, Pruitt, Kremen, Wood and D. Sommers)

Mandating regulatory fairness.

House Committee on Trade & Economic Development

Senate Committee on Economic Development & Labor

Background: The Regulatory Fairness Act requires agencies to reduce the impact their rules have on small business. A small business is defined as an independent business entity with 50 or less employees with the purpose of making a profit. An agency is required to prepare a small business economic impact statement whenever the adoption of a rule will have an economic impact on more than 20 percent of all industries, or more than 10 percent of any one industry.

If a proposed rule requires the preparation of a small business economic impact statement, then the agency must reduce the economic impact of the rule on small business whenever it is legal and feasible by: establishing different compliance or reporting requirements or timetables for small businesses; clarifying, consolidating, or simplifying the compliance and reporting requirements for small businesses; establishing performance rather than design standards; and exempting small businesses from any or all requirements of the rule.

The Federal Regulatory Flexibility Act and a number of similar state acts require agencies to ensure small business participation in the rule making process. The State Administrative Procedure Act encourages agencies to solicit comments from the public on the subject of a possible rule, but there are no statutory requirements for agencies to notify small businesses of upcoming rule making proceedings.

The Federal Regulatory Flexibility Act and other state acts also require impact statements to contain a brief description of the compliance requirements of the rule and the kinds of professional services small businesses are likely to need in order to comply with the requirements.

The Joint Administrative Rules Review Committee may review agency rules to determine whether they comply with legislative intent. There is no provision in the law for the committee to review a proposed rule to

determine whether an agency complied with the requirements of the Regulatory Fairness Act.

Summary: An agency must assure that small businesses have been given an opportunity to participate in the rule making process when a proposed rule requires the preparation of a small business economic impact statement. The agency must give notice of the proposed rule through any of the following methods: direct notification of known interested small businesses affected by the proposed rule; notice to business or trade associations; publication of a general notice of the proposed rule making in publications likely to be obtained by small businesses of the types affected by the proposed rule; and the appointment of a committee to comment on the subject of the possible rule making.

Small business economic impact statements must contain a brief description of the reporting, record keeping, and other compliance requirements of the rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements.

An agency is not required to prepare a small business economic impact statement if the agency files a statement that the rule is either being adopted solely for the purpose of conforming or complying with federal law or regulations, or the rule will have a minor or negligible impact. The Business Assistance Center is required to develop guidelines for determining whether a rule has a minor or negligible impact, and may review agency rules to determine if an agency's findings are within these guidelines.

The Joint Administrative Rules Review Committee may review any rule to determine whether an agency complied with the Regulatory Fairness Act requirements. The committee shall conduct any review of a rule based upon the adequacy of the small business economic impact statement in the same manner that it conducts reviews of other rules. The Business Assistance Center may advise the Joint Administrative Rules Review Committee on disputes involving agency statements that a small business economic impact statement is not required.

Votes on Final Passage:

House	97	0	
Senate	42	0	(Senate amended)
Senate	37	0	(Senate receded)

Effective: July 23, 1989

Partial Veto Summary: The provisions which required agencies to provide notice of a proposed rule to small businesses and which allowed the Joint Administrative Rules Review Committee to review agency compliance with the Regulatory Fairness Act were vetoed by the Governor. (See VETO MESSAGE)

SHB 2036

C 319 L 89

By Committee on Local Government (originally sponsored by Representatives Ebersole, Brough, Wang and Schoon)

Modifying the regulations for metropolitan park districts.

House Committee on Local Government
Senate Committee on Environment & Natural Resources

Background: Metropolitan park districts are special districts authorized to provide park and recreation improvements. A metropolitan park district is authorized to impose a property tax levy of up to 75 cents per $1,000 of assessed valuation and to issue general indebtedness without voter approval, together with other outstanding non–voter–approved general indebtedness, not exceeding an amount equal to three–fortieths of one percent of the value of taxable property in the park district.

A metropolitan park district may sell its surplus property if authorized by a unanimous vote of its board of park commissioners and if the property no longer is suitable for park or other recreational purposes. Property that was obtained by donation or dedication may be disposed of only if consent is obtained from the donor or dedicator, or his or her heirs, successors, or assigns.

The only metropolitan park district that exists in the state is the Tacoma Metropolitan Park District. This district is slightly larger than the City of Tacoma.

Summary: The total amount of non–voter–approved general indebtedness that a metropolitan park district may incur is increased from three–fortieths of one percent of the value of taxable property in the district to one–eighth of one percent of the value of taxable property in the district.

Metropolitan park districts are permitted to issue and sell revenue bonds payable from their operating revenues.

A metropolitan park district may sell its property if the park board unanimously declares the property to be surplus, instead of no longer suitable, for park and other recreational purposes. Before selling property obtained by donation or dedication, a metropolitan park district must obtain the consent of the donor or dedicator, or his or her heirs, successors, or assigns, if

the instrument conveying the property to the district requires such approval. Where approval is required and the donor or dedicator, or his or her heirs, successors, or assigns cannot be located after a reasonable search, the metropolitan park district may petition the superior court to approve the sale.

A metropolitan park district that contains a city with a population of greater than 100,000 may commission its own police officers with full police powers to enforce the laws and regulations of the city or county on metropolitan park district property. Police officers initially employed after June 30, 1989, shall be required to successfully complete basic law enforcement training provided by the Criminal Justice Training Commission.

The board of park commissioners of a metropolitan park district that includes a city with a population of greater that 100,000 may submit to the electorate of territory to be annexed a proposition that all property within the territory be assessed and taxed to pay for the outstanding indebtedness of the park district at the same rate as the remainder of the property in the park district.

Votes on Final Passage:

House	86	11
Senate	48	0

Effective: July 23, 1989

HB 2037

C 213 L 89

By Representatives Raiter, Cooper, Morris, Brumsickle, Vekich, Peery, Bowman, Schoon and H. Myers

Extending exemptions for Mt. St. Helens recovery operations.

House Committee on State Government
Senate Committee on Environment & Natural Resources

Background: Recovery operations to correct damage to property and river systems caused by the May 1980 eruption of Mount St. Helens have been coordinated through the federal government, the state, and local governments. Expenditures to date have totalled over $1 billion.

In 1982 the Legislature enacted a series of laws to allow exemptions from certain state requirements for Mount St. Helens emergency recovery operations. Exemptions are permitted from requirements related to: (1) water and flood control under the Department of Ecology; (2) the State Environmental Policy Act; (3) county regulations on diking and drainage; and (4) the Shorelines Management Act.

In addition, the legislation: a) requires the directors of the Departments of Fisheries and Wildlife to process within 15 days hydraulic applications for work in certain portions of the Toutle and Cowlitz Rivers; and b) allows land owners who dredge and pull debris onto their property to sell the debris without paying a royalty charge to the Department of Natural Resources.

These exemptions and special legislation are effective through June 30, 1990.

Summary: The exemptions of Mount St. Helens recovery operations from requirements regarding: (1) water and flood control under the Department of Ecology; (2) the State Environmental Policy Act; (3) county regulations on diking and drainage; and (4) the Shorelines Management Act, are extended from June 30, 1990, to June 30, 1995.

The requirement for the directors of the Departments of Fisheries and Wildlife to process within 15 days hydraulic applications for flood control and dredging projects in certain portions of the Cowlitz and Toutle rivers is extended from June 30, 1990, to June 30, 1995. This requirement is also to be applied to hydraulic applications for the South Fork Toutle River through river mile three.

Landowners who dredge and pull Mount St. Helens debris onto their property and sell the debris are not required to pay a royalty charge to the Department of Natural Resources through June 30, 1995 (extended from June 30, 1990).

Votes on Final Passage:

House	94	0
Senate	42	2

Effective: July 23, 1989

SHB 2041

C 342 L 89

By Committee on Housing (originally sponsored by Representatives Nutley, Winsley, Todd, Rector, Ballard, Leonard, Anderson, Padden, D. Sommers and McLean)

Changing landlord–tenant law.

House Committee on Housing
Senate Committee on Law & Justice

Background: Statutes dealing with residential landlord–tenant laws were first passed in Washington state in 1973. Many of these statutes have been amended since then. Prior to 1973, landlord–tenant law was

based on common or court–made law and on unlawful detainer statutes that generally applied to all types of landlord–tenant situations, both residential and commercial.

There are two important concepts in landlord–tenant law. The first is that the landlord conveys a possessory interest in land to the tenant in return for the payment of rent. This concept dates back to agrarian England, when the land was used for crops and the landlord provided no services. The tenant built his own shelter, and found his own water and wood for heat. If the tenant did not pay the rent in a timely manner, the landlord would evict the tenant, using force if necessary. Unlawful detainer statutes now prohibit a landlord from physically evicting a tenant, providing instead for a court action and final eviction by the sheriff. The sheriff normally requires the landlord to obtain a bond to protect the sheriff from any liability that may arise from enforcing the eviction order (writ of restitution).

The second important concept is that since today most renters are more concerned with the building as a place to live than the land as a place to grow crops, the landlord now provides basic services for which the landlord and tenant contract in the rental agreement.

Landlord–tenant law generally treats these two concepts separately, so that to maintain possession of the unit the tenant must pay the rent due even though the landlord may not be providing promised services.

The Residential Landlord–Tenant Act governs residential rental situations, overriding common law and the rental agreement. The act lists several general provisions, defines duties of the landlord and the tenant, provides remedies for the landlord and the tenant, and makes mediation and arbitration available.

Generally a landlord must: (1) keep the premises habitable by maintaining it to code, keeping it in good repair, and keeping utilities in good working condition; (2) give the tenant two days notice before entering the unit to inspect it or show it for sale; (3) establish a trust account for the tenant's security deposit; (4) respect the tenant's right to privacy and (5) take no retaliatory action against the tenant when the tenant exercises his or her legal rights.

The landlord must begin making repairs within a specified period of time after receiving written notice from the tenant describing a needed repair. If the defective condition is hazardous to life or deprives the tenant of water or heat, the landlord must take action within 24 hours. If the defective condition deprives the tenant of hot water or electricity, the landlord must take action within 48 hours. In all other cases, the landlord must take action within seven or 30 days, depending on whether the condition relates to keeping the premises fit for human habitation. Where circumstances beyond the landlord's control prevent the landlord from complying with the time limitations, including the lack of available financing, the landlord must remedy the condition as soon as possible.

Where the landlord has failed to make a repair, after notice by the tenant and the expiration of the statutory period for the landlord to begin the repair, the tenant can either: (a) do the repair and deduct the cost from the rent due (this is limited to one half month's rent or $75, whichever is less, in a 12 month period); (b) hire, after obtaining two bids, a contractor to do the repair and deduct the cost from the rent due (this is limited to one month's rent in a 12 month period); or (c) go to court or arbitration and have determined the decreased value of the rental due to the needed repair, which the tenant then pays from the time the tenant gave notice of the needed repair to the landlord until the landlord makes the repair (the court or arbitrator can also authorize the tenant to make the repair, limited to one month's rent in a calendar year).

When the landlord has not returned the security deposit to the tenant within 14 days from the end of the tenancy or provided the tenant with an explanation of why the full deposit is not being returned, the landlord is liable for the full deposit. If the deposit is intentionally not returned, the landlord is liable for up to two times the amount of the deposit.

Generally a tenant must: (1) pay the rent due in a timely manner; (2) keep the premises clean and sanitary; (3) allow the landlord reasonable access to the premises after proper notice is given by the landlord; (4) return the unit in the same condition as it was at the beginning of the tenancy, except for ordinary wear and tear, and (5) avoid committing or permitting waste or a nuisance.

If a tenant fails to perform a duty, a landlord's primary remedies under the act are: (1) to keep the security deposit; (2) to obtain a court order to allow access to the unit where the tenant has unreasonably denied access; and (3) to evict the tenant through an unlawful detainer action.

When a tenant indicates by words or actions that the tenant has abandoned the premises and the tenancy, the landlord may enter the premises and store any property the tenant left on the premises. The landlord must mail a notice to the tenant at the last known address of the tenant indicating where the property is stored. After 60 days, the landlord may sell the property and apply the proceeds to the amount due the landlord by the tenant. If the value of the property is less than $50, the landlord may sell the property

after seven days, except for personal papers and keepsakes.

The parties may submit disputes to mediation or arbitration, although both parties must agree to the mediation or arbitration.

The normal filing fee for a civil action in superior court, including an unlawful detainer action, is $78. The Legislature has reduced this filing fee to $20 for petitions for an order for protection from domestic violence and for actions to strike discriminatory provisions from real property instruments.

Summary: Changes are made to residential landlord–tenant law. Several are technical or provide clarification; others are substantive changes.

The filing fee for an unlawful detainer action is reduced to $30 when the tenant does not contest the eviction action. The $30 fee does not apply to any order to show cause or any other order except a default order or default judgment.

The sheriff is given immunity from civil liability for serving or enforcing writs of restitution (to evict tenants), except when the sheriff acts with gross negligence. As a result, the sheriff cannot require the landlord to post a bond to protect the sheriff from civil liability for serving or enforcing the writ of restitution.

The time periods for the landlord to make repairs after notice by the tenant are revised. The landlord must take action within 24 hours if the defective condition deprives the tenant of hot or cold water, heat, or electricity. The landlord must take action within 72 hours if the defective condition deprives the tenant of the use of a refrigerator, range and oven, or major plumbing fixture. The landlord must take action within 10 days in all other cases. The exception for circumstances beyond the landlord's control is still applicable.

The tenant's self–help repair remedies are revised. When the landlord does not begin the repair within the required time period, the tenant may provide the landlord with a good faith estimate of the cost of the repair and then contract to have the repair done. This remedy is limited to one month's rent per repair and two month's rent per year. If the cost of the repair is less than one half month's rent, the tenant may make the repair after the time period for the landlord to begin making the repair has expired; no estimate is necessary in this case, although it is limited to one half month's rent per repair and one month's rent per year.

A tenant may not unreasonably withhold consent to the landlord to enter the premise to show the unit for a potential sale or rental if the landlord has given one day's notice. The landlord may not unreasonably interfere with the tenant's enjoyment of the unit by excessively exhibiting the unit. A landlord who violates a tenant's right to privacy, or a tenant who violates a landlord's right to access, after one notice alleging a violation, is liable for up to $100 for each subsequent violation.

When the tenant abandons the tenancy and leaves behind personal property that the landlord stores, the landlord must make reasonable efforts to notify the tenant, at any address known to the landlord, that a sale or disposition of the tenant's property will be made after 45 days from the date notice is given. The landlord may sell or dispose of the property, except for personal papers or keepsakes, after seven days from the date notice was given if the total value of the property is $50 or less.

A new remedy is provided to the tenant when the landlord does not make needed repairs and the repair and deduct remedies are not sufficient to correct the problem. A rent escrow process is established that applies to conditions that are substandard and dangerous to the health and safety of the tenant. To use this remedy, the tenant must give the landlord written notice regarding the defective condition. If the landlord does not repair the defective condition within the required time period, the tenant may request that the local government provide for an inspection to certify whether the defective condition exists and whether it is a substantial hazard to the health and safety of the tenant. For purposes of this private remedy available to the tenant, the local government may only inspect the condition specified by the tenant, and is immune from liability for ignoring any other defects.

If the local government certifies that the defective condition exists and is a substantial hazard to the health and safety of the tenant, the tenant can deposit rent into an escrow account when the rent is due. The tenant must notify the landlord that the rent is being deposited in an escrow account and provide the name and location of the escrow account.

The landlord may have the funds released from the escrow account by providing a certification from the local government that the defects that resulted in the rent escrow have been repaired. In addition, the landlord and the tenant may initiate a court action under certain conditions to resolve the dispute and cause the release of the funds in escrow. The landlord may also request a court to have funds released from the escrow account to pay the debt service on the premises or to make the needed repairs to the premises.

Other clarifications or changes include: (1) a 30 day notice is necessary for a rent increase at the end of a tenancy that is being renewed, or the parties may mutually agree to an earlier date; (2) the security

deposit or an explanation must be mailed by the landlord within 14 days from the end of the tenancy, although the tenant does not have to receive the deposit or the explanation within the 14 days; (3) the landlord cannot rent a condemned unit to a new tenant; (4) an alternative means of service is provided when the landlord cannot personally serve the tenant after making reasonable efforts to do so; and (5) the summons for residential unlawful detainer actions is set out in statute.

Votes on Final Passage:

House	98	0	
Senate	39	5	(Senate amended)
Senate	43	1	(Senate amended)
House	97	0	(House concurred)

Effective: August 1, 1989

HB 2045

C 142 L 89

By Representatives Prince, Baugher, Smith and Walk

Revising mileage–based special fuel tax computation.

House Committee on Transportation
Senate Committee on Transportation

Background: The Fuel Tax Division of the Department of Licensing is responsible for auditing special fuel users to ascertain if the appropriate amount of special fuel tax is being remitted to the state. Special fuel licenses are issued to persons who are authorized to purchase fuel without paying tax. If it appears that some of the fuel was used in a non–exempt vehicle and the taxpayer's records are inadequate to prove the number of miles actually traveled, the department must calculate the miles traveled at four miles per gallon (mpg). Many vehicles' average mileage is greater than four mpg.

Summary: The Department of Licensing, in the absence of records to the contrary, shall use as evidence of actual miles traveled not less than four mpg for vehicles over 40,000 pounds gross weight; seven mpg for vehicles 12,001 to 40,000 pounds gross weight; 10 mpg for vehicles 6,001 to 12,000 pounds gross weight; and 16 mpg for vehicles 6,000 pounds or less gross weight.

Votes on Final Passage:

House	91	1
Senate	43	0

Effective: July 23, 1989

HB 2051

C 188 L 89

By Representative Locke

Minimizing the involuntary displacement of tenants in federally assisted housing.

House Committee on Housing
Senate Committee on Economic Development & Labor

Background: In the 1970s the federal government developed a variety of programs to assist in the construction or rehabilitation of rental housing that would be available to lower income persons at affordable rents. The programs administered by the U.S. Department of Housing and Urban Development (HUD), and the U.S. Department of Agriculture's Farmers Home Administration (FmHA) provided: (a) direct low–interest rate loans to public and private developers; or (b) insurance on mortgages made by private financial institutions to public or private developers; or (c) rental subsidies to tenants.

The contracts for many of these programs have provisions that allow owners of the multifamily housing development to terminate or prepay the subsidy after a specified time. With the termination or prepayment of the subsidy, the obligation to remain in the specific program is eliminated. Many of the multifamily housing developments assisted in the 1970s have or are reaching the specified time when the owner can terminate or prepay the mortgage or subsidy, thereby being relieved of the program's rent obligation.

In response to this problem, the federal Housing and Community Development Act of 1987 requires owners of federally assisted multifamily housing developments to provide a "notice of intent" to prepay and "plan of action" to the federal government and appropriate state and local governmental bodies. The federal provisions are scheduled to expire November 1, 1989.

The existing Landlord–Tenant Act does not require owners of a multifamily rental housing development, constructed or rehabilitated through a HUD or FmHA subsidy program, to provide special notice to the tenants or local governing bodies prior to termination or prepayment of the federal subsidy.

Summary: The Landlord–Tenant Act is revised to require owners of federally assisted multifamily rental housing developments to provide a written notification prior to the termination or prepayment of the federal assistance. The notification to tenants and governmental bodies must be made 12 months before termination or prepayment of federal assistance provided through the Department of Housing and Urban Development

or Department of Agriculture's Farmers Home Administration. The owner is not prohibited from terminating a rental assistance contract or prepaying the federally assisted mortgage or loan.

The 12 month advance notice must be sent to each tenant, the clerk of the local governing body where the housing development is located, and the state Department of Community Development. The tenant notification must state: (a) the date of the proposed termination or prepayment; and (b) impact of the termination or prepayment upon the tenant. The governmental body notification must state: (a) the number of tenants in the affected housing development; (b) the number and size of units that receive federal assistance; (c) the family size and estimated income of the tenants affected by the termination or prepayment; (d) the projected rent increases; and (e) the anticipated termination or prepayment date.

During the 12 month notification period, the owner of the affected housing development may not: (a) evict or demand possession of the unit; (b) increase the rent of the unit; or (c) change the terms of the rental agreement of a federally assisted housing unit unless authorized by the federal assistance applicable to the project.

The owner of the federally assisted multifamily rental housing development is liable for damages suffered by tenants, plus reasonable attorney fees, as a result of not providing proper notification to tenants and governmental bodies.

The Department of Community Development is required to prepare an annual report on the preservation and loss of federally assisted housing in the state. The report is to include recommendations for the preservation of federally assisted housing and for minimizing involuntary displacement. The report and recommendations are to be submitted to the appropriate committees of the Legislature.

Votes on Final Passage:

House	94	0
Senate	43	3

Effective: April 27, 1989

HB 2053

C 287 L 89

By Representatives Silver, Locke, May, H. Sommers, Ferguson, Horn and Wood

Providing a nine-year limitation for regular property tax levies involving redemption payments on bonds.

House Committee on Revenue
Senate Committee on Ways & Means

Background: Property taxing districts may ask voters to lift the 106 percent property tax limit. The request to the voters may include any of the following options: (1) a limit on the period for which the increased levy is to be made; (2) a limit on the purpose for which the increased levy is to be made; (3) a levy at a rate less than the maximum rate allowed for the district; or (4) any combination of the conditions listed above.

Increases in the 106 percent limit must be approved by a majority of the voters of the district at a general election or special election held for that purpose.

Summary: Ballot propositions are to state clearly any conditions that are applicable when voters are asked to increase the 106 percent property tax limit.

If a taxing district asks its voters to raise the 106 percent property tax limit for the purpose of redemption payments on bonds, the increased levy may not exceed nine years in duration.

Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 23, 1989

HB 2054

C 401 L 89

By Representatives Locke, Todd, O'Brien, Padden, Appelwick, Anderson, Winsley, Belcher and P. King

Notifying county prosecutors prior to the temporary, unsupervised release of involuntarily committed and dangerous individuals.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A person who is found not guilty by reason of insanity or who is found incompetent to stand trial may be committed involuntarily to a mental institution if he or she has been found to be dangerous to others. Before such a person is discharged from a mental institution, notice that additional involuntary commitment has not been sought must be given to the prosecuting attorney in the county from which the person was committed. The prosecuting attorney then has an opportunity to argue against the discharge on the grounds that the committed person is still dangerous to be at large.

Under the involuntary commitment statutes, a patient at a mental institution may be temporarily released under authority of the treating mental health

professional or the superintendent of the institution. Before a person found to be criminally insane may be temporarily released on a furlough, the superintendent must give 48 hours notice to appropriate law enforcement agencies. There is no requirement that anyone be notified of such a temporary release of a person committed for incompetency to stand trial.

Summary: Additional notification requirements are established for the temporary release of certain mentally ill persons from a state mental institution. The requirement applies to the unsupervised temporary release of persons committed as the result of a finding of incompetency to stand trial or as the result of a verdict of not guilty by reason of insanity. The notification must be made to the prosecuting attorneys in the county from which the person was committed and the county to which the person is to be temporarily released. The prosecuting attorneys may contest the temporary release on the same grounds as are provided for contesting a final discharge from the institution.

Votes on Final Passage:

House	95	0
Senate	43	0

Effective: May 13, 1989

HB 2060

PARTIAL VETO

C 385 L 89

By Representatives Patrick, Leonard, Beck, Vekich, Baugher, Prentice, Crane, Doty, Inslee, Padden, Kremen, Rayburn, Holland, Walker, Wolfe, Silver, Ballard, Miller, Rector, Winsley, Smith and Todd

Providing industrial insurance coverage for the horse racing industry.

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

Background: In the horse racing industry, licensed trainers who employ workers at parimutuel horse racing tracks pay industrial insurance premiums on a "per start" basis under rules adopted by the Department of Labor and Industries.

Summary: Industrial insurance premiums for horse racing employments at parimutuel race tracks must be computed on a per license basis. The amount of the premium must be set at the basic manual rate, without experience rating.

The premium must be paid at each issuance or renewal of owner, trainer, or groom licenses. The Washington Horse Racing Commission is directed to collect the premium assessments at the time of licensing and deposit the assessments in the industrial insurance trust funds. The fees must be collected retroactively on all licenses issued after January 1, 1989. The premium will provide industrial insurance coverage for all on or off track employees of trainers licensed by the commission, including exercise riders, pony riders, and grooms. For the purpose of paying the assessments and making reports, trainers are deemed the employers.

The owner's license fee is limited to a maximum of $150. An owner with less than full ownership of a horse must pay a percentage of the fee that equals the owner's share in the horse or horses.

Workers' wages for employments at parimutuel tracts are not subject to medical aid or supplemental fund premium deductions.

The authority of the Horse Racing Commission to require licenses for periods no longer than three years is changed to require annual licenses.

The House Commerce & Labor Committee and the Senate Economic Development and Labor Committee will study industrial insurance coverage in the horse racing industry, specifically including coverage for jockeys. The results of the study will be reported by December 1, 1989.

Votes on Final Passage:

House	96	2	
Senate	46	1	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	40	0	
House	97	0	

Effective: May 13, 1989

Partial Veto Summary: The Governor vetoed the section of the bill that required a legislative study of industrial insurance coverage of the horse racing industry. The Governor indicated that the Department of Labor and Industries and the Horse Racing Commission would be directed to participate and cooperate in any legislative study that was conducted. (See VETO MESSAGE)

SHB 2066

C 330 L 89

By Committee on Education (originally sponsored by Representatives Cantwell, Peery, Holland, Beck, Walk, Jones, Spanel, Ferguson, Cole, P. King, Winsley, Wood and Todd)

Creating an interim task force to evaluate school student transportation safety.

House Committee on Education
Senate Committee on Education

Background: The transportation of children is a major task of school districts and a financial obligation for the state. A changing modern transportation system requires that transportation standards for safety and funding formulas be reviewed periodically.

Summary: An interim task force on transportation safety is created to evaluate the safety of school student transportation systems. The task force shall study: a) pupil transportation including pedestrian needs, hazardous walking conditions, school crossing guards and other items; b) the need and funding for edge striping and curbing for roadways; c) safety standards for bus fleets and other vehicles used to transport students to and from school; and d) the need for infrastructure improvements in conjunction with housing developments.

The task force shall be composed of two members from the House of Representatives, one from each caucus appointed by the Speaker; two members from the Senate, one from each caucus appointed by the President of the Senate; the Superintendent of Public Instruction; the director of the Washington Traffic Safety Commission; and a representative of the housing industry, a county traffic safety engineer, a school board member, two local elected officials, a local law enforcement representative, and a member of the Washington State Parent Teacher Association.

The chair of the task force shall be one of the legislative members as determined by a vote. The chair shall select members of the task force not selected by another person or organization.

The task force shall be staffed jointly by the Traffic Safety Commission and the Superintendent of Public Instruction. The Governor may provide additional staff. The report from the task force is due March 31, 1990 and the task force shall expire at that time.

Cities, towns, and counties shall adopt regulations and procedures as part of their short plat regulations to provide for consideration of the need for sidewalks and other planning features to ensure safe walking conditions for students who walk to and from school.

Votes on Final Passage:

House	98	0	
Senate	43	2	(Senate amended)
House	97	0	(House concurred)

Effective: July 23, 1989

SHB 2070
PARTIAL VETO
C 313 L 89

By Committee on Housing (originally sponsored by Representatives Todd and Hargrove)

Applying the state building code to buildings or structures moved into a county or city.

House Committee on Housing
Senate Committee on Governmental Operations

Background: The State Building Code is a comprehensive set of technical documents used to provide minimum standards for the construction, alteration, moving, demolition, repair and use of any building or structure in the state. Local governments are given the responsibility of enforcing the State Building Code. Under local enforcement of the State Building Code, buildings or structures that are moved are required to comply with the latest editions of the uniform codes.

The State Building Code Council is a 15 member body appointed by the Governor to review and update the technical documents that make up the State Building Code. The council also approves or denies local government amendments to certain portions of the state code that apply to residential buildings.

Summary: The State Building Code Act is revised so that residential buildings or structures moved into or within a county or city are not required to meet all of the requirements of the latest editions of the uniform codes that comprise the State Building Code. The exemption from the latest code requirements applies to moved structures or buildings so long as the original occupancy classification of the building or structure does not change as a result of the move.

The Legislature expresses its intent that this exemption apply to moved structures or buildings that met building codes in effect at the time of construction.

Any alteration, repair, additions, or foundation work to the moved residential building or structure must comply with the latest editions of the uniform codes that comprise the State Building Code.

The State Building Code Council is required to develop rules and procedures: (a) to maintain the uniform codes that comprise the State Building Code; (b) to review and approve local code amendments to the State Building Code that are proposed by counties and cities; (c) to develop and adopt codes as directed by the Legislature, and (d) to develop its annual operation budget.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 23, 1989

Partial Veto Summary: Section 3 is deleted, which required the State Building Code Council to develop rules and procedures to: (1) maintain the uniform codes that comprise the State Building Code; (2) review and approve local code amendments to the State Building Code proposed by counties and cities; (3) develop and adopt codes as directed by the Legislature; and (4) develop its annual operation budget. (See VETO MESSAGE)

HB 2075

C 195 L 89

By Representatives Cantwell, S. Wilson, Wood, Walk, Heavey, Prince, K. Wilson, Sprenkle, Ferguson, Nelson and Spanel

Permitting local governments to have a twenty–four hour headlight policy.

House Committee on Transportation
Senate Committee on Transportation

Background: Last year the Department of Transportation (DOT) started a voluntary "Lights On For Safety" demonstration program to determine if requiring motor vehicle headlights to be on at all times improves safety. Five locations were selected and signs were posted stating "Test Area – Turn Lights On." The five locations are: (1) SR 2 between Snohomish and Monroe, (2) SR 18 from Auburn to I–90, (3) SR 522 between east Bothell and Monroe, (4) a segment on SR 97 in the Yakima area, and (5) a segment on SR 14 in the Camas area.

Because some segments have been posted as recently as November of 1988, the DOT does not have any firm test results. Data has been compiled on accident patterns prior to posting the signs, and random spot checks are being conducted to determine compliance which is currently running between 25 percent and 50 percent, depending on the highway segment. Test results are expected in the early 1990s.

The Canadian government is currently exploring the possibility of requiring the use of motor vehicle headlights at all times based upon a recent study that concluded illuminated headlights increases visibility and depth perception of surrounding vehicles. A recent California study concluded that the use of headlights was beneficial in some test areas, but not in others.

Summary: A "24–Hour Headlight Policy" is created in which cities and counties may petition the Department of Transportation (DOT) to implement a lights–on policy on state highways within their jurisdictions, or discontinue an implemented policy. A participating local jurisdiction is directed to educate its citizens on the 24–hour policy and periodically report its education efforts to the DOT.

The DOT is responsible for (1) developing criteria such as traffic volume, accident statistics, and signage costs for approval or denial of a petition, (2) notifying all counties of the voluntary lights–on program, and (3) erecting and maintaining appropriate signs along a designated highway. Participating local jurisdictions are required to share in the cost of signing, in an amount determined by the department.

Periodically, the department reports to the Legislative Transportation Committee regarding petitions and subsequent accident statistics. A final report is to be submitted by the DOT to the Legislature by January 1, 1995.

Votes on Final Passage:

House	93	2
Senate	40	2

Effective: July 23, 1989

SHB 2088

C 228 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Winsley and Dellwo)

Permitting persons in an insurer's holding company system to accept commissions.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: The insurance code prohibits persons having any authority over the investment of a domestic insurance company's funds from accepting any fee, brokerage, or commission for the handling of those funds. Some insurance companies are part of a holding company that owns the insurer and other subsidiary companies that may provide banking or investment services. The prohibition on accepting a fee or commission for investment services may preclude an employee or officer of a company owned by a holding company that also owns an insurance company from collecting a fee for investment services provided to the insurance company.

Summary: Any person in an insurance company's holding company system may accept a reasonable fee, brokerage, or commission for investment advisory, banking, or brokerage services provided for or on behalf of the insurer owned by the holding company.

The Insurance Commissioner may approve the payment of fees, commissions, or other compensation to persons having authority over insurance company funds where the compensation is fully disclosed to the insurance company's officers and directors and is reasonable in relation to the service performed.

Votes on Final Passage:

House	95	0
Senate	47	0

Effective: July 23, 1989

HB 2118

C 402 L 89

By Representatives Dorn, Brumsickle, G. Fisher and K. Wilson

Expanding coverage from grade six to grade eight of certification for candidates for grades preschool through grade six certificates.

House Committee on Education
Senate Committee on Education

Background: In 1987, the Legislature restructured the grade levels covered by various types of teaching certificates to cover only grades preschool through six. Prior to that change, an elementary certificate authorized teaching in grades kindergarten through eight. The State Board of Education has adopted rules requiring candidates for certification to have endorsements in two of 29 teaching areas. Endorsements in specific subject areas such as English, social studies, mathematics, and science, cover grades four through 12. The endorsement in elementary education, which allows assignment in grades preschool through eight, is covered by a certificate that only allows certification for grades preschool through six. The elimination of kindergarten through eighth grade certification has created significant staffing problems for districts which have middle schools covering grades six through eight. Middle schools emphasize assigning students to a core curriculum teacher who instructs the students in reading, language arts, and social studies.

Summary: The certificate authorizing a teacher to teach in preschool through grade six is expanded to cover preschool through grade eight.

The State Board of Education is directed to review its certification procedures and, if necessary, develop requirements for the certification of middle school teachers. The review shall be completed by May 31, 1990.

Votes on Final Passage:

House	98	0
Senate	45	0

Effective: July 23, 1989

HB 2129

C 236 L 89

By Representatives Locke, R. Fisher, Brough, Prince, Cantwell, Ebersole, Belcher, Wang, Prentice, Leonard, Wineberry, Vekich and Anderson

Promoting diverse cultures and languages in Washington.

House Committee on Trade & Economic Development
Senate Committee on Law & Justice

Background: Much of the state's economy is heavily dependent on foreign trade and international exchange. It has been suggested that it is important for the state's citizens to be multilingual and multicultural in order for the state to remain competitive in foreign trade and international exchange.

It is also suggested that the multilingual communication that exists in that state should be promoted to build trust and understanding among the state's citizens.

Summary: It is declared to be the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages in business, government, and private affairs in the state.

The state also encourages all citizens to become proficient in English in order to facilitate full participation of all groups into society and to promote cross–communication between multilingual groups.

Nothing in the act creates any right of action or can be relied upon to create the establishment of an entitlement or new program.

Votes on Final Passage:

House	98	0	
Senate	30	14	(Senate amended)
House			(House refused to concur)
Senate	35	8	(Senate receded)

Effective: July 23, 1989

HB 2131

C 344 L 89

By Representatives Nutley and Winsley

Making additional requirements for mobile home electrical inspections.

House Committee on Housing
Senate Committee on Economic Development & Labor

Background: The Department of Labor and Industries is responsible for electrical inspection services in the state. Cities and towns are authorized to provide inspection services for electrical work within their boundaries. The electrical work must meet the requirements of the state's electrical code.

With the exception of holidays, Saturdays, and Sundays, the Department of Labor and Industries is required to make an electrical inspection within 48 hours of a request. If the request is in writing and an inspection is not made within 24 hours, the electrical utility company is authorized to connect electrical power to the installation. The connection of electrical power without an inspection is not authorized unless the required state electrical work permit is displayed.

In rural areas, mobile homes have been connected to electrical power, without checking to ensure that other local permits for the mobile home installation have been acquired.

Summary: Proof of a current building permit issued by the appropriate local governing body is required before a Department of Labor and Industries inspection may be done or before a connection can be made to a mobile home by an electrical utility company.

Votes on Final Passage:

House	98	0	
Senate	42	1	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	37	0	
House	97	0	

Effective: July 23, 1989

HB 2135

C 229 L 89

By Representatives Vekich, Cole and Prentice

Revising provisions on farm labor liens.

House Committee on Commerce & Labor
Senate Committee on Agriculture

Background: A person performing work on a crop may claim a lien against the crop if he or she is not paid for the work. Prior to the recodification of the crop lien statutes in 1986, a person with a labor lien against a crop was required to file the lien within 20 days after the work was completed. Under the revised law, the person must file the lien before the harvest of the crop is completed.

Summary: A person claiming a lien against a crop for labor furnished on the crop must file a statement with the Department of Licensing within 20 days after the cessation of the work for which the lien is claimed.

Votes on Final Passage:

House	95	0
Senate	47	0

Effective: May 3, 1989

SHB 2136

C 201 L 89

By Committee on Housing (originally sponsored by Representatives Cole, Rust, Beck, Nutley, Patrick, Todd, Wood, Crane, Walk, G. Fisher, Nelson, Cantwell, Brekke, Sprenkle, Anderson, Holland, Leonard and Winsley)

Providing mobile home relocation assistance.

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

Background: Mobile home park–owners are required to give 12 months notice to tenants of the mobile home park when the park–owner is changing the use of the real property to other than a mobile home park.

Summary: A mobile home park–owner must give tenants 12 months notice to vacate the mobile home park when the park–owner is closing or changing the use of the mobile home park, except that the notice period is 18 months for park closure notices given within six months after the effective date of the act.

Tenants are entitled to monetary relocation assistance when they relocate due to the closing of the park. The relocation assistance is $4,500 for a single–wide home and $7,500 for a double–wide home.

A mobile home park relocation fund is created. This fund is administered by the Department of Community Development (DCD). Beginning January 1, 1990, a $10 annual assessment for the relocation fund must be collected from each tenant in a mobile home park by the county treasurer. The county treasurer, rather

than the park–owner, is also responsible for collecting $1 per tenant in a mobile home park for the Office of Mobile Home Affairs, for a total assessment of $11 per year.

The park–owner pays the full amount of relocation assistance on tenant relocations before July 1, 1991, except that if notice of the park closure was given prior to April 1, 1989, relocation assistance is required to be paid only if the tenant is low–income. The park–owner pays one–third and the relocation fund pays two–thirds of the relocation assistance on tenant relocations after June 30, 1991, except that when the park–owner gives 24 months notice after July 1, 1992, the park–owner pays $500 for a single–wide or $1,000 for a double–wide, and the relocation fund pays the remainder.

In addition to notifying the tenant of the park closure, the park–owner must notify DCD and post a notice at all entrances to the park disclosing that the park is being closed.

A park–owner, on all new tenancies, must promise that the park will not be closed within three years, or inform the tenant in writing that the park may be closed at any time subject to statutory notice requirements.

The tenant may waive any of his or her rights to relocation assistance, provided the tenant's attorney approves the waiver in writing. Intentionally violating or evading the act is a misdemeanor.

Votes on Final Passage:

House	90	8	
Senate	42	2	(Senate amended)
House	89	4	(House concurred)

Effective: April 28, 1989

SHB 2137

PARTIAL VETO

C 423 L 89

By Committee on Trade & Economic Development (originally sponsored by Representatives Cantwell, Moyer, Rasmussen and Walk)

Establishing targeted sectors for economic development.

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

Background: Studies requested by the Legislature have, in part, analyzed how the state could better focus its efforts to enhance economic development in identified economic sectors of the state.

In 1987, the Legislature required the Department of Trade and Economic Development to study the market trends and investment opportunities in at least eight key areas of the state economy. This study is expected to be completed by June 1989.

In 1987, the Legislature also commissioned a study by the International Trade Assistance Advisory Committee (ITAAC). This study focused on improving the trade promotion and assistance programs in the state. The ITAAC study recommended that the state target areas of its economy where products could be more effectively marketed internationally.

Summary: The Department of Trade and Economic Development must establish a targeted sector program. The economic sectors targeted are biotechnology, manufactured forest products, and food processing. This program must analyze the state of the targeted sectors and develop a plan to increase the sale of products from these sectors nationally and internationally. An evaluation process must also be developed to measure the effectiveness of the targeted sector program.

The department is required to establish an advisory committee for the targeted sector program. The advisory committee must establish subcommittees for each targeted sector. The advisory committee and subcommittees are to provide policy direction to the department on the its targeted sector program, including the appraisal of the sector, the development of the program, the implementation of the program, and the evaluation of the program. The department may contract with public or private organizations in its analysis of the targeted sector.

The department must report in writing each January to the Legislature on its targeted sector program. The department must make current information available regularly to the Legislature and the private sector on the program and its targeted sectors.

Votes on Final Passage:

House	93	0	
Senate	44	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	46	0	
House	94	0	

Effective: July 23, 1989

Partial Veto Summary: Language requiring the Department of Trade and Economic Development to establish an advisory committee and subcommittees for the department's targeted sector program is vetoed. Also vetoed is the requirement that the department include manufactured forest products as a targeted sector. (See VETO MESSAGE)

HB 2142

C 285 L 89

By Representatives Hargrove, Jones and Van Luven

Authorizing cities and towns to reimburse litigation expenses to reimburse prevailing parties in a lawsuit where the city or town is a party.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Cities and towns are authorized to sue and be sued.

Summary: The legislative authority of any city or town that has had a judgment entered against it is granted the discretionary authority to reimburse the prevailing party or parties for their attorneys' fees and related court costs. The reimbursement may not exceed $25,000.

This act expires on September 1, 1989.

Votes on Final Passage:

House	98	0	
Senate	42	3	(Senate amended)
Senate	39	1	(Senate receded)

Effective: July 23, 1989

HB 2155

PARTIAL VETO

C 375 L 89

By Representatives Appelwick and P. King

Making changes to the parenting act.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Legislature enacted the Parenting Act in 1987. The act took effect January 1, 1988. The Parenting Act was a major revision of statutes governing the determination of parental responsibilities and rights after the dissolution of a marriage. In the time since the Parenting Act was enacted, several areas for improvement have been identified.

The Parenting Act requires that a proposed parenting plan be filed with the petition for dissolution and with the response. If a plan is not filed by one party, the other party may move for a default order.

The law requires proposed and permanent parenting plans to contain specific limitations governing any dispute resolution process and mutual decision making authority. A plan must also contain a statement that a parent's failure to comply with one part of the plan does not affect the parent's obligations under the plan. The Parenting Act itself does not explicitly impose these requirements, but only requires that they be stated in a plan.

When the court enters its order and adopts a parenting plan, it must designate one household as the child's residence for purposes of jurisdiction, venue, and child support.

Under circumstances where a parent has a history of committing acts of domestic violence, the permanent parenting plan may not require mutual decision-making or any dispute resolution process other than court action and must limit that parent's residential time with the child.

In contested custody proceedings, and in other proceedings where a party requests, the court may order an investigation relating to the parenting arrangements for a child.

The court must designate one parent as the custodian for purposes of other state and federal statutes which require a designation of a custodian. If the court fails to designate a parent as custodian, the parent with whom the child resides the majority of the time is the custodian for these limited purposes.

A relative may bring a civil action against another relative who prevents the exercise of the right to child custody by taking, enticing, or concealing the child from the relative. This civil action does not apply to interference with visitation rights.

In a paternity action under the Uniform Parentage Act, the court must provide for the custody of the child and for visitation privileges with the child. These provisions must be made on the same basis as provided for in the Parenting Act. It is not clear, however, whether making these residential provisions "on the same basis" requires completion of a parenting plan.

In paternity actions and in resolving domestic violence cases, the court may make determinations affecting the residential placement of a child.

Summary: A proposed parenting plan is not required at the time of filing of a petition for dissolution, but must be filed within 30 days after a case is noted for trial or 180 days after commencement of the action, whichever is earlier. By agreement of the parties, this

180 day limit may be extended. The proposed parenting plan must include a verified statement that the parenting plan is proposed in good faith.

A written or electronic record must be made of any agreement or decision reached as a result of counseling, mediation or arbitration.

The court may not require mutual decision making or dispute resolution other than court action if a parent has a history of acts of domestic violence, or of assaultive behavior that causes grievous bodily harm or engenders fear of such harm. The court must also limit a parent's residential time with the child if the parent has a history of such acts. The court must apply the civil rules of evidence, proof, and procedure in making these determinations.

The court may order an investigation into the parenting arrangements for a child in any case, whether or not the case is contested or a party requests.

The parenting plan must designate a custodian for purposes of other state or federal statutes. The custodian for these purposes is the parent with whom the child resides a majority of the time. If the parenting plan does not designate a custodian, the parent with whom the child resides a majority of the time is deemed to be the custodian. This rule also applies in paternity actions and domestic violence cases.

A relative may bring a civil action against another relative for interference with the right to visitation.

In a paternity action, the court is still required to make residential provisions for minor children, but no parenting plan is required unless requested by a party.

References in the domestic violence act to custody and visitation are modified to reflect Parenting Act terminology.

Explicit direction is given for the use of parenting plans in marital separation agreements.

Several obsolete references to custody and visitation are corrected and a double amendment is corrected.

Votes on Final Passage:

House	98	0	
Senate	44	2	(Senate amended)
House			(House concurred in part)
Senate	32	6	(Senate receded)
House	97	0	

Effective: May 12, 1989

Partial Veto Summary: The partial veto prevents a double amendment by removing a section of the bill that is also contained in another bill. (See VETO MESSAGE)

HB 2158

C 65 L 89

By Representatives Rasmussen, Schoon, H. Sommers, Locke, P. King, Wineberry, Winsley, Ferguson, Heavey, Fraser and Vekich

Including comprehensive cancer center in the definition of a health care facility.

House Committee on Health Care
Senate Committee on Health Care & Corrections

Background: The Washington Health Care Facilities Authority was created in 1974 to assist the building of health care facilities through the issuance of tax exempt bonds. The Fred Hutchinson Cancer Research Center (FHCRC) plans to build a new facility in the Lake Union area in Seattle. To obtain the construction funds, the FHCRC plans to issue tax exempt bonds through the authority. A major function of the new facility will involve basic science research. It is not clear whether functions such as basic research are included in the definition of "health care facility" in the authority's enacting act.

Summary: The definitions of "health care facility" and "participant" are revised to permit comprehensive cancer centers, including their research and support facilities, to receive tax exempt bonding authorization through the Washington Health Care Facilities Authority.

Votes on Final Passage:

House	93	0
Senate	45	0

Effective: July 23, 1989

HB 2161

C 187 L 89

By Representatives Jacobsen, Prince, Rayburn, Grant, Doty, Heavey, P. King, Miller, Jesernig and Van Luven

Amending the distinguished professorship trust program.

House Committee on Higher Education
Senate Committee on Higher Education

Background: The Washington Distinguished Professorship Trust Fund Program was created to match public and private funds to support outstanding faculty at the state four-year institutions of higher education. When appropriated funds are available, the state will match $250,000 of state funds with an equal amount

of private donations. The total of $500,000 is invested in a local endowment fund at the college or university that raised the private donations. The proceeds of the endowment fund are used to support the holder of the distinguished professorship.

Commodity commission funds collected from growers through an assessment procedure that was voluntarily adopted by the industry are no longer considered to be private funds once they are collected.

Summary: The definition of "private donation" in the Washington Distinguished Professorship Trust Fund Program includes assessments by commodity commissions authorized to conduct research activities.

Once state matching funds are released to a local endowment fund, an institution may combine two professorships to support one professorship holder.

Votes on Final Passage:

House	98	0	
Senate	44	0	

Effective: July 23, 1989

HB 2167

C 274 L 89

By Representatives Leonard, Winsley, Schoon, Nutley, Rector and Todd

Regarding mobile home parks.

House Committee on Housing
Senate Committee on Economic Development & Labor

Background: In Washington, growth planning and zoning are traditionally done by local governments. Cities and counties have statutory authority, and arguably inherent power, to regulate land use and otherwise manage growth in their jurisdictions.

Planning and zoning are optional for local governments, except for the requirements of the Shoreline Management Act. Some local governments do not engage in formal planning or zoning.

Local governments that do growth planning and management normally establish zones of allowable land use. The zones are generally based on a local comprehensive plan. Examples of land use zones include residential, commercial, industrial, and multi-use.

In some local jurisdictions, mobile home parks are closing because of private land use changes. There also appears to be a shortage of mobile home park spaces in some of these areas.

Summary: Each county with a population of 150,000 or more and each city with a population of 10,000 or more is required to conduct a review of the need and demand for mobile home parks if that local government does not provide for the siting of mobile home parks in areas zoned for other residential use or for residential and commercial uses. The review must be completed by May 31, 1990, and a copy of the review sent to the Department of Community Development by June 30, 1990.

The Department of Community Development must report the results of the local reviews to appropriate committees of the Legislature by July 31, 1990. In consultation with various associations, the Department of Community Development must develop a model ordinance for the siting of mobile home parks by January 31, 1990.

Votes on Final Passage:

House	98	0	
Senate	44	1	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	41	0	
House	97	0	

Effective: July 23, 1989

HB 2168

C 376 L 89

By Representatives Nelson, Hankins, Jesernig, Raiter, Miller, May, Rust, Inslee, Valle and Spanel

Authorizing services charges on facilities handling wastes composed of both radioactive and hazardous components.

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

Background: In 1985 the Legislature enacted a comprehensive hazardous waste management program. The Department of Ecology has broad powers to regulate the management of hazardous wastes and the release of hazardous substances. The materials covered by the Hazardous Waste Management Act are classified as dangerous wastes, extremely hazardous wastes, hazardous substances, hazardous household substances, and moderate-risk wastes. Hazardous waste can include substances which have both radioactive and hazardous components. The department has authority to regulate hazardous substances containing

both radioactive and hazardous components to the extent that federal law allows.

The federal Resource Conservation and Recovery Act (RCRA) is the major federal legislation governing the management of hazardous substances. The Environmental Protection Agency (EPA) has primary authority for enforcement of RCRA. RCRA permits states with satisfactory hazardous waste management programs to be certified to enforce RCRA in the state. Washington is certified and the Department of Ecology is designated as the state's RCRA enforcing agency.

At the federal level it is not clear which federal agency has authority to regulate mixed wastes, wastes that have both hazardous and radioactive components. Some of the uncertainty has been resolved by a United States Department of Energy (USDOE) interpretive rule that asserts regulatory authority over only the nuclear components of mixed wastes for which USDOE is responsible. The hazardous waste components are the responsibility of EPA or the state RCRA enforcing agency. EPA and the Nuclear Regulatory Commission (NRC) have developed a similar understanding with respect to hazardous substances and radioactive wastes over which the NRC has authority.

The EPA requires that states which are authorized to enforce RCRA must also be able to regulate mixed wastes. Washington has been certified as meeting this requirement.

RCRA directs that all federal agencies engaged in any activity which results or may result in the disposal of hazardous waste must comply with procedural and substantive requirements of state law to the same extent any other person. The payment of reasonable service charges is specifically included in the requirements with which federal agencies must comply. The President may exempt a federal facility from compliance with any state requirement if the exemption is in the paramount interest of the United States. An exemption may not be based on lack of an appropriation unless the President has requested an appropriation and Congress has failed to provide the necessary funding. An exemption is valid for only one year, but it may be renewed.

Summary: The Department of Ecology may assess a reasonable service charge against facilities that store, treat, incinerate, or dispose of wastes containing both hazardous and radioactive components or against similar facilities which are undergoing closure. Service charges may not be imposed against commercial low-level radioactive waste facilities undergoing closure. The service charge may be assessed for costs of permit development, issuance and review and of monitoring to assure compliance with the hazardous waste management act. All charges collected shall be deposited in the state Toxics Control Account. No charges may be collected until the department adopts rules to implement the service charges.

Votes on Final Passage:

House	96	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 12, 1989

HB 2222

C 380 L 89

By Representatives Vekich, Prentice, Patrick and Leonard

Regulating the use of pesticides and providing unemployment insurance and industrial welfare coverage for agricultural employees.

House Committee on Commerce & Labor

Background:

Pesticide Control and Application. The Washington Pesticide Control Act and the Washington Pesticide Application Act are administered by the Department of Agriculture. With certain exceptions, the Pesticide Control Act requires every pesticide distributed within the state to be registered annually with the director of the department. It also requires that pesticide dealers, dealer managers, and pest control consultants be licensed.

The Pesticide Application Act requires persons who commercially apply pesticides on the lands of others to be licensed as pesticide applicators. A person employed by an applicator who applies pesticides must be licensed as a pesticide operator. The act also requires licenses for use, regulates the use of pesticides by public entities and operators, and requires certification of persons who apply or supervise the application of restricted use pesticides on their own agricultural lands. Landscape gardeners are exempt from licensing. The director is authorized to require certain applicators to keep records of pesticide applications.

The director may levy a civil penalty of up to $1,000 for a violation of the Pesticide Control Act or the Pesticide Application Act.

The act creates the Pesticide Advisory Board which is charged with advising the director on all problems relating to the use of pesticides.

Review of Pesticide Incidents. Several agencies, including the Department of Social and Health Services, the Department of Agriculture, the Department of Labor and Industries, and local health departments

have varying responsibility for investigating pesticide incidents. No formal coordination exists between these agencies for reporting and tracking of cases of pesticide exposure. In Oregon, the Oregon Pesticide Analytic Response Center is responsible for centralizing information about and investigating pesticide incidents.

Reporting of Pesticide Exposure. The Department of Social and Health Services is authorized to investigate pesticide poisonings and provide technical assistance and consultation to health care providers on the health effects of pesticides. If an emergency involving pesticides occurs that represents a health hazard to the public, the department must be notified. However, Washington law does not require health care providers to report pesticide poisoning cases to the department or local health agencies. Several states, including Oregon and California, require reporting of pesticide-related illness.

Unemployment insurance for agricultural employees. Workers in agricultural employment are covered for unemployment compensation benefits if the employer is a large farmer, that is a farmer who (1) has paid $20,000 or more in wages for agricultural labor during any quarter in the current or preceding calendar year; or (2) has employed ten or more agricultural workers for some part of a day in each of 20 different calendar weeks in the current or preceding calendar year. If an agricultural worker is employed by an employer who does not meet these criteria, then the hours worked for that employer are not "covered" hours.

Labor Standards for agricultural employees. Industrial welfare laws (labor standards) were first enacted in Washington in 1913 to establish mandatory employment standards for women and minor employees. When this law was revised in 1973 to provide employment standards for all employees, agricultural employees were excluded. These standards regulate such working conditions as lifting requirements, deductions from wages, payroll recordkeeping, meal and rest breaks, and special conditions for minors. The law is administered by the Department of Labor and Industries.

Summary:

Pesticide Control Act. The fee for registering a pesticide is increased from $20 to a range from $50 to $105 per product, based on the number of pesticides registered by a person during a calendar year. An additional fee of no more than $10 may be assessed for the registration of home and garden pesticides to fund the activities of a Pesticide Incident Reporting and Tracking Review Panel. The annual fees for a pesticide dealer's license and for a pest control consultant's license are each increased from $20 to $30. The fee for a dealer manager's license is raised from $10 to $50. A fee of $15 is established for a public pest control consultant's license which must be renewed annually. The director is authorized to establish license examination fees by rule. The additional fee charged for the late renewal of a registration is raised to $25. The pesticide registration must include the complete formula of the pesticide.

The categories of persons who must be licensed as pesticide dealers are expanded. The definition of "pest control consultant" is changed to include brokers operating without a place of business. A user of a pesticide is permitted to transfer the pesticide to another user in certain circumstances without obtaining a dealer's license if the sole purpose of the transfer is to keep the pesticide from becoming hazardous waste.

The maximum civil penalty for violations of the act is raised from $1,000 to $7,500.

The department is required to report to the Legislature on its pesticide regulatory activities by December 1 of each year.

Pesticide Application Act. The annual license fee for a commercial pesticide operator is increased from $20 to $30. The license fee for a private-commercial applicator's license and for a demonstration and research license is raised from $20 to $50. A public operator license is created and the fee for the license is established at $15 per year. Public operators working in the health vector field are exempt from the fee requirement. The annual fee for private applicator certification is established at $15. Late renewal fees are changed to $25 for a commercial pesticide applicator's license and an amount equal to the license fee for all other licenses.

Pesticides restricted to use by certified applicators may only be used under the direct supervision of a certified applicator. The exemption of landscape gardeners is repealed beginning January 1, 1990. An exemption from licensing is provided for certain lawn and yard maintenance persons.

The composition of the Pesticide Advisory Board is changed to add the following new members: an agricultural labor representative, an environmental representative, and a private health care practitioner.

The director is authorized to establish recordkeeping requirements for licensees, permittees, and certified applicators. Except for owners and operators of dairy farms, all persons applying pesticides to more than one acre of agricultural land per calendar year are required to keep records for seven years. The records

may be kept on a form adopted jointly by the Department of Agriculture and the Department of Labor and Industries. The records must be available to the Department of Agriculture, the Department of Social and Health Services, medical personnel, and, in industrial insurance cases, the Department of Labor and Industries and the employees or their representatives.

Both the Department of Agriculture and the Department of Social and Health Services must initiate response to a pesticide incident. The time limit to initiate response will range from immediate to 48 hours, depending on the nature of the incident and rules adopted by the Department of Agriculture. Crop damage claims must be filed within 30 days, rather than 60 days.

The maximum civil penalty for violations of the pesticide regulations is raised from $1,000 to $7,500. Persons who are aggrieved by a violation of the act may request an inspection of the area in which the violation occurred and may receive notice of any penalties imposed following an investigation of the violation.

By December 1 of each year, the department is required to report to the Legislature on its regulation of pesticide applicators.

Employer pesticide recordkeeping and employee protection. Pesticide recordkeeping requirements are established for employers who apply pesticides to an agricultural crop. The records must be kept for seven years. The employer may use a form adopted jointly by the Department of Agriculture and the Department of Labor and Industries. The Department of Social and Health Services, the Pesticide Incident Reporting and Tracking Review Panel, the Department of Labor and Industries, and, in industrial insurance cases, employees or their authorized representatives may have access to the records.

Beginning July 1, 1990, if pesticides are applied to a labor–intensive crop, the field must be posted if the pesticide has a reentry interval of greater than 24 hours.

Pesticide incident review panel. The Pesticide Incident Reporting and Tracking Review Panel is created to establish guidelines for centralizing the receipt of information involving pesticide incidents, to review and make recommendations for investigations, and to review complex cases. All recommendations of the panel must be implemented unless the agency provides written reasons for not adopting the recommendations. The panel is also authorized to identify inadequacies in federal law, including reentry intervals, and make recommendations to the appropriate agencies on changes in reentry intervals.

A surcharge of $5 is added to each pesticide registration and license fee established by the Washington Pesticide Control Act and the Washington Pesticide Application Act, to fund the activities of the review panel and its supporting agencies. An additional one–time surcharge of $5 is also added for review panel activities, to be collected on January 1, 1990.

Physician reporting of pesticide poisonings. Beginning January 1, 1990, a health care provider must report a case or suspected case of pesticide poisoning to the Department of Social and Health Services. The report must be made in the manner prescribed by the State Board of Health, with reporting time periods ranging from immediate to seven days, depending on the severity of the case. The Department of Social and Health Services must provide a toll–free telephone number for any oral reports. Pesticide applicators or employers must provide available information to the health care provider on pesticide applications that may have affected the patient's health.

The Department of Social and Health Services is responsible for investigating reports of cases or suspected cases of pesticide poisoning. The department must notify the Pesticide Incident Reporting and Tracking Review Panel within the time period established by the State Board of Health. The results of the investigation must be reported to the health care provider making the original report.

The department is directed to develop and implement a medical education program to alert health care providers of symptoms, diagnosis, treatment, and reporting of pesticides.

If a health care provider fails to make the required reports, the provider may be subject to disciplinary action by the appropriate authority.

No cause of action may arise as a result of a failure to make the required reports or because of any report made to the department.

Unemployment insurance for agricultural employees. Beginning January 1, 1990, unemployment insurance coverage is extended to agricultural employees who work on small farms. Exemptions are provided for students at an elementary or secondary school or institution of higher education and for family members working for small farm corporations.

Unemployment insurance contributions are established at 2.5 percent of taxable wages for newly covered employers in the following industries: (1) vegetables and melons; (2) fruits and tree nuts; (3) horticulture; (4) livestock; and (5) timber tracts.

Beginning January 1, 1990, "suitable work" for agricultural employees receiving unemployment insurance benefits is any agricultural labor available from

any employer, unless the commissioner finds the specific work unsuitable for a particular individual.

Beginning January 1, 1990, contributions for successor employers will be at the rate class assigned to the predecessor employer at the time of the transfer of the business, rather than at the rate paid by the predecessor employer.

The Employment Security Department is required to work with agricultural employers to improve their understanding of the unemployment insurance system and increase compliance. The department must report its progress in 1990, 1991, and 1992. The Employment Security Department, the Department of Labor and Industries, the Department of Licensing, and the Department of Revenue must develop a plan to implement voluntary combined reporting for agricultural employers and report to the Legislature by December 1, 1989.

Agricultural Employees Labor Standards. An advisory committee is created to develop recommendations for rules on labor standards for the employment of minors in agriculture. Based on these recommendations, and on cultural and harvesting requirements, the Department of Labor and Industries must adopt rules by July 1, 1990, on only the following: (1) minor employment rules; and (2) rest and meal breaks for all employees, taking into consideration naturally occurring breaks. In addition, employers who are required to keep employment records under the State Minimum Wage Act must keep the records for three years. When agricultural employees are paid, the employer must provide the employees with itemized statements indicating the pay basis, the rate of pay, the gross pay, and any deductions. Violations of these labor standards are class I civil infractions, with a maximum penalty of $250 for each violation.

Votes on Final Passage:

House	85	12	
Senate	35	10	(Senate amended)
House	86	6	(House concurred)

Effective: July 23, 1989
January 1, 1990 (Sections 69, 71 – 73, 78 – 81)
July 1, 1990 (Section 76)

HB 2242

C 2 L 89 E1

By Representatives Phillips, Van Luven, May, Holland, Hankins, Moyer, Patrick, Miller, Schoon, Winsley, Brough, Ballard, Wood, D. Sommers, Horn, S. Wilson, Chandler, and Ferguson

Prescribing financial responsibility for vessels that spill oil and establishing guidelines for management of Washington's coast.

Background: Financial Responsibility

Under the federal Water Pollution Control Act, owners and operators of vessels over 300 gross tons are required to post evidence of financial responsibility to the federal government for meeting liability for spills of oil and hazardous substances. The amount required for inland barges is $125 per gross ton or $125,000, whichever is greater. The amount required for all other vessels is $150 per gross ton or $250,000, whichever is greater. Financial responsibility may be established by evidence of insurance, surety bonds, or qualification as a self–insurer.

Owners and operators who fail to comply with financial responsibility requirements are subject to a federal penalty of $10,000. The Coast Guard may deny entry to any port or place in the United States, or detain at any port or place in the United States, any vessel which does not produce evidence of financial responsibility upon request.

Seven of the 24 coastal states have followed the lead of the federal government and enacted financial responsibility requirements for liability to the state for oil and hazardous substance spills. Although the state Water Pollution Control Act does impose liability for spills, it does not contain financial responsibility requirements.

Ocean Management

The ocean sea floor and resources off Washington's coast are owned by the state from extreme low tide to three miles seaward, and by the federal government from three miles seaward to two hundred miles seaward. There are at present few statewide regulations, guidelines, or policies for the use or development of Washington's coastal resources. While local, coastal governments have some authority to regulate coastal resources, these governments have done little to address coastal resource management through their shoreline management programs or under existing laws.

The federally owned waters off Washington's coast are governed by many federal laws and agencies. Of immediate concern to the State of Washington is the Mineral Management Service (MMS), which is responsible for the development of mineral and other resources within federally owned ocean waters. The MMS is authorized to lease ocean areas for purposes of exploration, development, and extraction of mineral resources. The MMS is required under the Outer Continental Shelf Lands Act (OCSLA) to develop five

year lease plans relating to the exploration and extraction of oil and gas.

The MMS' current five year lease plan provides for a lease sale of ocean areas off the coasts of Washington and Oregon in April of 1992. As preliminary steps to the sale itself, MMS will request statements of interest from the oil industry in 1989 and will identify the sale area in 1990.

Under the OCSLA, the Secretary of the Interior must consider recommendations from an adjacent state's governor concerning the size, location, and timing of a proposed lease sale. The federal Coastal Zone Management Act (CZMA) and current case law do not provide for any state input in deciding when or whether a lease sale should be held, nor in deciding what areas will be included in the lease sale. The CZMA does, however, provide for some state input after the lease sale. The CZMA directs that federal agencies conduct and support activities directly affecting the coastal zone in a manner which is, to the maximum extent practicable, consistent with approved state management programs. It also provides that any applicant for a federal license to conduct an activity affecting land or water uses in the coastal zone of a state must provide a state approved certification of consistency with that state's management program. This requirement of certification also applies to any plans for exploration or development of, or production from, any area which has been leased under the OCSLA.

The approved state management program consists of the adjacent state's "coastal authorities" laws and regulations that have been approved by the Secretary of Commerce. At present, the approved coastal authorities for Washington include the Shoreline Management Act(SMA) and county and city master programs, certain environmental laws, and the Energy Facilities Site Locations Act.

Because of this system, any exploration, development, or production activities conducted or permitted by MMS must be consistent with the above sections of Washington law. There is, however, dispute as to the extent to which actions must be consistent.

In 1987, due to concern over the upcoming lease sale, the Washington Legislature and the Governor took several actions. The Governor wrote to the Department of the Interior suggesting that the lease sale may need to be delayed, and stating that he does not support leasing north of the forty–seventh parallel or within 12 miles of Gray's Harbor, Willapa Bay, and Columbia River estuaries. Further, several committees were formed and/or asked to conduct studies on aspects of the proposed lease sale. These groups include the Legislature's Joint Select Committee on Marine and Ocean Resources, the University of Washington Sea Grant program, and several task forces.

Summary: Owners or operators of vessels over 300 gross tons that transport petroleum products in the state are required to establish evidence of financial responsibility to the state to cover liability for cleanup, natural resource damages, and civil penalties and fines. The amount required is $1 million or $150 per gross ton, whichever is greater.

Evidence of financial responsibility may be established by one or a combination of the following methods: (1) insurance; (2) surety bonds; (3) qualification as a self–insurer; or (4) other evidence acceptable to the director of the Department of Ecology.

Owners or operators of barges and oil tankers must keep documentation of evidence of financial responsibility on the vessel and on file with Ecology. Other vessel owners and operators must keep their Coast Guard certificate indicating compliance with federal requirements on the vessel.

The Secretary of Transportation is required to suspend the operating privileges of vessel owners or operators that do not meet financial responsibility requirements. Failure to comply with financial responsibility requirements subjects the owner or operator of a vessel to a $10,000 civil penalty.

Legislative policies regarding coastal waters off Washington are adopted. These policies will guide the decision–making process for the management, conservation, use, and development of natural resources in Washington's coastal waters. Among these policies are the following: (1) There shall be no leasing of state–owned tidal or submerged lands along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production. This policy will expire on July 1, 1995, unless extended by the Legislature; (2) If conflicts arise, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources; (3) The state shall actively encourage the conservation of liquid fossil fuels and explore available methods of encouraging such conservation; (4) Generally, fishing and currently existing commercial uses are excluded from having to meet the planning and project review criteria; and (5) The state shall participate to the maximum extent possible in federal ocean and marine resource decisions.

Planning and project review criteria are established. These set the minimum standards which must be met before the state may support any activities that are likely to have an adverse impact on marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses. The criteria include a demonstrated significant need for the activity; no reasonable alternative to the activity; no likely long-term significant adverse impacts to coastal or marine resources or uses; minimization of adverse environmental and social impacts; compensation for adverse impacts; plans and sufficient performance bonding to ensure site rehabilitation; and compliance with all applicable laws.

The Departments of Natural Resources and Ecology shall complete an analysis of the potential positive and negative impacts of leasing state coastal waters for oil and gas development. This analysis shall be done at the direction of the Joint Select Committee on Marine and Ocean Resources, and it shall be presented to the Legislature no later than September 1, 1994.

Local governments are directed to review and amend their shoreline master programs to ensure that they conform with the policies and intent of this bill. The Washington State Energy Office is directed to prepare a report on liquid fossil fuel supply and demand, on strategies for conserving those fuels, and on ways of implementing those strategies.

The Shoreline Management Act is amended to direct the Department of Ecology to consult with affected state agencies, local governments, Indian tribes, and the public prior to responding to federal coastal zone management consistency certifications.

The Joint Select Committee on Marine and Ocean Resources is extended until June 30, 1994, and it is assigned additional tasks.

Votes on Final Passage:

House	96	0
Senate	46	0

Effective: August 9, 1989

HB 2244

C 10 L 89 E1

By Representatives Vekich, Anderson, Braddock, Hine, Dellwo, Jones, Fraser, K. Wilson, Nelson, Jacobsen, Sayan, R. King, Rust, Prentice, Wang, Cole, P. King, Zellinsky, R. Fisher, Appelwick, Pruitt, Cooper, H. Myers, Valle, Leonard, Nutley, Spanel, Raiter, G. Fisher, Sprenkle, Morris and Rector

Providing for maternity care for low-income families.

House Committee on Health Care
Senate Committee on Ways & Means

Background: Access to maternity care (prenatal, delivery, and postpartum) has become increasingly difficult for low-income women. Of the 70,000 births in Washington state during 1988, approximately 9,000 were delivered without consistent maternity care. Washington state has a higher rate of infant mortality than the national average. This is particularly important when the United States, as a whole, has one of the highest rates of infant mortality among industrialized nations.

Low birth weight deliveries (5.5 lbs or 2500 grams) are identified as the major factor in infant death and illness. Adequate maternity care is identified as an effective tool in reducing low birth weight deliveries. It is estimated that for every $1 spent on prenatal care, over $3 are saved in medical cost during the first year of an infant's life.

In addition to adequate medical care, availability of support services is identified as an important factor in having healthy babies. These include: education, nutrition counseling, transportation, child care, and other services. Recent changes to federal Medicaid law permit a state to expand its federally matched program for low-income pregnant women and their children. A state is now able to extend medicaid coverage to pregnant women and children, under the age of 1, whose income is below 185 percent of the federal poverty level (FPL), and children up to age 8 below 100 percent FPL.

Summary: The Legislature finds that there is a high rate of infant death and illness in the state of Washington. Further, this problem is closely related to the lack of adequate maternity care. To provide adequate health care to low-income pregnant women and their young children, a maternity care access system is established.

Nothing in this act creates a vested right that cannot be repealed by the Legislature. Definitions of "at risk person," "eligible person," "maternity care services," and "support services" are provided.

The Department of Social and Health Services (DSHS) is required to establish a maternity care access program with the following features: providing maternity care to low-income women, and health care to their children to the extent made possible by federal law and having in place, by December 1, 1989, a system that expedites the medical assistance eligibility process for pregnant women. This shall include a short and simplified application form, and the capability of determining eligibility within 15 days of application.

DSHS is required to refer eligible persons to persons, agencies or organizations with maternity care service practices that primarily emphasize healthy birth outcomes.

The Department of Social and Health Services is required to study the desirability and feasibility of implementing the presumptive eligibility provisions for pregnant women, recently made possible by federal Medicaid law.

The Department of Social and Health Services is required to establish a case management program for women who are at risk of having difficulty in the pregnancy. Treatment for pregnant women who are substance abusive is provided through funding included in the Omnibus Drug Act (HB 1793).

Maternity care provider reimbursement levels are established at appropriate levels, consistent with available funds.

Areas of the state where the lack of access to maternity care is at a crisis proportion are designated as distressed areas. DSHS, in cooperation with the affected counties and a variety of community interests, shall develop an alternative service plan to alleviate the shortage. Criteria for designating a county or group of counties as a distressed area is provided in the act. If necessary to ensure maternity care access, DSHS may contract with or directly employ health practitioners to provide maternity care. In the latter case, DSHS may pay a related portion of the practitioner's liability insurance.

To the extent federal matching funds are available, DSHS, or its successor, shall develop a health education loan repayment program to assist maternity care providers who agree to practice in underserved areas.

The Department of Social and Health Services is required to contract with an independent non–profit entity to evaluate the maternity care access program and report to the Legislature by December 1, 1990.

Votes on Final Passage:

House	77	18	
Senate	41	1	(Senate amended)
House	83	12	(House concurred)

Effective: August 9, 1989

HB 2245

C 16 L 89 E1

By Representative Locke

Changing provisions relating to basic education salary allocations.

Background: Beginning in 1992, new candidates for professional–level teaching certificates will be required to have a masters degree in teaching or a masters degree in the arts, sciences, and/or humanities. Initial–level teaching certificates, which do not require a masters degree, are valid for two years with extensions possible for up to seven years. The masters requirement does not apply to teachers who currently hold continuing (or professional–level) certificates.

During the 1987–89 biennium, the statewide schedule used to allocate funding for teachers' salaries has provided lower salary allocations for teachers with masters degrees than for teachers with 135 post–graduate quarter hour credits but no masters degree.

Summary: After January 1, 1992, no more than 90 post–graduate quarter hour credits may be counted to generate state funding for instructional staff salaries unless the employee has a masters degree or had previously been funded recognizing the higher number of credits.

Votes on Final Passage:

House	95	1
Senate	41	3

Effective: August 9, 1989

HB 2247

C 2 L 89 E2

By Representatives Appelwick, Padden and Wineberry

Making a technical correction to the parenting act.

Background: A recently enacted law amended the Parenting Act. One section of that enactment dealt with the procedures to be followed in establishing a permanent parenting plan. Those procedures include, among other things, requirements for submitting proposed parenting plans, amending plans, settlement conferences, setting trial dates, and entry of final decrees regarding a parenting plan. An amendment to those procedures was intended to exempt decrees of legal separation from the provisions relating to entry of final decrees. Inadvertently, however, the exemption was extended to the entire section, thus removing legal

separation actions from all the procedural requirements of the section.

Summary: The error in the recently enacted amendment to the Parenting Act is corrected. The exemption from procedural requirements regarding legal separations is restricted to the requirement having to do with entry of final decrees.

Votes on Final Passage:

House 89 0
Senate 44 3

Effective: June 1, 1989

HJM 4000

By Representatives Nelson, Hankins, Rust, Fuhrman, Jesernig, Schoon, Miller and Gallagher

Memorializing Hanford as a national energy center.

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

Background: There is a pressing national need for additional energy research and development. Hanford and the Tri–City Community are exceptionally well suited to take on additional energy research and development.

The national need is exemplified by the emerging awareness of damage to the biosphere from energy production and consumption. There is also increasing concern about over–reliance on imported oil and unnecessarily high energy costs which adversely affect economic stability.

Over four decades of major defense, nuclear, and other highly technical activities have built a tremendous reservoir of scientific and technical talent in a wide variety of disciplines in the Tri–City Community. The Hanford Reservation is exceptionally well suited for further research and development work in a variety of energy technologies because of the ready availability of land and its geographic and topographic features.

The declining federal defense activity at Hanford has caused substantial hardship for the residents of that community. There is a danger that the technical and scientific talent that has developed in the Tri–Cities will be lost if new opportunities for employment are not developed.

Summary: The President and Congress are asked to establish the Hanford National Energy Center on the Hanford Reservation. Further, they are asked that this center be given first consideration as a possible site for the location of energy research, development, and production facilities of all types, as may be anticipated or planned by the federal government and states.

Votes on Final Passage:

House 94 0
Senate 46 0

HJM 4001

By Representatives Schmidt, Walk, S. Wilson, Zellinsky, Van Luven, Baugher, R. Fisher, Gallagher, May, Peery, Bowman, Moyer, D. Sommers, Miller, Wolfe, Nealey and Brough

Requesting removal of the highway trust fund and the airport and airway trust fund from the unified federal budget.

House Committee on Transportation
Senate Committee on Transportation

Background: The state of Washington, as do all states, relies on federal user fee revenues to support our highways, our state ferry system and airports. Federal user fee revenues are deposited in either the Highway or Airport Trust Funds and can be expended only for designated purposes. Revenues collected exceed appropriations for both trust funds.

Unexpended balances in the Highway and Airport Trust Funds are considered part of the Unified Federal Budget. Therefore, part of the fund balances are applied to the calculations in determining the federal deficit, even though the monies can be expended only for transportation and airport purposes.

The projected balance for the Highway Trust Fund is $16 billion and $7 billion for the Airport Trust Fund.

Summary: The memorial requests the President and Congress to remove the Highway Trust Fund and the Airport and Airway Trust Fund from the Unified Federal Budget and permit the user fee revenues to be distributed back to the states for their intended purposes.

Votes on Final Passage:

House 97 0
Senate 43 0

HJM 4015

By Representatives Prince, Jacobsen, Miller, Basich, Wood, Van Luven, Doty and Baugher

Regarding student loans.

House Committee on Higher Education
Senate Committee on Higher Education

Background: Financial aid officers at institutions of post–secondary education determine whether a student is eligible for various financial aid programs. One of their duties is certification of student eligibility to participate in the federal Guaranteed Student and PLUS Loan Programs. However, financial aid officers do not have the authority to deny these loans to a student who qualifies as needy. Once a student is certified as needy, he or she may be granted a loan by banks participating in the loan programs.

The federal Department of Education has proposed restricting institutional eligibility to participate in federal student financial aid programs. If the proposal is adopted, students enrolled on campuses where previous students have defaulted on Guaranteed Student Loans at a high rate would not be eligible for any federal financial aid. This proposal would penalize students currently enrolled, even though they had no control over the actions of previous students, and aid officers on their campus had no power to grant or deny loans to those defaulting students.

One of the reasons for the high default rates is that, as an ever increasing percentage of federal aid resources are devoted to loan programs, some students are acquiring excessive loan burdens.

Summary: Members of the Legislature ask Congress to permit institutions of higher education to deny the certification of federal student loan applications by students who have acquired excessive loan burdens. Congress is also requested to provide other self–help programs, such as work–study programs, for those needy students.

Votes on Final Passage:

House	98	0
Senate	37	8

HJM 4018

By Representatives Todd and Nelson

Petitioning the federal department of energy to adopt revised energy standards for appliances which conform to the national appliance energy conservation act.

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

Background: Energy conservation through the use of energy efficient home appliances constitutes a significant quantity of energy that can be liberated for other uses. This can be accomplished at less expense than by acquiring new energy production facilities to produce the same amount of energy. The environmental impacts of conservation measures are substantially less than through most generating facilities.

This was recognized by Congress in enactment of the National Appliance Energy Conservation Act of 1987, PL 100–12. This act set initial appliance standards and required review and possible raising of the standards in 1989 by the U.S. Department of Energy. The act specifies that the standards should require the greatest level of efficiency that is cost–effective. This review is in progress. The Northwest Power Planning Council believes that the department is inclining toward less than optimum energy efficiency standards.

Summary: The U.S. Department of Energy is urged, in its ongoing review, to adopt the highest level of energy efficiency that is cost–effective for certain specified appliances. The levels of efficiency are specified in relation to efficiency levels defined and characterized by the department in its review proceedings.

Votes on Final Passage:

House	98	0
Senate	44	0

HCR 4408

By Representatives Cantwell, Moyer, Wineberry, P. King, Nelson, Rasmussen and Walk

Recommending adoption of the Washington State Economic Development Board reports by the legislature.

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

Background: The Washington State Economic Development Board was established by the Legislature in 1985. The purpose of the board was to create a long–term economic development strategy for the state.

The board published five reports: (1) Washington's Challenges and Opportunities in the Global Economy; (2) The Washington State Economy: An Assessment of Its Strengths and Weaknesses; (3) Washington's Distressed Areas: Recommendations for Economic

Recovery; (4) Citizens Choose the Future; and (5) Washington Works Worldwide.

The board conducted public hearings throughout the state. In its fifth and final report, the board summarized its findings and made recommendations for a long–term economic development strategy.

The board's recommendations include: (1) developing a highly educated, multi–skilled, and flexible workforce; (2) building local capacity; (3) protecting the northwest environment; (4) investing in innovation; (5) reforming the tax structure for competitiveness; (6) reshaping the regulatory environment; (7) commercializing research and development; (8) linking Washington with the world; (9) maintaining and improving basic infrastructure; and (10) creating an independent council to oversee strategy.

Summary: The recommendations of the Washington State Economic Development Board regarding a long–term economic development strategy are accepted by the Legislature.

The Governor is asked to provide leadership in the implementation of the board's recommendations by: (1) requesting state agencies to consider the recommendations in their planning and other activities, and (2) conducting an annual economic summit that focuses on the ongoing activities necessary to implement the board's recommendations. Leaders of the executive and legislative branches and private sector businesses are the suggested focus of the economic summit.

The Legislature, particularly leadership and the committee chairs, are encouraged to assist and evaluate the executive branch in implementing the board's recommendations.

Votes on Final Passage:

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

SSB 5009

C 102 L 89

By Committee on Transportation (originally sponsored by Senator Anderson)

Amending the list of vessels not required to be registered under chapter 88.02 RCW.

Senate Committee on Transportation and Committee on Ways & Means
House Committee on Transportation
House Committee on Revenue

Background: Under the current state boat registration program, a vessel that is owned by a resident of a foreign country is exempt from Washington's boat registration program as long as the vessel is not located within Washington's waters for more than 60 days.

Many Canadian boats with valid foreign registries or a U.S. Customs Service cruising license are moored at Point Roberts, Blaine and Bellingham. Several Canadian boats have been cited for not having a Washington numbering system. This incident has raised several legal questions with regard to when and if maritime law supersedes state law.

Customs law prohibits the placing of any marking on a foreign vessel that would indicate the boat is a U.S.–owned vessel. Requiring a foreign vessel to display state boat registration numbers may be in direct violation of Customs law. Customs also allows foreign pleasure boats to purchase a Customs cruising license which permits the vessel to move freely in and out of the United States for one year without having to conform with Customs law. The permit is $26, valid for one year and may be renewed annually. It is doubtful that the state can burden this permission by requiring full registration. There is also an international agreement that requires vessels to be registered only in one jurisdiction.

Summary: A vessel is exempt from Washington State boating registration laws if the vessel is registered in another country or has a U.S. Customs cruising license.

The provision requiring a foreign vessel located in state waters for more than 60 days to be registered is deleted.

A vessel located on the waters of this state exclusively for reconstruction, repairs, or testing which is part of the repair work, and which is owned by a resident of another state is exempt from registration.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 23, 1989

2SSB 5011

PARTIAL VETO

C 87 L 89

By Committee on Ways & Means (originally sponsored by Senators Newhouse, Matson, Sutherland, Bauer, Talmadge, Benitz, West and Rasmussen)

Providing for allocation of assets of an institutionalized spouse.

Senate Committee on Health Care & Corrections and Committee on Ways & Means
House Committee on Health Care
House Committee on Appropriations

Background: Under state law, a person is ineligible for institutional medical assistance programs (nursing homes) if his or her assets have been transferred to someone other than a spouse up to two years previously. There is no limitation on transfer of assets to a spouse. However, the Department of Social and Health Services (DSHS) policies require that no more than 50 percent of the income of an institutionalized person may be retained by the spouse who remains in the community. Average income of spouses who remain in the community is estimated by DSHS to be $325 per month.

The Medicare Catastrophic Coverage Act of 1988 requires changes in the terms and methods of distributing assets prior to an applicant's admission. It places limits on the transfer of assets and income between spouses when one spouse applies for institutional medical assistance. Maximum allowable assets are $60,000, excluding a house, car and personal possessions. Maximum income is $1500 per month with certain adjustments. Minimum assets are $12,000 and minimum income is $786 with certain adjustments.

Summary: The Department of Social and Health Services must establish the allocation of income and resources between an institutionalized spouse and a spouse who remains in the community when determining eligibility for medical assistance. The department is to establish asset allocations at the maximum levels permissible under federal law.

The department must establish the income allowance at the maximum amount allowed by the state

appropriation or within available funds for the spouse who remains in the community.

Current law regarding income and asset transfer procedures is repealed. The department must amend its procedures to comply with federal requirements.

Penalties for receiving cash or resources at less than fair market value to enable a person to qualify for medical assistance or the limited casualty program are repealed. New federal rules limiting eligibility will replace them.

Votes on Final Passage:

Senate	44	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 1, 1989 (Sections 7, 8)
July 23, 1989 (Section 6)
October 1, 1989 (Sections 1–5)

Partial Veto Summary: A report on the number of persons affected and associated costs will not be made to the Legislature by DSHS. (See VETO MESSAGE)

SSB 5014

C 26 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen, Madsen, Hayner and Rasmussen)

Amending provisions regarding police dogs.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: A "dog handler" is a law enforcement officer who has successfully completed training in police dog handling through the Washington State Criminal Justice Training Commission. Current law provides civil immunity for a dog handler using a police dog in the line of duty in accordance with standards established by the law enforcement agency for which the dog handler works. However, civil liability has been imposed on local municipalities under the federal Civil Rights Act where established standards have been violated or determined to be unreasonable.

Harming a police dog is a class C felony under present law. The statute does not address the situation where a person injures or kills a police dog not actually involved in police work at the time of the injury.

Summary: A dog handler who uses a police dog in the line of duty in good faith is immune from civil liability arising out of such use of the police dog.

A person is guilty of harming a police dog if the person maliciously injures or kills any dog that the person knows or has reason to know is a police dog whether or not the dog is actually engaged in police work at the time of injury or death.

It is clarified that police dogs are exempt from the registration procedures under the state's dangerous dog statute.

Votes on Final Passage:

Senate	43	0
House	96	0

Effective: July 23, 1989

SSB 5018

C 307 L 89

By Committee on Agriculture (originally sponsored by Senators Newhouse, Vognild, Barr, Hansen, Benitz and Rasmussen; by request of Secretary of State)

Revising provisions for cooperative associations.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: State law contains different statutes governing agricultural cooperatives (RCW 24.32), nonprofit cooperatives in general (RCW 23.86), and nonprofit corporations (RCW 24.06). The cooperative statutes have not been updated by the Legislature with the same frequency as the state's corporation statutes. Concerns have been expressed over outdated provisions in the cooperative statutes, as well as over inconsistent provisions.

Summary: The provisions of the general cooperative statute are revised, and agricultural cooperatives operating under RCW 24.32 are placed under this jurisdiction. The laws governing cooperatives are consolidated into one title in RCW 23.86, and RCW 24.32 is repealed. Existing organizations legally using the "cooperative" name will continue to be able to do so.

Among the major changes for agricultural cooperatives are the following:

(1) Sales of co–op memberships or shares are exempt from state Securities Act registration.
(2) The authority of the director of the Department of Agriculture to approve marketing contract terms, appoint a member to the board of directors of any cooperative, and to ask for a court–appointed receiver for insolvent cooperatives is eliminated.

(3) As of January 1, 1990, each cooperative must have a registered agent and office, and must file an annual report with the Secretary of State by March 1 of each year. Requirements for an annual audit and the procedure for conducting an audit upon request of 10 percent of the cooperative's members are deleted.

(4) A cooperative may incorporate with as few as one person. The minimum number of directors is reduced to three. Geographic districts for directors are permitted. Vacancies on the board of directors are filled by the remaining directors, and a minimum of 10 percent of members in a district may petition for removal of a director. Either of these latter two provisions may be changed in the articles of incorporation or the by–laws.

(5) For newly–formed associations (and associations amending articles of association or by–laws), articles of incorporation must include property and voting rights of each member, whether equal or unequal; the classes of stock, and their par value; and provisions for distribution of assets upon dissolution, or for paying the fair value or less for a dissenting member. Amendments are by majority vote.

(6) The right of a member to vote may be limited or enlarged in the articles of incorporation or by–laws; otherwise, each member has one vote. Membership may be terminated under provisions in the articles of incorporation or by–laws, or under procedures adopted by the board.

(7) Any member may dissent from a proposed merger with another association, a conversion to a regular business corporation, or dissolution or sale of substantially all assets, but the articles of incorporation may provide that such a dissenter be limited to less than a fair return on the member's equity interest.

Auctions of fur pelts conducted by a cooperative association organized under RCW 23.86, except in some circumstances, are exempt from the requirements of the Auctioneer Registration Act.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 23, 1989

SB 5022

C 107 L 89

By Senators Benitz and Williams; by request of Washington Utilities and Transportation Commission

Modifying utilities and transportation commission reporting requirements.

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

Background: Public service companies in Washington are required to report detailed financial, operational and contractual information to the Utilities and Transportation Commission (UTC) annually within three months of year's end. Because this falls before the tax deadline, most firms routinely miss the filing. The commission wishes to specify the filing date by rule so that a realistic deadline may be established.

Public service companies are also required to submit an annual budget to the commission for review. The current exemption level (less than $25,000 gross revenues) was set in 1961 and because of inflation has been rendered meaningless. In addition, some utilities, such as competitive telecommunications, may not require the same level of budget scrutiny as other utilities. The commission is seeking rulemaking authority to set guidelines for exempting utilities in whole or in part from budget filing requirements.

Summary: RCW 80.04.080 and RCW 81.04.080 are each amended to allow the commission to specify annual report filing deadlines by rule. RCW 80.04.320 is amended to allow the commission to prescribe, by rule, criteria to exempt utilities from budget filing requirements.

Votes on Final Passage:

Senate	45	0
House	96	0

Effective: July 23, 1989

SB 5023

C 152 L 89

By Senators Benitz and Williams; by request of Washington Utilities and Transportation Commission

Revising provisions for proposed tariff changes.

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

Background: The state Utilities and Transportation Commission (UTC) is currently required by statute to take action on any filing brought before it within 30 days. If the UTC does not act, the filing goes into effect as filed. This is the case even if the effective date specified in the filing is more than 30 days away. The process would be more flexible if the statute is changed so that UTC action is required within 30 days or before the stated effective date, whichever is later. Greater flexibility could allow more time for informal negotiations between regulated companies and UTC staff, possibly avoiding rate suspensions. The choice of an effective date would remain the decision of the company making the filing.

Summary: RCW 80.28.060 and RCW 80.36.110 are each amended to allow the UTC to suspend tariffs within 30 days or before the stated effective date, whichever is later. If the UTC does not act, the tariff takes effect as filed.

Votes on Final Passage:
Senate 45 0
House 94 0

Effective: July 23, 1989

SB 5030
C 7 L 89

By Senators Pullen and Niemi

Clarifying language relating to writs of certiorari.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Language in the statute dealing with writs of certiorari, a procedure to seek discretionary review by an appellate court, is archaic and outdated. The statute has not had a substantial amendment since 1895.

Summary: Archaic language used in the RCW relating to writs of certiorari is revised.

Votes on Final Passage:
Senate 46 0
House 94 1

Effective: July 23, 1989

SB 5031
C 8 L 89

By Senators Pullen, Niemi and Rasmussen

Correcting or amending internal references in the revised code of Washington.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In the RCW chapters dealing with fishing derbies, the Consumer Protection Act, and the Uniform Controlled Substances Act, there remain several references which are outdated or inaccurate.

Summary: An inaccurate reference to a definition of a fishing derby is corrected and a reference to an act is updated. A section of the Consumer Protection Act is corrected for internal consistency and clarification. A reference in the Uniform Controlled Substances Act is changed to conform with a prior amendment to the act.

Votes on Final Passage:
Senate 48 0
House 96 0

Effective: July 23, 1989

SB 5032
C 9 L 89

By Senators Pullen, Niemi and Rasmussen

Repealing obsolete sections in the revised code of Washington.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Several obsolete or superseded sections remain in the RCW. Provisions relating to notaries public, the optician licensing fee account, and drugless healers have been superseded. A provision relating to traffic infraction costs was repealed in 1981. References to the Department of Commerce and Economic Development (now the Department of Trade and Economic Development) are obsolete. A provision calling for a study of athletic programs by 1984 is obsolete.

Summary: Obsolete or superseded language in the RCW is deleted or modified. An obsolete statute relating to organized athletic programs is repealed. A statute relating to traffic infraction costs which was repealed in 1981 is now deleted. A provision relating to notaries public which was superseded is deleted. A provision relating to the optician licensing fee account which was superseded is deleted. A law regulating

drugless healers which was superseded is now repealed. Obsolete references to the Department of Commerce and Economic Development (now the Department of Trade and Economic Development) are deleted.

Votes on Final Passage:

Senate	48	0	
House	89	0	

Effective: July 23, 1989

SSB 5033

C 14 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi and Rasmussen)

Making technical corrections in the revised code of Washington.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Several RCW provisions contain unclear, ambiguous, or misleading language. A provision which refers to the law governing inter–vivos trust creation does not clearly identify the governing statutes. The Federal Reserve Bank of San Francisco is incorrectly identified as the publisher of equivalent coupon issue yield. In usury penalty provisions, gender–specific language and ambiguous terminology is used. A provision relating to buyer cancellation of transactions is organized in a way which may confuse the reader. Handicapped access provisions contain obsolete and misleading references to the 1973 Washington State Building Code. A general statute of limitations provision was apparently inadvertently deleted in 1984.

Summary: A provision which generally refers to the law governing inter–vivos trust creation is replaced with specific numbered sections. References to the Federal Reserve Bank of San Francisco are changed to the Board of Governors of the Federal Reserve System to correctly identify the publisher of equivalent coupon issue yield. In usury penalty provisions, gender specific language is replaced by nongender specific language. In the same usury penalty provisions, "this act" is changed to "this chapter" to avoid ambiguity. A provision relating to buyer cancellation of transactions is repositioned to make the procedure more understandable for the reader. Obsolete and misleading references to the 1973 Washington State Building Code are deleted and changed to reflect 1988 designations under the Uniform Building Code. A general statute of limitations period provision, inadvertently deleted in 1984, is replaced.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 23, 1989

SSB 5034

C 10 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi and Rasmussen)

Reconciling double amendments or repeals in the revised code of Washington.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Several RCW provisions contain double amendments or have been both repealed and amended. Double amendments exist in provisions relating to elected official office terms, public employee insurance caps, health maintenance organization (HMO) agreements, state warrants, and elected official salary schedules. A provision regarding trustees was inadvertently deleted. Provisions concerning osteopath exams and eminent domain payments were both repealed and amended.

Summary: An inadvertently repealed amendment regarding trustees is reenacted. An amendment regarding exam waivers for osteopaths is deleted. Two amendments concerning dates on which elected officials take office and terms of office are merged. Obsolete double amendments regarding public employee insurance caps are deleted. Two amendments relating to HMO prepayment agreements are consolidated. An amendment and repeal of eminent domain payment provision is corrected by again repealing the section. One of two duplicate provisions regarding state warrants is repealed. One of two conflicting amendments relating to salary schedules for state elected officials is enacted.

Votes on Final Passage:

Senate	45	0
House	96	0

Effective: July 23, 1989

SSB 5035

C 403 L 89

By Committee on Children & Family Services (originally sponsored by Senators Kreidler, Smith, Stratton, Bauer and Rasmussen)

Providing for a program of insurance for foster parents.

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

Background: Foster parents are reimbursed for certain costs on a very limited basis. They are not entitled to have the Office of the Attorney General represent them if they are sued for activities related to the provision of foster care. Although foster parents do receive reimbursement for some legal fees and some costs, the reimbursement levels are insufficient to financially protect foster parents from a lawsuit.

The Department of Social and Health Services' reimbursement system does not reimburse foster parents if they are sued by a foster child or his or her natural parents, guardian or guardian ad litem. The reimbursement system only reimburses foster parents for some property damage and some injuries.

Summary: The Office of Attorney General shall represent a foster parent who is sued for an incident which occurred during the good faith provision of foster care.

The Attorney General is not required to represent a foster parent against a suit or matter initiated by DSHS.

The Department of Social and Health Services, in cooperation with the Office of Risk Management and the Office of the Insurance Commissioner, shall establish a task force to examine insurance problems pertaining to foster parents. The task force is to report to the Legislature on its findings by December 1, 1989.

Votes on Final Passage:

Senate	47	0	
House	95	1	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 23, 1989

SB 5037

C 24 L 89

By Senators von Reichbauer, Moore, Johnson, Stratton, Smitherman and West

Changing the composition of the board of directors of incorporated domestic insurers.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: State law, RCW 48.07.050, requires that at least 3/4 of the directors of a stock insurance company licensed to do business in Washington State be United States citizens. Recently the governments of Canada and the United States approved the Free Trade Agreement affecting commerce between the two countries.

Chapter 14, Articles 1401 and 1402 of the Free Trade Agreement, apply to federal and state laws pertaining to services, including insurance. These articles require that state or federal laws accord citizens of Canada treatment no less favorable than the most favorable treatment accorded United States citizens. The same provisions apply to the laws of Canada and its provinces.

The treatment of a Canadian citizen may be different only if it is no greater than necessary for prudential, fiduciary, health and safety, or consumer protection reasons.

Article 1405(1) of the Free Trade Agreement provides that the parties to the Agreement must endeavor to extend the obligations of Chapter 14 by implementing the modification or elimination of existing laws which are inconsistent with the relevant provisions of Article 1402.

It has been suggested that the citizenship requirements of RCW 48.07.050 are contrary to Articles 1401 and 1402 of the Free Trade Agreement.

Summary: The requirement that 3/4 of the directors of a stock insurance company licensed to do business in Washington State is changed so that 3/4 of the directors must be United States or Canadian citizens.

Votes on Final Passage:

Senate	43	1
House	97	0

Effective: July 23, 1989

SB 5040

C 124 L 89

By Senators Pullen, Talmadge, Niemi, Nelson, Thorsness, McCaslin, Madsen, Lee and Rasmussen; by request of Department of Corrections

Changing the elements of the crime of introducing contraband in the first degree.

Senate Committee on Law & Justice

House Committee on Judiciary

Background: There is evidence that illegal drug use and trafficking within Washington State's correctional institutions are increasing. Control of the drug market provides one of the strongest power bases to inmates that is available within the prison.

The severity and consequence of illegal drug use and traffic are magnified in the prison setting. An inmate under the influence of drugs has a higher potential for violence or involvement in an illegal activity. A large number of assaults and murders within the prisons are caused by inmates under the influence of drugs, or are connected to drug traffic or the control of drug traffic.

Prison officials have suggested that current penalties are not stringent enough to discourage the flow of controlled substances into correctional facilities.

Summary: If a violation of the Uniform Controlled Substances Act or an anticipatory offense to commit a violation of that act occurs in a county jail or state correctional facility, the sentence of the offender or accomplice is enhanced.

An additional 18 months is added for the unlawful manufacture, delivery or possession with intent to manufacture or deliver a controlled substance which is a narcotic drug classified in Schedule I or II.

Fifteen months is added for the unlawful manufacture, delivery or possession with intent to manufacture or deliver a non–narcotic controlled substance classified in Schedule I or II or III or a substance classified in Schedule IV or V.

Twelve months is added to sentences of those offenders who unlawfully possess a controlled substance.

For purposes of the enhanced sentences, all of the real property of a state correctional facility or county jail is deemed to be part of that facility or county jail.

Votes on Final Passage:

Senate	46	1
House	97	0

Effective: July 23, 1989

SSB 5041

C 31 L 89

By Committee on Health Care & Corrections (originally sponsored by Senators Hayner, Madsen, McCaslin, Thorsness, Smith, Rasmussen, von Reichbauer and Amondson; by request of Department of Corrections)

Permitting department of corrections to monitor inmate telephone calls.

Senate Committee on Health Care & Corrections
House Committee on Health Care

Background: Intercepting and recording or divulging any private communication or conversation without the consent of all parties to the communication is prohibited except in certain circumstances. Inmates in correctional facilities may have private telephone conversations with any party willing to accept a collect call.

Inmates can and do conduct, plan, and actively participate in illegal activities, such as: planning escape, arranging for delivery of illegal contraband (drugs, weapons, etc.), and arranging for others to commit violent offenses (against witnesses) through the use of the telephone.

The federal courts have upheld most constitutional challenges to the use of electronic monitoring of inmate telephone calls in federal prisons when adequate notice of the monitoring is given to the inmate. The Federal Bureau of Prisons monitors calls at 25 of its prisons and intends to monitor calls at 15 other facilities. As a result of the first two years of federal prison telephone monitoring, 901 cases have been referred for prosecution including 365 major narcotic cases and 32 murders.

Summary: The employees of the Department of Corrections may intercept and record or divulge calls from any inmate of a Washington State correctional facility.

The department must notify the inmates that their calls may be monitored and divulged. Personal calls made by an inmate must be "operator–assisted" collect calls. The operator must tell the receiver of the call that it is coming from a prison inmate, being recorded, and may be monitored.

Only the superintendent and/or his or her designee may have access to the recording. The recording may be divulged to safeguard the orderly operation of the institution, in response to a court order, or in the prosecution or investigation of any crime. Finally, the recordings must be destroyed one year after the interception unless they are being used in an investigation, prosecution, and/or to assure orderly operation of the institution.

To safeguard the attorney–client privilege, no legal calls may be monitored.

Votes on Final Passage:

Senate	45	0
House	83	13

Effective: July 23, 1989

SB 5042

C 46 L 89

By Senators West, Smitherman, Warnke, Smith and Lee

Providing for unilateral implementation of certain public sector collective bargaining agreements.

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

Background: Under the Public Employees Collective Bargaining Act, local government employees have the right to organize and designate collective bargaining representatives. Employees are neither granted nor denied the right to strike. Public employers and employee bargaining representatives are required to bargain in good faith, but parties are not required to agree to a proposal or make a concession. If parties are unable to arrive at an agreement, an impasse is reached. Under a 1985 ruling by the Public Employee Relations Commission, upon impasse, public employers may implement their final offer. The term used for this action is unilateral implementation. There have been instances in the past four years in which public employers have unilaterally implemented their final offer after impasse.

Uniformed employees (police, fire fighters, medics) are subject to binding interest arbitration when impasse is declared, and are prohibited from striking.

The act is administered by the Public Employee Relations Commission.

The Select Committee on Unilateral Implementation in Public Sector Collective Bargaining was established in 1988. The committee recommended this legislation.

Summary: After a collective bargaining agreement (CBA) expires, its terms and conditions remain in effect until the effective date of a subsequent agreement, up to the period of one year. After one year, but no sooner, the employer may unilaterally implement. CBA provisions with separate termination dates, and those the parties agree to exclude, are excluded from coverage. Uniformed employees, port district employees, Washington Public Power Supply System security forces and PUD employees are not covered.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: July 23, 1989

SB 5045

C 11 L 89

By Senators Pullen and Niemi; by request of Statute Law Committee

Correcting statutes affected by vetoes by the governor.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Numerous sections of the RCW are inaccurate as a result of a veto by the Governor.

Summary: Numerous amendments are made to correct statutes affected by the Governor's veto. The statute dealing with public inspection and copying of documents is reenacted and amended. The statute authorizing a study of health and safety conditions in athletic programs for minors is repealed.

Votes on Final Passage:

Senate	44	0
House	96	0

Effective: July 23, 1989

SB 5046

C 12 L 89

By Senators Pullen, Niemi, Talmadge, Lee, Sutherland and von Reichbauer; by request of Statute Law Committee

Eliminating certain gender–specific language.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: There remain in the RCW numerous references to gender–specific language which is outdated.

Summary: Outdated gender–specific language used in the RCW is deleted or modified. Examples include replacing the word "workmen" with "workers" or "persons," "journeymen" by "journey level worker," and supplementing "him" with "or her."

Votes on Final Passage:

Senate	44	0
House	91	0

Effective: July 23, 1989

SSB 5048

C 304 L 89

By Committee on Children & Family Services (originally sponsored by Senators Lee, Wojahn, McCaslin, Saling, Rasmussen, Talmadge, Sutherland, von Reichbauer and Nelson; by request of Legislative Budget Committee)

Extending the council for prevention of child abuse and neglect.

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

Background: The Washington Council for Prevention of Child Abuse and Neglect (WCPCAN) was established in 1982. The council's goals are to fund, monitor and evaluate child abuse and neglect prevention projects, to increase public awareness of the issues surrounding child abuse and neglect, and to develop the children's trust fund. The council currently provides start–up grants to approximately 15 local projects each year.

The council is composed of the chairperson and ten other members, five appointed by the Governor, four legislators, and two ex–officio members, one from the Department of Social and Health Services and one from the Office of the Superintendent of Public Instruction.

The Legislative Budget Committee sunset review of the council recommended that the agency be continued until June 30, 1994 with minor administrative modifications, and one statutory change to make the funding source for the council more clear.

Summary: The termination date for the Washington Council for Prevention of Child Abuse and Neglect is extended to June 30, 1994.

Membership on the council is increased by two members. The Governor is directed to make appointments on a geographically balanced basis.

The $5.00 fee included in the charges for issuing a marriage license is for the use and support of prevention of child abuse and neglect activities. This fee is to be charged until June 30, 1995.

Votes on Final Passage:

Senate	47	0	
House	94	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 23, 1989

SB 5054

C 146 L 89

By Senators Rinehart, Bailey and Niemi

Establishing the Washington state minority teacher recruitment program.

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

Background: Both national and state studies indicate that the number of students from minority groups is increasing. Positive role–modeling has been suggested as an important factor in ensuring students' commitment to education.

The American Association of Colleges for Teacher Educators in a 1988 survey concluded that there is an impending serious national shortage of minority teachers. The Office of the Superintendent of Public Instruction reports that in 1986–87, approximately 6.6 percent of the persons completing teacher certification programs were from minority groups.

Summary: The Washington State Minority Recruitment Program is established. The State Board of Education administers the program. The State Board is directed to work with other specified agencies and higher education institutions and collaboration is encouraged.

The purpose of the program is to recruit future teachers from targeted groups of students in the ninth through twelfth grades and targeted groups of adults who have entered other occupations. The program includes encouraging development of academic skills and promoting teaching opportunities.

Votes on Final Passage:

Senate	43	5
House	97	0

Effective: July 23, 1989

2SSB 5065

C 17 L 89 E1

By Committee on Ways & Means (originally sponsored by Senators Craswell, Smith, Stratton and Bailey)

Creating a citizen review board system for cases involving substitute care of children.

Senate Committee on Children & Family Services and Committee on Ways & Means
House Committee on Human Services

Background: Washington's substitute care system for children who do not live with their families is dysfunctional for many reasons. The service system has become out of balance, functioning as a crisis placement system with an insufficient focus on assisting families to avoid the need to remove children, or on reunifying families once a child has been removed.

Children are often in temporary situations for months at a time before the court reviews evidence of abuse or neglect to determine dependency. If dependency is found, children may spend years in one or many foster homes before any decisions are made about their permanent status.

Parents are allowed only minimal input and visitation during the course of the intervention system and the substitute placement process.

The Department of Social and Health Services may experience a shortfall in the foster care budget during the next biennium.

Summary: A citizen review panel is established in at least one class 1 or higher county to be administered through the Office of the Administrator of the Courts.

Each board shall be made up of five members appointed by the local juvenile court who are trained and sworn to confidentiality. The members must meet certain requirements before they can be chosen to serve on the board.

The boards are to conduct periodic reviews regarding the appropriateness of removing a child, the efforts made to heal the family, and the ongoing situation of a child while he or she remains in foster care.

The procedures for a review system are established including a method for dealing with potential conflicts of interest that may arise.

If a child is placed pursuant to parental consent and not a dependency petition, within 45 days from the start of the placement the department shall assign the case to a review board. The board shall review the case at the following times: 90 days following the start of the placement; six months following the start of the placement; one year following the start of the placement unless the child is no longer in placement. Each time the board conducts a review of the case, it must prepare written findings and recommendations about its decision.

If a child is placed pursuant to a dependency proceeding, within 45 days from the start of the placement the department must assign the matter to a board. The board shall review the matter at the following times: 90 days following the start of the placement; six months following the start of the placement; one year following the start of the placement. Within 18 months following the start of placement, the court must hold a permanency planning hearing. After the 18 month review, the board and the court shall alternate reviewing the matter every six months until the child is no longer in substitute care, is not within the jurisdiction of the court or an adoption or guardianship decree has been entered. Each time the board conducts a review of the case, it must prepare written findings and recommendations about its decision.

If the department will not agree to the board's recommendations, a process for court review is created.

A review system is established for dependency cases that were initiated before the effective date of this act.

Votes on Final Passage:

Senate	39	8
First Special Session		
Senate	36	6
House	92	1

Effective: August 9, 1989

SSB 5066

C 94 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen and Rasmussen)

Modifying self–defense requirements.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Under current law, no person in this state may be placed in legal jeopardy for protecting, by any reasonable means, person or property against certain heinous crimes. The present statute needs revision to update the list of crimes and remove obsolete language.

In cases of self–defense, the law provides reimbursement to a defendant for lost time, legal fees, or other expenses associated with a legal defense when it is found that the defendant's actions were justified. Defendants entitled to reimbursement are required to submit requests for payment under the sundry claims process. Current law requires the jury which rendered the initial verdict be called back for a supplemental proceeding to decide whether the "not guilty" verdict was actually based on a finding of self–defense. It is recommended that this determination of indemnification be made by either the judge or jury in the criminal proceeding.

Summary: Kidnapping, arson, and burglary are added to the list of crimes in the defense of person or property statute. In addition, obsolete language is deleted.

The determination of whether the defendant is entitled to indemnification for expenses associated with a legal defense is made by either the judge or jury at the discretion of the judge in the criminal proceeding. This indemnification is an award of reasonable costs which includes loss of time, legal fees, or other expenses. In addition, the Legislature may grant a higher award through the sundry claims process.

Before a defendant is entitled to indemnification for legal expenses, the jury must return a special verdict which indicates that the defendant's actions are justified on the basis of self–defense. If the issue of self–defense is decided by the judge, he or she must consider the same questions as specified in the special verdict.

The provisions of the defense of person or property statute are recodified in a different section of the criminal code.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	44	1	(Senate concurred)

Effective: July 23, 1989

SSB 5071

C 404 L 89

By Committee on Children & Family Services (originally sponsored by Senators Smith, Craswell and Stratton)

Regarding surrogate parenting.

Senate Committee on Children & Family Services
House Committee on Health Care

Background: A great deal of public attention has focused on the issue of surrogate parentage contracts because of the "Baby M" case in New Jersey. Surrogacy typically involves a well–to–do couple who hire a woman to be artificially inseminated, carry a child to term, then relinquish her parental rights to the child. Sometimes, the woman and the go–between who match her with the would–be parents are paid $10,000 each.

Concern has been raised that the use of surrogate parentage contracts which seek to establish an irrevocable decision of child custody before birth can only result in a significant number of disputed custody claims after the child is born. In addition, opponents of surrogate parentage contracts believe that these contracts lead to immoral baby selling.

Summary: Surrogate parentage contracts are prohibited in which the woman who bears the child receives compensation. The woman bearing the child may be compensated for pregnancy expenses and actual medical costs. Attorneys who draft surrogate parentage contracts may be paid for their services.

An unemancipated female minor, or a woman diagnosed as developmentally disabled, mentally retarded or mentally ill may not be a surrogate mother.

If a child is born to a surrogate mother and a custody dispute ensues, the party having physical custody of the child at the time of the dispute may retain custody of the child until the superior court orders otherwise.

Any person, organization or agency which enters into or induces another to enter into a surrogate parentage contract is guilty of a gross misdemeanor.

Votes on Final Passage:

Senate	32	15	
House	75	22	(House amended)
Senate			(Senate refused to concur)
House	62	32	(House receded)

Effective: May 13, 1989

2SSB 5073

C 366 L 89

By Committee on Ways & Means (originally sponsored by Senators Pullen and Talmadge)

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

Senate Committee on Law & Justice and Committee on Ways & Means
House Committee on Judiciary

Background: At present, most law enforcement agencies have not established reporting systems that produce an accurate and comprehensive measurement of the extent of criminal activity that is clearly based on racial or religious motivations. To date, both local and national responses to these bias crimes have been hindered by the lack of data concerning the number, location, and types of bias crimes.

It is suggested that a bias crime reporting system would assist law enforcement in developing preventive strategies, and provide information for the development and implementation of policy to reduce crimes motivated by race, ethnicity, and religion. In addition, it may lead to greater public awareness of the problems of bigotry and prejudice.

Summary: The Washington Association of Sheriffs and Police Chiefs is required to establish and maintain a central repository for the collection and classification of information regarding crimes that are motivated by bigotry and bias. A procedure to monitor, record, and classify bias crimes must be developed by the association, and submitted to the Senate Law and Justice and House of Representatives Judiciary Committees for approval. This procedure may be established within the association's incident–based reporting program.

Law enforcement agencies are required to report all bias crimes monthly to the association. The association must summarize the information and file an annual report with the Governor and with the Senate Law and Justice and House of Representatives Judiciary Committees.

Information collected on bias crimes is available for use by any local enforcement agency, unit of local government, or state agency. Otherwise, the bias crime reporting is subject to all confidentiality requirements imposed by law.

The Criminal Justice Training Commission is required to provide training for law enforcement officers in identifying, responding to, and reporting all bias crimes.

The measure is contingent upon funding in the state budget.

Votes on Final Passage:

Senate	45	0
House	92	0

Effective: The act is null and void since it was not specifically referenced in the omnibus appropriations act by June 30, 1989.

SB 5079

C 13 L 89

By Senators Pullen and Talmadge

Discussing variable interest rates in relation to the uniform commercial code.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Under current law, promissory notes and other instruments are required to have stated interest or stated installments to be negotiable instruments under the Uniform Commercial Code (UCC). At the present time most mortgages, commercial loans, and personal loans have variable interest rates or variable installment payments. It is suggested that the UCC be amended to ensure that instruments with variable rates or variable payments are negotiable instruments.

Summary: Language defining negotiable instruments under the UCC is amended to include instruments which have variable interest rates or variable installment payments.

A variable rate of interest is a "stated interest" if the rate is readily ascertainable.

Graduated, variable, annuity or price–level adjusted payments are "stated installments."

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: July 23, 1989

SSB 5085

C 391 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Moore, Smitherman, Rasmussen and Johnson)

Regulating financial planners.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Few states have laws regulating financial planners or financial planning. Many financial planners function as investment advisers giving advice relating to securities and are therefore regulated under state securities laws.

Financial planners examine a client's finances and investments and then recommend a plan for achieving financial and investment goals. Trade associations require planners to possess a broad knowledge of insurance, finance, securities, and taxes so that planners may properly provide service. Most planners come from the insurance and securities business and may earn both a fee for planning and commissions from the sale of securities or insurance products to the client.

Washington State's securities laws define an investment adviser as any person who advises, for compensation, on the value of securities or the advisability of investing in, purchasing or selling securities. Financial planning or financial planners are not specifically referred to in the state securities laws and are not explicitly made subject to those laws. The business of financial planning often involves activity very similar, if not identical, to that engaged in by investment advisers.

Summary: The Securities Act of Washington is amended to include financial planners under the definition of investment adviser. The definition is changed to include financial planners or any person who, as an integral component of providing financial related services, provides investment advice to others for compensation. It also applies to those who hold themselves out as providing investment advisory services for compensation or hold themselves out as financial planners.

The exemption from the definition of investment adviser pertaining to accountants whose performance of investment adviser services is solely incidental to their practice is expanded. Certified public accountants are added to the exemption pertaining to accountants.

Radio or television stations are made totally exempt from the definition of investment adviser.

It is a violation of the law to hold oneself out as a financial planner, investment counselor or other similar term unless registered as an investment adviser or investment adviser salesperson. Other similar terms may be specified in rules adopted by the director of the Securities Division.

Votes on Final Passage:

Senate	44	2	
House	94	3	(House amended)
Senate			(Senate refused to concur)
House	97	0	(House receded)

Effective: July 23, 1989

SSB 5088

C 20 L 89

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Bluechel, Metcalf, Lee, Anderson and Johnson)

Regulating telemarketing.

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

Background: The practice of telephone solicitation has been increasing in recent years. Out of concern for a telephone user's privacy and certain practices of telephone solicitors, in 1986 legislation was enacted regulating telephone solicitation. These statutes (RCW 80.36.390) include requirements for solicitor identification and for removing the name of the party called from any list that the solicitor is using.

The Attorney General's office claims the present statutes are too vague to provide adequate enforcement. Fraudulent telephone solicitation has rapidly grown into a $1 billion industry nationwide requiring immediate attention to protect consumers and legitimate telephone solicitation.

Summary: In order to maintain or defend a lawsuit or conduct business in the state, a commercial telephone solicitor must be registered with the Department of Licensing. Solicitors calling into Washington from outside the state must also be registered. Failure to register may result in a civil penalty of up to $5,000. Telephone solicitation is defined to include telephone calls to induce purchases and other communication which offers a free prize and invites a telephone call response. Exclusions are listed for: isolated transactions; businesses with less than 60 percent of prior year's sales resulting from commercial telephone solicitation; calls for religious, charitable, political, or other noncommercial purposes; financial institutions; contractors; businesses regulated by the Utilities and Transportation Commission or the Federal Communications Commission; commodity broker–dealers; collection agencies; sales of securities, real estate, insurance, periodicals covered under federal regulations, funeral service contracts, cemetery contracts, cemetery prearrangement contracts, cable television services, franchises, agricultural products, food intended for immediate consumption, food fish, shellfish; and business–to–business calls intended for product resale or reuse.

Commercial telephone solicitors may only call residences between 8:00 a.m. and 9:00 p.m. Guidelines are listed for telephone solicitors when making calls, and for removing from any list the name and number of a party who is called. Telecommunications companies must inform customers of these provisions.

Purchases made as a result of telephone solicitation require written confirmation. The purchaser has three days to cancel the transaction after receiving the written confirmation. Telephone solicitors may not require or show preference towards the use of credit cards for payment for unfair or deceptive reasons. Retail installment sales made in the context of telephone solicitations are subject to the same cancellation rights as other retail installment sales.

Violations are punishable under the Criminal Profiteering Act and the Consumer Protection Act. Misdemeanor violations may be aggregated to felony charges.

A notice of the provisions of the act is to be sent by the Department of Revenue to businesses in all industries known to engage in commercial telephone solicitation.

Votes on Final Passage:
Senate 43 0
House 96 0

Effective: January 1, 1990

SB 5089
C 15 L 89

By Senators Newhouse, Talmadge and Pullen

Changing provisions relating to transferring cases between superior courts.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: When a judge of a single judge superior court district has been affidavited for prejudice, provision is made for visiting judges to hear or try any action or proceeding. The responsibility for obtaining a visiting judge in these cases is vested with the Supreme Court or the Administrator for the Courts.

In cases involving a change of venue from a single judge district, the Chief Justice of the Supreme Court is authorized to determine whether to send a case for trial to another court.

Summary: A single judge superior court district in need of a visiting judge is authorized to make arrangements directly with a superior court designated by the Chief Justice of the Supreme Court.

In cases involving a change of venue, the presiding judge in single judge districts is authorized to determine whether to send a case for trial to another court.

Votes on Final Passage:
Senate 45 0
House 96 0

Effective: July 23, 1989

SB 5090
C 99 L 89

By Senators Nelson, Pullen, Talmadge and Benitz; by request of Sentencing Guidelines Commission

Establishing seriousness levels for unranked felonies.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: If a sentence range for a crime has not been established, the court is directed to impose a determinate sentence which may include not more than one year in confinement, community service work, not more than one year of community supervision and/or a fine. If the court determines that there are substantial and compelling reasons, it may impose an exceptional sentence of more than one year of confinement.

During the 1987 and 1988 legislative sessions, four new crimes were established and not assigned a seriousness level.

Eight presently unranked felonies are committed more frequently than most unranked felonies and a standard range is recommended for them.

Summary: Controlled substances homicide is assigned seriousness level IX (standard range 31 to 41 months). Involving a minor in drug dealing is assigned seriousness level VII (15 to 20 months). Custodial assault is assigned seriousness level III (one to three months).

Indecent liberties by a person who has supervisory authority over a victim who is developmentally disabled is assigned seriousness level VI (12–14 months).

Bail jumping with first degree murder is assigned to seriousness level VI (12 to 14 months), with any other class A felony is assigned to level V (six to 12 months), and with a class B or C felony is assigned to level III (one–three months). Threats to bomb is classified in level IV and Securities Act violations are assigned to level III.

Delivery of imitation controlled substances to a minor is assigned to level V, delivery of material in lieu of a controlled substance is classified in level III, as is the crime to manufacture, distribute or possess with intent to distribute an imitation controlled substance.

This act applies to crimes committed after July 1, 1989.

Votes on Final Passage:
Senate 45 0
House 96 0 (House amended)
Senate 43 0 (Senate concurred)

Effective: July 1, 1989

SSB 5097
C 19 L 89

By Committee on Governmental Operations (originally sponsored by Senators Sutherland, Kreidler and Thorsness; by request of State Military Department)

Regarding the state militia.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Washington military code governs the organization, administration, and duties of the Military Department and the state militia. The militia consists of both the National Guard and the State Guard. The National Guard is organized under the U.S. National Defense Act and serves both the Governor under state law and the President under federal law. There are approximately 7,500 part–time members of the Washington National Guard, and some 1,500 full–time staff. Part–time members generally train one weekend a month ("inactive duty") and enter "active state service" for two weeks a year.

The U.S. State Defense Forces Act allows states to maintain independent forces separate from the National Guard. The Washington State Guard, consisting of about 70 reservists, is governed wholly by state law and cannot be called into service by the President. The state employs about 110 FTE's in the Military Department, which is headed by an Adjutant General appointed by the Governor.

Although portions of the military code have been amended over the years, much of it dates from 1943. Some sections are not consistent with other state or federal laws, or with current practice. For example, the statutes do not clearly define the composition or rights of the State Guard.

Summary: Changes are made to the Washington military code to make it consistent with other state and federal laws, to repeal outdated sections, to simplify unwieldy language and to make gender specific references neutral.

The Washington State Guard is defined as that part of the militia recognized under the U.S. State Defense Forces Act and consists of officers and enlisted persons available to serve at the Governor's request.

The enlistment period for members of the National Guard must conform to federal regulations. Members need not be residents of Washington, are not exempt from federal selective service and serve without pay unless so ordered by the Governor. The Adjutant General establishes rules for appointments and officers' commissions in the State Guard. Commissioned officers in the rank of captain or below are exempt from review by the officer promotion board and the authority of the board to approve appointments is removed.

The list of circumstances where expenses of the militia can be reimbursed or where the Governor may order a statewide enrollment is expanded to include instances of public disaster or imminent danger of war, riot, invasion, and similar emergencies. Militia officers no longer receive reimbursement from the state for travel expenses. If called into state service by the Governor, militia members shall receive at least one and one–half times the federal minimum wage if no federal pay is authorized.

The Adjutant General may dismiss civilian employees in accordance with state or federal civil service law. Employers may not discriminate against members of the militia in hiring or reemployment decisions. Individuals who have been discriminated against by an employer, club, or an organization have cause for civil action.

The Governor's control of Guard property is restored. The Adjutant General may make decisions regarding the use of military property only as permitted by state or federal law. The State Guard may borrow arms and equipment from the federal government and participate in federal training, should opportunities become available.

Terms such as "active state service" and "inactive duty" are defined and used consistently throughout the military code. "Armory" is defined as any state–owned property used by the National Guard for equipment storage or militia training.

The following rights and responsibilities are extended to members on "inactive duty" status: liability to be tried and punished under the Military Code of Justice; the right to receive pay and allowances; the right to relief from the state if injured or killed on duty.

Votes on Final Passage:

Senate	47	0
House	82	0

Effective: July 23, 1989

SSB 5098

C 101 L 89

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Bluechel, Sutherland, Newhouse, Warnke, von Reichbauer, Matson, Vognild, Smitherman, Johnson, Bauer, Sellar, Saling and Madsen)

Regulating telecommunication companies.

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

Background: The telecommunications industry consists of firms offering services with a wide range of competitiveness. In 1985 legislation was enacted which allows the Utilities and Transportation Commission (UTC) to classify companies or services as competitive, a classification which allows pricing freedom.

Unless a service has been declared competitive by the UTC, a telephone company must submit its rates

for UTC approval. This process can last nearly a year, and critics contend the present system lacks effective incentives for companies to become more efficient.

Summary: The Utilities and Transportation Commission (UTC) may authorize alternative forms of regulation for telecommunication companies other than traditional rate of return regulation. Alternative forms of regulation may be proposed by the UTC or by a company subject to rate of return regulation. The UTC must consider specified conditions before ruling on any proposed alternative form of regulation.

Once the UTC orders an alternative form of regulation, a company has 60 days to withdraw from the proposal. The UTC is granted authority to rescind an alternative form of regulation.

In certain circumstances, the UTC may authorize an abbreviated formal procedure. In these cases, the UTC may determine to hold at least one public hearing.

The contracts of companies or services classified as competitive are exempt from sections prohibiting pricing preference or discrimination. The UTC is given primary jurisdiction to determine whether preference or pricing discrimination has occurred.

Limitations are placed on companies which serve as interexchange carriers when offering a discounted message toll service. The UTC is authorized to continue to require statewide averaged toll rates by companies under its jurisdiction.

Companies providing noncompetitive services are prohibited from showing preference or price discrimination when providing these noncompetitive services. The UTC is given primary jurisdiction in determining whether preference or price discrimination has occurred with noncompetitive services.

The UTC is directed to adopt rules on public disclosure of terms and conditions of contracts entered into by telecommunications firms. Contracts shall be for a stated time period and shall cover costs. Existing contracts remain enforceable. If a contract covers both competitive and noncompetitive services, the noncompetitive services shall be unbundled and priced separately. Other statutory references to contracts are deleted.

The UTC may not suspend rate decreases for telecommunications companies as long as there are no accompanying and offsetting rate increases. A rate decrease filing must include information showing the rate is above the long run incremental cost of the service.

The UTC may not accept for filing, prior to June 1, 1993, a tariff proposing mandatory local measured telecommunications service.

When the UTC conducts a proceeding to determine whether a company or service is classified as competitive, the final order shall be entered within ten months of the filing. The UTC shall enter a final order within ten months when complaints are filed by any entity other than the UTC itself.

The UTC may waive the requirements of sections prohibiting preference and price discrimination if it finds the competition will protect the public interest.

The legislative review of Chapter 450, Laws of 1985 is delayed until the 1991–1993 biennium.

Votes on Final Passage:

Senate	44	3	
House	92	2	(House amended)
Senate	42	3	(Senate concurred)

Effective: July 23, 1989

SSB 5099

C 28 L 89

By Committee on Governmental Operations (originally sponsored by Senators McCaslin, DeJarnatt and von Reichbauer; by request of Washington State Patrol)

Revising provisions for suspension without pay of a state patrol officer.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Chief of the Washington State Patrol has no authority to suspend a commissioned officer without pay following a complaint which could result in the officer's dismissal for cause. An officer must remain in the ranks until the matter is settled, although he is removed from line duty. When such an event has occurred, the result has been frustrating for the officer and for management, as well as damaging morale in the force.

Summary: When a complaint served upon a commissioned officer of the Washington State Patrol is of a criminal nature calling for the discharge of the officer, the Chief of the Patrol may immediately suspend the officer without pay pending a trial board hearing. The trial board must be convened within 45 days of the suspension, but an extension may be granted by mutual agreement. An affected officer may waive a hearing and accept the proposed discipline upon written notice by the Chief.

Technical changes are made in the language concerning whether the charges are sustained.

Votes on Final Passage:
Senate 44 0
House 92 0

Effective: July 23, 1989

SSB 5107
C 334 L 89

By Committee on Children & Family Services (originally sponsored by Senators Smith, Stratton and Craswell)

Regarding abuse or exploitation of vulnerable adults/registry.

Senate Committee on Children & Family Services
House Committee on Judiciary

Background: In 1987, the Washington State Patrol Criminal Identification System was directed to provide criminal background information on prospective employees and volunteers who have unsupervised access to children and developmentally disabled persons.

Records of convictions of offenses against persons, court findings of abuse and neglect in civil cases, and disciplinary board final decisions may be disclosed to organizations, businesses, school districts and state agencies who deal with children or developmentally disabled persons.

Summary: The Washington State Patrol Criminal Identification System is expanded to include information on persons who were found by a court or a disciplinary board to have abused or financially exploited a vulnerable adult. A vulnerable adult is defined as a person 60 years of age or older who is functionally, mentally or physically unable to care for himself or herself or a patient in a state hospital for the mentally ill.

The courts must notify the State Patrol of any protection action in which abuse or financial exploitation of a vulnerable adult is found.

The Department of Licensing must notify the State Patrol of any disciplinary board decision that includes specific findings of abuse or financial exploitation of a vulnerable adult. When a licensed or certified person is terminated from a job, or when a contract is not renewed because of a conviction of financial exploitation of a vulnerable adult, the business or organization must notify the appropriate licensing agency.

The Department of Social and Health Services (DSHS) is directed to adopt licensing requirements which ensure that a background check has been done on all staff or volunteers of an agency licensed or relicensed to care for and treat vulnerable adults. DSHS must also do a background check on all state employees who deal with mentally ill persons.

Definitions are added.

Votes on Final Passage:
Senate 47 0
House 97 0 (House amended)
Senate 39 0 (Senate concurred)

Effective: July 23, 1989

SSB 5108
C 326 L 89

By Committee on Children & Family Services (originally sponsored by Senators Saling, Bailey, Lee, Thorsness and Anderson)

Regarding visitation between an abused child and the abuser.

Senate Committee on Children & Family Services
House Committee on Judiciary

Background: The processes surrounding the dissolution of marriage are dealt with by statutes and include the division of property, child support and parenting plans. There is no provision limiting or prohibiting contact with a child by an abusive parent when physical, sexual or emotional abuse of a child has occurred.

The statutes governing nonparental actions for custody are silent regarding visitation between an abusive parent and an abused child. These statutes are also silent regarding visitation with a person who is not a parent and has abused the child in the past.

Summary: Visitation is limited between a parent and child if that parent has willfully abandoned or neglected the child, engaged in a pattern of emotional, physical or sexual abuse, engaged in acts of domestic violence or assault causing grievous bodily harm or the fear of such harm. The court must restrict all visitation between a parent and child if it finds that limitations will not protect the physical or emotional welfare of the child. The court need not limit visitation if it finds that contact between the parent and child will not cause physical or emotional harm to the child and that the probability of harm occurring is remote. When a visitation order is modified because of physical, sexual or a pattern of emotional abuse, the court must follow the requirements of this section.

In deciding what limitations to impose on visitation with an abused child, the court must consider the sexual, as well as physical and emotional, harm or abuse that could occur.

Even though previous abuse occurred, if the court finds that such conduct by the parent did not have an impact on the child, then the court does not have to limit visitation.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	42	0	(Senate concurred)

Effective: July 23, 1989

2SSB 5111

C 89 L 89

By Committee on Ways & Means (originally sponsored by Senators Pullen, Niemi, Thorsness, McCaslin and Johnson)

Modifying work release provisions.

Senate Committee on Law & Justice and Committee on Ways & Means
House Committee on Health Care

Background: The potential risk posed by work release centers to surrounding communities has generated interest in additional reforms to the work release system. There is a need to provide further safeguards to the community, particularly in view of recent incidents where inmates have escaped and committed violent offenses, including murder.

Summary: The Department of Corrections is required to establish, by rule, inmate eligibility standards for participation in the work release program. The department is required to conduct annual examinations of each work release facility, and establish standards for inmate supervision at each facility. In addition, the department is required to evaluate its recordkeeping of serious infractions and determine if infractions are properly and consistently assessed against inmates eligible for work release.

The department must report to the Legislature on a case management procedure to evaluate and determine which inmates on work release need treatment. The report must establish a written treatment plan best suited to each inmate's needs, and the relationship of community placement and community corrections officers to a system of case management.

The department must encourage businesses employing work release inmates to contact the appropriate work release facility whenever an inmate is absent from work. In addition, the department is required to develop a siting policy for future work release facilities, in conjunction with cities, counties, community groups, and the Department of Community Development.

The department is required to comply with these requirements by July 1, 1990.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 23, 1989

SB 5121

FULL VETO

By Senators Fleming, Bailey, Talmadge, Gaspard, Murray, Smith, Moore and Benitz

Creating a mobile substance abuse awareness program.

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

Background: In 1987 the Legislature established the Substance Abuse Awareness Program. School districts interested in implementing a substance abuse awareness program apply for funds for this purpose. Not all districts have the opportunity to receive grant funds to develop and implement a substance abuse awareness program.

Summary: The Superintendent of Public Instruction (SPI) establishes a Mobile Substance Abuse Awareness Program as a component of the overall Substance Abuse Awareness Grant Program. The mobile program is equipped with pamphlets, substance abuse awareness and prevention curriculum or in–service programs and other materials determined in conjunction with the Substance Abuse Advisory Committee. The SPI notifies high risk school districts of the Mobile Substance Abuse Awareness Program through the clearinghouse or other means.

The SPI may coordinate the mobile substance abuse program with other public and private substance abuse awareness programs provided that such programs do not supplant the mobile abuse awareness program.

The Mobile Substance Abuse Awareness Program revolving fund is created solely for the purposes of supporting the Mobile Substance Abuse Awareness Program.

Votes on Final Passage:

Senate	48	0	
House	93	0	(House amended)
Senate	40	0	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

SSB 5126

C 106 L 89

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Williams, Bluechel, Owen, Nelson, Stratton, Sutherland and Metcalf)

Amending the provisions for a surveillance fee for low-level radioactive waste disposal.

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

Background: Specific fees are assessed on each cubic foot of low-level radioactive waste disposed in the commercial facility at Hanford. Monies raised from one such charge, the surveillance fee, are to fund completely the radiation control activities of the Office of Radiation Protection within the Department of Social and Health Services (DSHS). These activities extend into functions unrelated to the commercial facility. The surveillance fee may also fund activities of other state agencies overseeing disposal of low-level radioactive waste.

The surveillance fee is currently set at its statutory maximum, 4 percent of the basic minimum fee charged by the commercial operator of the disposal site. The basic fee is now $28.46 per cubic foot and 4 percent of this fee is approximately $1.14.

This funding scheme was developed in 1985 when waste volume exceeded one million cubic feet per year. The site received approximately 400,000 cubic feet of waste in 1988.

Summary: The use of monies generated by the surveillance fee is limited to any DSHS activities which are directly related to the disposal site and to reimburse the Washington State Patrol for costs incurred from inspection of low-level radioactive waste shipments entering the state. The Secretary of the Department of Social and Health Services is responsible for disbursing these funds to the State Patrol.

Votes on Final Passage:

Senate	44	0	
House	92	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 23, 1989

SSB 5127

PARTIAL VETO

C 84 L 89

By Committee on Governmental Operations (originally sponsored by Senator McCaslin)

Eliminating boundary review boards.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: State law creates a boundary review board in every class AA (King) and A (Pierce, Spokane, and Snohomish) county, and permits a boundary review board to be created in all other counties. In these counties, they may be created by either resolution of the county legislative authority or by a petition method (no boundary review boards have been formed by the petition method). A boundary review board has been created by resolution of the county legislative authority in each of the following counties: Benton, Chelan, Clark, Cowlitz, Douglas, Franklin, Grant, Kitsap, Pacific, Skagit, Skamania, Thurston, Walla Walla, Whatcom and Yakima.

Boundary review boards may review and approve, reject, or modify and approve the creation, dissolution, annexation, or consolidation of governmental units, defined to be cities, towns, and special purpose districts (sewer, water, fire protection, drainage and diking improvement, flood control zone, irrigation, metropolitan park, drainage, or public utility district engaged in water distribution).

The factors to be considered and the objectives of a boundary review board are stated in statute.

Many representatives of local government feel that these boards are insensitive to the needs of local government and should not be second-guessing elected local officials.

Summary: The power of a boundary review board to deny a vote by the people on an incorporation petition or a disincorporation petition is eliminated; modification of a proposed incorporation of a city by adding or removing territory from the proposal is restricted.

The procedure is altered by which appointments are made for persons to sit on boundary review boards. Instead of having the Governor make all appointments, the cities, county, and special districts are allowed to appoint their own representatives. The terms of office of boundary review board members are reduced from six to four years; no person may serve on a boundary review board for more than eight consecutive years. Whenever an appointment(s) has not been made in a timely manner, the size of the boundary

review board is considered to be reduced by one for each position remaining vacant or unappointed.

Other less significant changes made to boundary review laws include: (1) providing that a boundary review board shall authorize an annexation as it was approved; and (2) referencing the potential for review of boundary changes in the statutes of cities and special districts.

A new city boundary cannot be located within a right–of–way, except where the boundary runs from one edge to the other edge of the right–of–way.

The governing bodies of a county and a city may agree to include or exclude that portion of the right–of–way from the city's boundaries when it is located on the edge of the right–of–way. Such a revision is not subject to potential review by a boundary review board.

A process is provided for two cities to agree on an adjustment of their boundaries, if the two cities are separated by all or part of a right–of–way, or the two cities share a common boundary within a right–of–way. The adjustment would place all of the portion of the right–of–way inside one of the cities. A mandatory process is provided for the adjustment of similar boundaries between two cities that would arise from a new annexation or incorporation. Such revisions are not subject to potential review by a boundary review board.

The boundaries of a city may be adjusted to include or exclude that portion of a parcel of land partially located inside a city and partially outside the city on petition of the owner and acceptance by the city. Such a boundary adjustment shall not be subject to potential review by a board if the adjustment places the parcel entirely inside or outside of the city and is approved by the respective county legislative authority or city council.

A single ballot proposition could combine authorization for an annexation and acceptance of a portion of the city's indebtedness. The ballot proposition must be by a 60 percent/40 percent margin. However, if the ballot proposition were approved by only a simple majority vote, the city is authorized to permit the annexation without the assumption of indebtedness.

A city or town may provide factual information on the effects of a proposed boundary change on the city or town and the area potentially affected by the boundary change.

Votes on Final Passage:

Senate	36	12	
House	92	4	(House amended)
Senate	38	7	(Senate concurred)

Effective: July 23, 1989

Partial Veto Summary: All provisions eliminating the authority of boundary review boards to disapprove a proposed city or town incorporation or disincorporation are vetoed. (See VETO MESSAGE)

SSB 5128

C 243 L 89

By Committee on Governmental Operations
(originally sponsored by Senator McCaslin)

Specifying notice requirements for local improvements.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Cities, counties, fire protection districts, port districts, public utility districts, sewer districts, water districts, and irrigation districts may form local improvement districts. Upon the filing of a petition or the adoption of a resolution initiating a proceeding for the formation of a local improvement district or utility local improvement district, preliminary estimates are made of the cost and expense of the proposed improvement. The actual assessments may vary substantially from the assessment estimates so long as they do not exceed a figure equal to the increased value the improvement adds to the property.

A special notification process exists whenever a local government proposes to impose special assessments on state–owned land.

Summary: Any notice given to the public or to owners of land in the formation of local improvement districts or utility local improvement districts must contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement or street lighting adds to the property. For cities, the petition or resolution must also contain such statement.

The special notification process regarding state–owned land is made applicable to rates and charges proposed on state land by a local government.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	39	1	(Senate concurred)

Effective: July 23, 1989

SB 5137

C 116 L 89

By Senators Johnson, Rasmussen, Smitherman, Nelson, von Reichbauer, Saling, Niemi, Moore, Hayner, Vognild, Warnke and Lee; by request of Joint Committee on Pension Policy

Allowing school nurses to transfer their retirement accounts from city retirement systems to the state teachers' retirement system.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: Prior to the mid–1970s, school nurses in the cities of Seattle, Spokane and Tacoma were members of the respective retirement systems of those cities. In the mid–70s, these nurses were made members of the Teachers' Retirement System (TRS) but they had the option of keeping their contributions in these city systems.

Summary: A school nurse who (1) is employed as a school nurse after the effective date; (2) has previously held a position with the public health department in the city of Seattle, Spokane or Tacoma; and (3) has received service credit in the retirement system of one of these cities shall have two options. First, the nurse may irrevocably transfer his or her service from the city system to TRS. Second, if the nurse has withdrawn his or her contributions from the city system, he or she may restore such contributions with interest payable from the date of withdrawal. Restoration must take place by December 31, 1990.

A specified procedure for making the transfer is outlined, including a requirement for a written declaration of intent by December 31, 1990, and the required actions on the part of the city system and the Department of Retirement Systems (DRS). If service credit for a period of employment that would have been granted under the provisions of TRS was not given to a member under the city system, the nurse may receive service credit for this period by making both the employer and employee contributions, plus interest, by December 31, 1990.

Votes on Final Passage:

Senate	48	0	
House	97	0	

Effective: April 20, 1989

SSB 5138

C 110 L 89

By Committee on Transportation (originally sponsored by Senators Nelson and Bender)

Specifying inspection fees for vehicles previously registered in other states or countries.

Senate Committee on Transportation
House Committee on Transportation

Background: Present statutes require the Washington State Patrol (WSP) to inspect certain vehicles prior to licensure in this state. The required inspection is for the purpose of detecting stolen vehicles and safety problems. The fee for an inspection is $10. This money is deposited to the credit of the motor vehicle fund.

The WSP does not charge for inspections of vehicles that are rebuilt insurance totals (where secondary vehicle identification numbers are checked by sometimes partially disassembling the vehicle), or on assembled or homemade vehicles (where state vehicle identification numbers are riveted into the frame). These vehicles require inspection to deter auto theft attempts and to enhance the possibility of recovery should a theft occur. There are approximately 1,500 of these inspections per month.

Summary: A $15 inspection fee is established for vehicles previously registered in another state or country. The fee for all other types of physical examination of vehicles is $20.

Votes on Final Passage:

Senate	43	1	
House	92	3	(House amended)
Senate	43	1	(Senate concurred)

Effective: July 23, 1989

SSB 5142

C 168 L 89

By Committee on Governmental Operations (originally sponsored by Senators McCaslin, Thorsness, DeJarnatt and Rasmussen; by request of State Auditor)

Changing the year end fiscal report requirement.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Local taxing districts and other political subdivisions must certify and file annual financial reports with the State Auditor within 30 days after the close of each fiscal year. The State Auditor certifies

the correctness of the reports and prepares a consolidated local financial report from the data collected.

No local governments can complete their yearly transactions and verify their accuracy in such a short period of time. According to the State Auditor, extending the deadline will not impede the audit process or timely production of the comparative statistics.

Summary: The deadline for local taxing districts and other political subdivisions to file certified annual financial reports is extended to 150 days.

The language is made gender neutral.

Votes on Final Passage:

Senate	47	0
House	95	0

Effective: July 23, 1989

SB 5143

C 155 L 89

By Senators Pullen, Madsen, Talmadge and Moore

Relating to the placement of candidates' names on ballot pages.

Senate Committee on Governmental Operations
House Committee on State Government

Background: A voting device for ballot cards may not contain the names of candidates for precinct committee officer for more than one precinct. Accordingly, separate voting devices must be used for each precinct. In practice, when precincts combine at a single polling place, there are lines of voters waiting to use the voting devices of some precincts, while the voting devices of other precincts may be used only intermittently. It is suggested that voting devices should contain the names of candidates for precinct committee officer for all precincts that use the same polling place, enabling a voter to use any of several voting devices.

Summary: The requirement of a separate voting device for each precinct is eliminated. Also eliminated is the requirement that a voting device list the names of candidates for precinct committee officer for only one precinct.

Votes on Final Passage:

Senate	40	5
House	96	0

Effective: July 23, 1989

SSB 5144

C 204 L 89

By Committee on Governmental Operations
(originally sponsored by Senators Pullen and DeJarnatt)

Preserving documents recorded with the county auditors.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: County auditor offices are the repositories of many public records and other documents. Many historic documents recorded or filed with county auditors are deteriorating due to age and environmental degradation. It has been suggested that these documents should be preserved.

Summary: County auditors are authorized to install and maintain improved systems to copy, preserve, and index all recorded documents held by the county (including photomicrographics and computerized digital storage).

A surcharge of $2.00 per recorded instrument is imposed for modernizing and improving the document recording and indexing system. Fifty percent of the surcharge receipts are retained by the county and deposited in the auditor's operation and maintenance fund for preserving historical documents. The other 50 percent is transmitted monthly to the State Treasurer to be placed in the "centennial document preservation and modernization account." After deducting administrative costs (not to exceed 1 percent) the State Treasurer distributes these monies on a yearly basis to the counties as follows: (1) half of the monies are distributed equally among the counties; and (2) the balance is distributed to counties in direct proportion to their populations. The monies received by a county from the State Treasurer must be placed into a new account entitled the "auditor's centennial document preservation and modernization account." These funds are to be used exclusively for the purposes of preserving historical documents recorded or filed with the county. One dollar of the surcharge will expire January 1, 1995. The state collection and disbursement program expires on the same date.

Votes on Final Passage:

Senate	47	1	
House	96	0	(House amended)
Senate	45	1	(Senate concurred)

Effective: July 23, 1989

SSB 5147

C 303 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Rasmussen, Johnson, Smitherman, McMullen, McCaslin and West)

Revising definition of credit services organization.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: In 1986, the Legislature adopted the Credit Services Organization Act (Act). For a fee, these businesses generally offer to assist individuals in obtaining credit. Typical services include offering to improve a customer's credit, obtaining an extension of credit for the customer, or providing related advice.

The Act requires a credit service organization to meet certain financial and disclosure requirements. A credit service organization is prohibited from charging or receiving any money prior to full and complete performance of contract services, unless the organization has obtained a surety bond for $10,000. All contracts must be in writing and specify cancellation rights, terms of payment, and a full description of the services to be performed.

The Act also grants an individual a "cooling off" period of five days during which he or she may cancel the contract. Any contract provision waiving the rights granted under the Act is prohibited. Certain exemptions are made from the Act, including various lenders, real estate brokers, securities broker–dealers, and attorneys. A violation of this Act constitutes a gross misdemeanor.

A relatively new business has surfaced which offers similar services as a credit service organization but is not subject to the Act. The organizations, called foreclosure relief companies, offer advice and assistance in exchange for a fee. Often fees are collected up front and range from $400–$500. Critics claim that the services provided involve questionable techniques which fail to fulfill the company's promise to halt, prevent or delay foreclosure proceedings.

Summary: The definition of a credit service organization is expanded to include organizations offering to save or preserve a person's credit or to stop, prevent, or delay the foreclosure of a deed of trust, mortgage, or other security instrument. Foreclosure relief companies are made subject to the Act.

The surety bond is payable to the state or purchaser of services from a credit service organization. The liability of the surety is limited to the face value of the bond. The bond must be continuous and remain unimpaired throughout its term. Provisions for claims and notification to the surety are established.

The definition of a credit service organization is modified to exempt mortgage brokers acting within the scope of their profession.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	37	0	(Senate concurred)

Effective: July 23, 1989

SB 5150

C 128 L 89

By Senators Bender, Thorsness, Kreidler, Conner and Talmadge

Declaring prisoner of war recognition day.

Senate Committee on Governmental Operations
House Committee on State Government

Background: April 9, 1988 was proclaimed "National Former Prisoner of War Day" by President Reagan; Governor Gardner made a similar proclamation to honor Washington's former POWs. April 9 was the date of the largest mass surrender of American troops in United States history, which occurred in the Philippines in 1942. The date also marks the surrender of Confederate forces at Appomattox in 1865, liberating thousands of Union and Confederate POWs.

Washington has 10 legal holidays that are paid holidays for most public employees. Columbus Day is recognized, but is not a legal holiday.

Summary: April 9 is declared to be "Former Prisoner of War Recognition Day" but is not to be considered a legal holiday.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 23, 1989

SSB 5151

C 135 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senators Wojahn, Rasmussen, Metcalf, Bauer, Vognild, Warnke and Moore)

Extending senior citizen state park passes.

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

Background: The Washington State Parks and Recreation Commission administers a senior citizen park pass program which entitles eligible persons to free admission to any state park and reduced rates for campsite rental. To be eligible, a person must be at least 62 years of age, meet a reasonable residency requirement set by the commission, and have an income when combined with a spouse's that does not exceed the amount which would qualify the person for a property tax exemption. Unless renewed, each senior citizen park pass expires on January 1 of the year following its issuance. For purposes of the financial eligibility requirements, any application for renewal of the pass is to be treated as an original application.

Summary: A senior citizen park pass shall be valid so long as the senior citizen meets the residency requirements. An application for renewal of the pass is no longer required. Any senior citizen qualifying for a park pass may make a voluntary donation for the upkeep and maintenance of state parks.

A senior citizen park pass holder must surrender the pass to a commission employee, upon request, when the employee has reason to believe the holder does not meet statutory eligibility requirements. The pass will be returned when the holder provides satisfactory proof to the commission director that the holder meets the eligibility requirements.

Votes on Final Passage:

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

Effective: July 23, 1989

SB 5152

C 25 L 89

By Senators von Reichbauer and Smitherman

Amending insurance form filing requirements.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: The Insurance Commissioner's office reviews insurance policy forms and rates under a 15-day review period. During this period, the commissioner may approve or disapprove the submitted form or rate, or may extend the review period another 15 days by notifying the applicant. If the commissioner does not take action, the filed form or rate automatically becomes effective at the end of the initial period. This limited time period can create a situation where the commissioner cannot review a form or rate before it becomes effective.

State law requires the following factors be considered in the formulation of all insurance rates: loss experience from Washington and other states, potential catastrophes, underwriting profit, and other relevant factors. Insurers also must submit any plan or guidelines concerning risk classifications and rating schedules to the commissioner. Citing the use of unsupported or untimely rate filings and the volatility of liability insurance rates, some support for more comprehensive and timely information has been expressed.

A member or subscriber to a rating organization is not required to adhere to a form filed on its behalf by the organization nor to file any deviations to these forms. Insurance companies, however, are required to file rate deviations under existing law.

The rating basis and rates for a policy subject to audit are provided upon request by the insured or policy examining bureau. In practice, however, the commissioner requires this information prior to the approval of submitted policies.

Deviations filed with the commissioner are to be given a hearing unless the hearing is waived by the applicant. Critics contend these hearings and other deviation filing provisions are no longer necessary in the application process, inconsistent with other insurance filing requirements, and restrictive to the promotion of competition.

Casualty insurance rates, rating schedules, and deviations are to be filed with the commissioner under a separate section. These provisions are the same for

other insurance policies and the separate casualty insurance section is considered redundant.

Summary: Requirements for filing forms and rates with the Insurance Commissioner's office are amended. Forms and rates filed with the Insurance Commissioner's office are to become effective following a 30–day review period unless otherwise extended by the commissioner.

Past and prospective operating expenses and investment income are added to the list of criteria to be considered in the rate making process. The commissioner is to determine acceptable periods for which loss experiences are to be considered. Washington loss experience is to be considered unless it is not available or is unsuitable in which case loss experience from similarly situated states may be considered.

Similarly, information concerning operating expenses and investment income is to be submitted by every insurer or rating organization filing a plan of risk classification or rating schedule before use of such plan or schedule.

General liability, professional liability, and commercial automobile insurance rate filings must be submitted or updated at least once every 15–month period.

Members or subscribers to a rating organization are to adhere to form filings made on their behalf by such organizations. Deviations from such forms are permitted only when appropriately filed with the commissioner.

The basis for the rating and the actual rating must be included in policies subject to audit.

Provisions requiring deviation filings hearings and certain other procedures are deleted.

The section concerning casualty insurance rates is deleted.

Votes on Final Passage:

Senate	44	0
House	97	0

Effective: September 1, 1989

SB 5154

C 200 L 89

By Senators West and Kreidler; by request of Department of Social and Health Services

Providing for sanitary control of shellfish.

Senate Committee on Environment & Natural Resources and Committee on Health Care & Corrections
House Committee on Health Care

Background: The Department of Social and Health Services (DSHS) administers sanitation requirements for commercial shellfish growing areas and shellfish plant facilities and operations.

The growing demand for shellfish products has resulted in increased illegal harvesting of shellfish from unapproved growing areas. Current statutes allow DSHS to revoke the licenses of persons involved in illegal harvesting. Those persons are also subject to criminal penalties. There currently are no provisions for addressing civil penalties.

Summary: Language is added to the Sanitary Shellfish Control Act (RCW 69.30) establishing provisions for sanitary control of shellfish. The Department of Social and Health Services (DSHS) is authorized to assess civil penalties of up to $500 per day for each violation. The department is granted authority to remit or mitigate the penalty when it deems such action as proper. A violator receiving a civil penalty from DSHS may pursue an adjudicative proceeding under the Administrative Procedure Act (RCW 34.05).

Votes on Final Passage:

Senate	44	0
House	95	0

Effective: July 23, 1989

SB 5156

PARTIAL VETO

C 85 L 89

By Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer, Gaspard and Barr

Providing for the Cedar river sockeye salmon enhancement program.

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

Background: The Lake Washington sockeye run is one of the largest salmon runs in the 48 contiguous states. In 1935, sockeye from the Baker Lake area were introduced to Lake Washington. In 1987, 183,000 sockeye passed through the fish ladder at the Ballard locks. Over 90 percent of these returning fish spawn naturally in the Cedar River.

Rather than by artificial propagation, sockeye management focused on maintaining optimum escapement levels and maximizing the spawning area through stream flow manipulation and improvement is necessary. There has been an interest in constructing a

spawning channel to avoid the detrimental impacts of seasonal flooding and to produce a substantially increased fish run.

An increased sockeye salmon run on the Cedar River will provide more fish for sports and commercial fisheries and the Indian tribal fishery.

Summary: The Cedar River sockeye salmon enhancement project is declared a "Washington State Centennial Salmon Venture." King County's unique setting with Lake Washington in the center of 50 percent of the state's population is recognized. The Cedar River sockeye salmon program will be enhanced by active state and local management programs.

A salmon spawning channel will be constructed on the Cedar River with the assistance and cooperation of the Department of Fisheries. The department will use existing personnel and cooperative fisheries enhancement program volunteers (RCW 75.52) to assist in the planning, construction and operation of the spawning channel.

The Department of Fisheries will chair a technical committee which will review the preparation of enhancement plans and construction designs for a Cedar River sockeye spawning channel. The technical committee will consist of eight members: one representative from the Department of Fisheries, the National Marine Fishery Service, United States Fish and Wildlife Service, the Muckleshoot Indian Tribe, and four representatives from the public utility. The technical committee will be guided by a policy committee to be chaired by the Department of Fisheries.

The policy committee will consist of six members: a representative from the Department of Fisheries, the Muckleshoot Indian Tribe, one from either the National Marine Fishery Service or the United States Fish and Wildlife Service, and three representatives from the public utility. The policy committee will present a progress report to the Legislature by January 1, 1990 and will oversee the operation and evaluation of the spawning channel. The policy committee will continue in existence until the spawning channel meets the production goals specified in this act.

The channel is to produce sockeye salmon fry comparable in quality and equal in number to those produced naturally by 262,000 adults that could have spawned upstream from the Landsberg diversion dam. Construction of the spawning channel will commence no later than September 1, 1990 and the initial construction size will be adequate to produce 50 percent or more of the production goal. The Department of Fisheries, the Department of Ecology and other state agencies and local governments will expedite required permits for construction and operation.

The Legislature declares that the construction of the Cedar River sockeye channel is in the best interest of the state of Washington. If funding, planning, design, evaluation, construction and operating expenses are provided by a public utility and if the performance of the spawning channel meets production goals, the Cedar River spawning channel project will serve as compensation for the lost sockeye salmon spawning habitat upstream from the Landsberg dam.

The public utility will place $2,500,000 in the state general fund Cedar River channel construction and operation account to provide operation and maintenance funds for the facility. The Treasurer may invest funds from the account and the interest from the account shall be used for operation and maintenance of the spawning channel.

If the requirements of this act are not met, the Department of Fisheries is directed to seek immediate legal verification of the steps which must be taken to fully mitigate water diversion projects on the Cedar River.

A severability clause and an emergency clause are included.

Votes on Final Passage:

Senate	46	1
House	95	0

Effective: July 23, 1989

Partial Veto Summary: The expedited state permit language and the emergency clause are removed. (See VETO MESSAGE)

SB 5167

C 280 L 89

By Senators Pullen, Talmadge, Rasmussen, Newhouse and Vognild; by request of Public Disclosure Commission

Revising campaign finance reporting.

Senate Committee on Law & Justice
House Committee on State Government

Background: The Public Disclosure Commission has identified provisions in the campaign finance reporting sections of the Public Disclosure Act that are in need of revision. These pertain to contributor thresholds, pre–election and post–election reporting dates, fund–raising activities, earmarked contributions, and several other areas of concern. In addition, some technical improvements to the language are suggested.

Summary: The campaign finance provisions of the Public Disclosure Act are revised in a number of areas.

Thresholds: The threshold for campaign contributions that may be deposited without identifying the contributor is raised from less than $25 to no more than $25 or $100 depending on the nature of the contribution. The expenditure reporting threshold is increased to an amount in excess of $50, and the reporting threshold for unpaid orders and debts is increased from $50 to $250.

Reporting Dates: The 21–day post–election report is changed to the tenth of the month after the election. The time periods for the closing of pre–election and post–election reports are included: for the 21–day pre–election report, books are closed five days before filing; for the seven–day pre–election report, one day before filing. The tenth of the month reports are closed the last day of the preceding month.

Fund–Raising Activities: A simplified report concerning a fund raiser is established and is to be filed at the same time other reports of candidates or committees are filed. Included among the fund–raising activities that may be reported on the special form are events where the ticket price is no more than $25, and auctions where no item value is more than $50. A candidate or committee may not knowingly accept more than $50 in payments from any one person at or for such an event without reporting the name and address of the person and the amount accepted as part of the reports filed for other campaign contributions and expenditures.

Earmarked Contribution: The intermediary who receives an earmarked contribution must send a special report regarding the contribution to the commission and to the person for whom it is earmarked. The latter person is no longer required to record the receipt of such an earmarked contribution in a special category in the reports that are routinely filed with the commission.

Expenditures: A reportable expenditure by a candidate for state executive or state legislative office must be reported under one of the following categories in reports filed with the commission: expenditures for the election of the candidate; expenditures for nonreimbursed public office related expenses; transfers of funds; or expenditures of surplus funds or other expenditures.

Other Revisions: Additional changes include deleting the special report for candidate–to–candidate transfers of funds; requiring a political action committee rather than the recipient to file a report of out–of–state contributions; requiring political committees formed within three weeks before an election to register within three days; and redefining "volunteer services" to mean those services for which a person is not paid.

Votes on Final Passage:

Senate	48	0	
House	93	4	(House amended)
Senate	44	0	(Senate concurred)

Effective: January 1, 1990

SSB 5168

C 96 L 89

By Committee on Governmental Operations (originally sponsored by Senators Bluechel, DeJarnatt, Sellar, Vognild, Cantu, Kreidler, Sutherland, Thorsness, Smitherman and Lee; by request of Washington State Library)

Authorizing the state library commission to move the western library network to private nonprofit status.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Implementation of the Western Library Network (WLN) was authorized by the Legislature in 1976. The two major components of WLN are a resource sharing network for libraries and a multi–state computer service. WLN also markets a number of "off–line" services, including licensing of a computer software package libraries can use to establish their own networks.

More than 300 libraries in six western states and British Columbia use WLN on–line services. Software licensing has been marketed internationally. WLN is financed through a revolving fund. It employs 75 people, with a budget of approximately $5.5 million.

As a division of the Washington State Library, the WLN is governed by the Washington State Library Commission. An advisory body, the Network Services Council (NSC) assists the commission in WLN oversight. NSC members represent participating libraries from Washington, Alaska, Oregon, Montana, Idaho and Arizona.

The most appropriate structure for governance of WLN has been under discussion for several years. Sunset reviews by the Legislative Budget Committee in 1984 and 1987 recommended that it should take some form other than remaining a state agency. In May 1988, the Network Service Council recommended formation of a private nonprofit corporation to assume the functions of the WLN.

SSB 5168

Summary: The State Library Commission may cooperate with other agencies to establish a private nonprofit corporation which would provide the services currently offered by WLN. The commission may terminate services of the Western Library Network before June 30, 1997, if a successor organization agrees to assume full responsibility for providing those services.

Aside from being tax exempt and nonprofit, the corporation must: (1) include on its board of directors a majority representation by public sector libraries or other public agencies, and (2) agree to provide access to a bibliographic database and related services to network users. If no such corporation exists, another governmental agency, an organization created under the Interlocal Cooperation Act, or a corporation currently providing equivalent services to libraries in the state of Washington shall be the successor to the WLN.

The commission may designate one or more members for the board of directors of the successor agency, but the state is not liable for actions of those members or of the organization itself.

In establishing the nonprofit corporation, the commission may transfer equipment, service contracts and other assets for reasonable compensation. For up to five years, the commission has the right to repossess transferred property if the successor organization becomes bankrupt, insolvent, or fails to provide satisfactory services to a majority of users.

The commission may contract to provide personnel and other support services to the new entity for up to two years, and must be reimbursed for all costs of such services. Library personnel who might be employed with the new organization are expressly exempt from the state's conflict of interest law.

When the commission terminates the WLN system, provisions are included for disposition of remaining funds, outstanding obligations, and untransferred property or contracts. An annual status report is to be submitted to the appropriate legislative standing committees, with a final report required in January 1998.

Votes on Final Passage:

Senate	44	0
House	93	2

Effective: June 1, 1989 (Sections 1–6, 9–14)
June 30, 1997

SB 5172

PARTIAL VETO

C 268 L 89

By Senators Benitz, Williams and Nelson; by request of Washington State Energy Office

Extending utility lending of credit to equipment.

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

Background: Municipal utilities may assist owners of residential structures in financing the acquisition and installation of cost–effective energy conservation measures. Public utility districts may provide similar assistance. This authority results from a constitutional amendment which was renewed and expanded by voters in the 1988 general election.

Summary: Municipal utility and public utility district authority to loan funds for energy conservation improvements is broadened consistent with the scope of the constitutional amendment. Financing is made available for both residential and nonresidential structures and equipment. The financing is limited to existing structures and may not result in conversion from one energy source to another.

Energy utilities are allowed to provide financial or other assistance for the planting of shade trees. The assistance may be given to owners of residential structures or community groups which plant trees.

Votes on Final Passage:

Senate	47	0	
House	91	1	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	38	0	(Senate concurred)

Effective: May 5, 1989

Partial Veto Summary: The section which allows energy utilities to provide assistance for the planting of shade trees is vetoed. (See VETO MESSAGE)

SSB 5173

C 284 L 89

By Committee on Governmental Operations (originally sponsored by Senators McCaslin, Thorsness, DeJarnatt, Hayner and Vognild; by request of State Auditor)

Relating to disclosure of improper governmental action.

Senate Committee on Governmental Operations

House Committee on State Government

Background: The state's "whistleblower" law, which was enacted in 1982:

— Encourages all state employees to report "improper governmental action" by other state employees (including any act performed on duty which violates state law or rule, constitutes an abuse of authority, presents a significant danger to public health or safety or amounts to a gross waste of public funds).

— Provides protection from retaliatory action against the reporting state employee (such as frequent staff changes, refusal to assign meaningful work, unwarranted letters of reprimand or unsatisfactory performance evaluations and disciplinary actions such as demotion, reduction in pay or dismissal).

— Assigns the management of the program to the State Auditor, who must promptly investigate the report of improper governmental action and determine whether the infraction is significant enough to warrant prosecution or administrative action. If such a determination is made, the State Auditor reports the nature and details of the activity to the employee and the head of the employing agency, and, if appropriate, to the Attorney General or other authority.

Protection of reporting employees from retaliatory action includes requiring the State Auditor to communicate with the reporting employee on a quarterly basis during the two–year period after the report. If it is determined that retaliation has occurred, the Auditor must investigate further.

A written summary of the whistleblower law must be furnished to each new employee upon entering state service and annually thereafter.

During the last year, the State Auditor undertook a study of the effectiveness of the program. Several recommendations for change were included in the conclusions of the report.

Summary: Several types of personnel action which are normally within the jurisdiction of the state personnel boards are excluded from the definition of "improper governmental action."

If the State Auditor determines that a complaint does not constitute a gross waste of public funds or does not fall within the definition of "improper governmental action," the Auditor may refer the matter to the affected state agency for appropriate action. The agency is required to conduct the investigation and must respond to the State Auditor in writing with a summary of the investigation of each allegation and any corrective action taken. The State Auditor then notifies the reporting employee of the results, but keeps the identity of that employee confidential.

The two–year limit is removed on providing protection for the reporting employee, but the employee is made responsible for notifying the State Auditor in writing of any changes in the employee's work situation which are related to having provided the information.

The respective employing agencies, rather than the State Auditor, are required to inform employees of the whistleblower program. The requirement that an employee make a good faith effort to notify the agency head before disclosing information on improper governmental actions is repealed.

Votes on Final Passage:

Senate	47	0	
House	95	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 23, 1989

2SSB 5174

C 159 L 89

By Committee on Ways & Means (originally sponsored by Senators Benitz, Williams and Madsen; by request of Washington State Energy Office)

Furthering the state hydropower plan.

Senate Committee on Energy & Utilities and Committee on Ways & Means
House Committee on Capital Facilities & Financing
House Committee on Energy & Utilities

Background: Federal legislation enacted in 1986 offers states increased opportunities to affect hydropower licensing decisions by the Federal Energy Regulatory Commission (FERC). FERC must consider whether a proposed project is consistent with a comprehensive river plan.

Washington does not have any comprehensive plans but has a number of management plans for waterways in place or under development. FERC reviews proposed projects for consistency with the "Protected Areas" comprehensive plan developed by the Northwest Power Planning Council.

Summary: Guidelines are established for future development of hydropower. A comprehensive state hydropower plan is to be prepared by representatives from utilities, state agencies, environmental and sportsmen's groups, and Indian tribes with the assistance of an independent facilitator. The plan will designate areas where hydropower development is likely to conflict

with significant environmental values, and less sensitive areas where development will not conflict with or may enhance environmental values. These areas of agreement are integrated with existing state laws and programs.

The plan shall be coordinated with planning processes and activities developed by the Joint Select Committee on Water Resource Policy.

The bill is null and void if the appropriations act does not provide specific funding.

Votes on Final Passage:

Senate	44	2
House	96	0

Effective: July 23, 1989

SSB 5184

C 283 L 89

By Committee on Transportation (originally sponsored by Senators Smitherman, Lee and Talmadge)

Regulating limousine operators.

Senate Committee on Transportation
House Committee on Transportation

Background: A limousine is used to transport a group of persons with a common purpose, under contract, to a specific destination either agreed upon in advance or modified by the chartered group after leaving the place of origin. A limousine with a passenger seating capacity of seven or more is regulated as a passenger charter bus by the Utilities and Transportation Commission (UTC). These limousines are subject to UTC entry (Fit, Willing and Able), proof of insurance, safety of operations and payment of the annual regulatory fees. Limousines are not subject to economic rate regulation. Limousines with a passenger seating capacity of less than seven are regulated as taxi cabs by local governments.

All limousines, regardless of seating capacity, are subject to local government regulations. Because local ordinances governing taxi cabs vary, it is sometimes difficult for a limousine to comply with all local requirements, particularly when moving from county to county.

Summary: Under a new chapter, limousines with a passenger seating capacity of four to 16 are regulated by the Utilities and Transportation Commission (UTC) in a manner similar to passenger charter services. Limousines are subject to UTC entry (Fit, Willing and Able), but rate regulation is not imposed.

The intrastate application fee or transfer fee is a maximum of $200. Intrastate limousine services are subject to the commission's chauffeur qualifications, safety and insurance provisions, and payment of the annual regulatory fee. The fee cannot exceed the cost of supervising and regulating limousines.

Interstate and foreign limousine carriers with Interstate Commerce Commission operating or exempt authority are required to register with the commission if operating in Washington. A one-time $25 registration fee is imposed. These carriers are also subject to the annual regulatory fee, and the UTC's safety and insurance provisions.

The liability insurance provisions are: (1) $100,000 for personal injury to one person, (2) $500,000 for a vehicle with a passenger seating capacity of 16 or less, (3) $50,000 for property damage to one person, and (4) $600,000 for combined bodily injury and property damage liability insurance. An interstate limousine service carrier that qualifies as a self-insurer with the ICC is exempt from the UTC insurance provisions as long as the ICC qualification remains in effect.

Local ordinances relating to limousine service must be consistent with state law. However, local governments may enact laws that require limousines to pay business and occupation taxes.

These regulations do not apply to taxicabs, private passenger vehicles and passenger charters.

Votes on Final Passage:

Senate	46	0	
House	88	7	(House amended)
Senate			(Senate refused to concur)
House			(House receded in part)
Senate	44	0	(Senate concurred)

Effective: July 23, 1989

SB 5185

C 335 L 89

By Senators Wojahn, Lee, Rasmussen, Madsen, Gaspard, Smitherman, Niemi and Vognild

Establishing a family day care center as a residential use for zoning purposes.

Senate Committee on Children & Family Services
House Committee on Local Government

Background: With the increasing demand for child care services in recent years, local land use planning and zoning codes are being perceived as barriers to the development of child care services. Zoning ordinances are also perceived as encouraging the proliferation of unlicensed child care.

The specific concerns that have developed about zoning ordinances are as follows: (1) child care facilities are not specifically mentioned; therefore, it is unclear whether child care should be treated as a business, school or home–based occupation; (2) variances or special permits are required that are costly, time consuming, unnecessarily restrictive and intimidating to providers; (3) child care is prohibited in certain zones or programs are restricted to commercial areas; and (4) additional requirements are created that can be burdensome to providers or conflict with state licensing regulations.

Summary: Every municipality, county or city must review the need and demand for child care facilities by August 31, 1990. A copy of the review and recommendations from the review must be sent to the Department of Community Development (DCD) by September 30, 1990.

By June 30, 1991, every municipality, county or city must adopt an ordinance designed to alleviate child care zoning problems, if the findings from the review indicate a need for zoning changes. If no zoning changes are necessary, the county, city or municipality must notify DCD stating why the ordinances were not developed.

DCD shall report the results of the local reviews to the Legislature by December 31, 1990. In consultation with the Department of Social and Health Services, the Washington State Association of Counties, the Association of Washington Cities, the Washington State Family Child Care Association and the Washington Association for the Education of Young Children, DCD must develop a model ordinance by December 31, 1990.

Votes on Final Passage:

Senate	44	4	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	46	1	(Senate concurred)

Effective: July 23, 1989

SSB 5186

C 367 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, McCaslin, Nelson, Thorsness and Rasmussen)

Changing provisions relating to the commission on judicial conduct.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: During the legislative interim, several hearings were held to review the procedures used by the Commission on Judicial Conduct when it investigates complaints that a judge has violated a rule of judicial conduct. The hearings were held in response to numerous media reports of instances where the commission allegedly failed to investigate misconduct by a judge. In addition, several persons who filed complaints with the commission testified that the commission was not responsive to their complaints and that the commission operated in a manner which was overly–protective of judges.

If the voters approve a constitutional amendment revising the operation and procedures of the Commission on Judicial Conduct, it will be necessary to pass implementing legislation.

Summary: The statutory provisions relating to the Commission on Judicial Conduct are amended in accordance with the proposed constitutional amendment, SSJR 8202.

The specific forms of discipline authorized by the constitutional amendment are defined. An "admonishment" is a warning to a judge not to engage in certain behavior, and may include a requirement for corrective action. A "reprimand" requires a judge to appear before the commission personally and requires the judge to follow a specified corrective course of action as discipline for a minor violation of the code of judicial conduct. A "censure" is the same as a reprimand but is given in response to a violation of the code which detrimentally affects the integrity of the judiciary and undermines public confidence in the administration of justice. A "suspension" is a temporary relief of judicial duties for a violation of the code that seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice. A "removal" is a permanent relief of judicial duties.

Whenever the commission determines that probable cause exists to believe that a judge has violated a rule of judicial conduct, the commission must disclose any exculpatory information to the judge.

The commission is given express authority to use personal service contracts to hire persons to conduct initial investigative proceedings. The commission is also given authority to investigate conduct that may have occurred before the creation of the commission when that conduct relates to a complaint received about a judge.

Express references are provided to the Administrative Procedure Act, the Public Disclosure Act and the Open Meetings Act in accordance with the proposed constitutional provision making the commission subject to laws of general applicability with regard to all of its activities except confidential initial investigations and proceedings. Persons who violate commission rules on confidentiality may be held in contempt of court.

Votes on Final Passage:

Senate	45	1	
House	97	0	(House amended)
Senate	47	0	(Senate concurred and amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

House	97	0	
Senate	44	1	

Effective: Upon passage of SSJR 8202

SSB 5191

C 248 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi and Nelson; by request of Sentencing Guidelines Commission)

Standardizing application of good–time credit statutes.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Present law allows inmates of a state correctional facility to receive earned early release time for good behavior and good performance, as determined by the Department of Corrections. However, there is not a consistent policy for awarding earned early release time to inmates of county jail or county work release facilities. These inmates may receive earned early release credit for good behavior, but it can only be granted by the sentencing judge.

Offenders who serve time in jail prior to sentencing or entering a plea, and then are sentenced to prison, do not always receive earned early release time during their presentence incarceration.

Summary: A prisoner sentenced to confinement in a county jail or a county work release facility may have his or her sentence reduced by earning early release time in accordance with procedures developed by the jail or work release facility. Earned early release time is a result of good behavior or good performance, and cannot exceed one–third of the total sentence.

Earned early release time programs established in county jail facilities or state correctional facilities must allow offenders the opportunity to earn early release credit for presentence incarceration. When an offender is transferred from a county jail to a state correctional facility, jail staff must certify to the Department of Corrections the amount of time spent in custody and the amount of earned early release time.

This act applies only to sentences imposed for crimes committed on or after July 1, 1989.

Votes on Final Passage:

Senate	45	0	
House	53	42	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 23, 1989

SSB 5193

C 36 L 89

By Committee on Health Care & Corrections (originally sponsored by Senators Amondson, Madsen, Anderson, Newhouse, Kreidler, McMullen, Talmadge and Warnke)

Revising provisions of the optometry statutes.

Senate Committee on Health Care & Corrections
House Committee on Health Care

Background: Currently licensed optometrists may be certified by the Board of Optometry to use certain topically administered drugs for the purpose of diagnosing conditions of the eye. The certified optometrist must have a minimum of 60 hours of didactic and clinical instruction in general and ocular pharmacology as applied to the practice of optometry from an accredited institute of higher education. Optometrists are not permitted to use drugs for therapeutic purposes.

Summary: Optometrists are permitted to use certain topically administered drugs for therapeutic purposes when certified by the Board of Optometry. The board is directed to establish a formulary of drugs to be used for diagnostic and treatment purposes. An additional 75 hours of didactic and clinical instruction is required

for certification to use drugs for therapeutic purposes. Educational programs must be approved by the U.S. Office of Education or the Council on Postsecondary Accreditation. Pharmacists may legally fill prescriptions of licensed optometrists for topically applied drugs. The Board of Optometry is required to verify certified optometrists for the purpose of issuing prescriptions.

Votes on Final Passage:

Senate	30	17
House	65	30

Effective: July 23, 1989

SSB 5196

C 171 L 89

By Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Talmadge, Williams, Conner, Madsen, Gaspard, McMullen and Benitz; by request of Governor)

Regarding emergency drought relief.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development
House Committee on Capital Facilities & Financing

Background: The state has experienced actual or possible drought years in 1977, 1987, and 1988. In each of those years, legislation was enacted to provide temporary drought relief measures. In 1988, the Legislature enacted SB 6513, which provided for the development of a drought contingency plan and drought relief activities, to be funded out of the emergency agricultural water supply funds. Many believe that a permanent mechanism for addressing drought situations as they occur should be provided in statute to avoid the necessity of legislative action each time a drought is anticipated.

Summary: Emergency powers are provided to the Department of Ecology to take action in times of drought. Drought condition is defined as a situation where an area has less than 75 percent of normal water supplies, and this water shortage is likely to create undue hardships for various water uses and users.

The department may adopt a regulatory order authorizing emergency actions when a drought condition exists or is forecast, after consultation with other federal and state agencies, and upon the approval of the Governor. Emergency actions the department may take include: authorizing emergency withdrawals of public surface and groundwater for specific periods of time; approving temporary changes in water rights permits which would not require publication of notice or compliance with the State Environmental Protection Act; employing additional persons for specific periods; revising the drought contingency plan; and acquiring drought–related equipment.

Emergency withdrawals of water are allowed only for existing activities through rights previously applicable to public waters, and at quantities that will not reduce flows below "essential minimums" required for fisheries or federal or state interests in power generation, navigation, and existing water rights.

The department is authorized to make loans, grants, or a combination thereof, from emergency agricultural water supply funds. The funds may be used for nonagricultural purposes only if there are no other capital budget funds available, and only up to a total of 10 percent of funds available in a particular biennium. The expenditure of drought funds is limited to only the time during which drought conditions exist.

The department is authorized to promulgate implementing rules. Nothing in the act may interfere with existing water rights or establish permanent rights.

In determining whether drought conditions exist, the department needs to obtain written approval from the Governor.

Votes on Final Passage:

Senate	43	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: April 27, 1989

SSB 5197

C 158 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Nelson, Rasmussen and Warnke; by request of Governor)

Broadening the definition of executive state officer.

Senate Committee on Law & Justice
House Committee on State Government

Background: Between January 1 and April 15 of each year, elected officials and executive state officers must file a statement of financial affairs for the preceding year with the Public Disclosure Commission (PDC). However, the list of those defined as "executive state officers" does not currently include a number of individuals who are in a position to make financial decisions, or who make decisions with financial implications.

Summary: A number of boards and commissions are added to the list of state agencies whose administrators, directors, and members must file a yearly statement of financial affairs as executive state officers under the Public Disclosure Act.

State executive officers who assume their positions before the effective date of this act, and who are exempt from financial reporting requirements, are not required to report under the provisions of this act until they are reappointed to such positions.

All persons who are required to file a statement of financial affairs as executive state officers are consolidated into the public officials financial affairs section of the Public Disclosure Act.

Votes on Final Passage:

Senate	47	1
House	95	0

Effective: July 23, 1989

SSB 5208

PARTIAL VETO

C 43 L 89

By Committee on Law & Justice (originally sponsored by Senators Nelson and Talmadge)

Creating the Washington condominium act.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Horizontal Property Regimes Act (RCW 64.32) governs the construction, ownership, and management of condominiums in Washington State. The National Conference of Commissioners on Uniform State Laws approved the Uniform Condominium Act (UCA) in 1977. In 1987, the Legislature created a statutory committee (the Condominium Task Force) to revise and modify the UCA to meet the needs of this state. The statutory committee has met consistently since June of 1987 to consider written comments from all interested parties as well as the input of the committee members. The committee represents a variety of concerns and is comprised of representatives of unit owners, condominium associations, developers, mortgage bankers, title companies, realtors, consumers, attorneys, and county assessors.

It is recommended that a new condominium act be adopted to address the deficiencies of the existing Horizontal Property Regimes Act.

Summary: The Washington condominium act revises the Horizontal Property Regimes Act with respect to condominium construction, ownership, and management. The act applies to condominiums created after July 1, 1989, with some provisions which may apply to existing condominiums. An existing condominium may utilize provisions of the act by amending its declaration.

A condominium is created by recording a declaration, a survey map, and plans. The units of a condominium must be substantially completed at the time of the recording, but need not be an enclosed space.

Unanimous consent of the owners is no longer required to amend a declaration or to terminate the condominium. Most amendments require the approval of the owners of units to which at least 67 percent of the votes are allocated. Other amendments require approval by at least 90 percent of the allocated votes. A condominium is terminated by at least 80 percent of the allocated votes. Upon termination of the condominium, the proceeds of sale are divided in accordance with relative appraised values at that time.

A declarant may reserve the right to add real property or improvements, create units on property in or to be added to the condominium, subdivide units, and withdraw real property from the condominium. The rights and obligations of successors to the declarant are clarified.

A declarant has a limited right to establish a period of control of an association. The declarant is liable for any tort or contract losses which are suffered by an association during the period of control. An association must be formed as a corporation. An association must be incorporated at the time the first unit is conveyed. The powers of the association and its board of directors are listed. The budget for the association must be submitted annually to the owners for ratification. Upon transfer of control, the financial records of the association must be audited unless waived by 60 percent of the owners other than the declarant. Annual audits are mandatory only for condominiums with more than 50 units; the owners in smaller condominiums may waive annual audits. An association may collect ground lease payments on a leasehold condominium through assessments. There is a higher standard of care for officers and directors appointed by the declarant.

Assessments are charged against all units. Assessments may be allocated on the basis of usage or benefit. Expenses relating to land in which the declarant has development rights are paid by the declarant. The declarant may pay all expenses and defer commencement of any assessments. The association may assess owners for the cost of maintaining limited common

areas. The interest of each unit in the common elements for assessment and voting purposes may be different.

The assessments of an association have a six month priority over first mortgages and complete priority over other mortgages. The association may foreclose its lien judicially or nonjudicially; there is no priority over first mortgages in a nonjudicial foreclosure, however. In a judicial proceeding, the association may appoint a receiver to collect rents on units which are not occupied by the owner. The association may establish late charges and interest on delinquent assessments. The association may also recover costs and reasonable attorneys' fees incurred in connection with the collection of assessments.

The declarant must provide a public offering statement (POS) to all purchasers of residential condominium units. This requirement also applies to existing condominiums in which the declarant owns at least 10 units comprising at least 20 percent of the units in the condominium. Copies of material documents are to be furnished with the POS. The POS must contain certain specific disclosures and a purchaser may cancel his or her purchase within seven days of receipt of the POS. The failure to deliver a POS will result in a damage award and attorneys' fees are recoverable by the prevailing party.

In connection with any sale of a unit for which the delivery of a POS is not required, the seller must deliver the purchaser copies of the declaration, bylaws, rules, and regulations of the association, and a certificate of the association containing updated financial information.

Tenants must be given notice of any proposed conversion and a right of first refusal to purchase their respective units.

There is an implied warranty of quality that the unit and the common elements are free from defective materials and constructed in compliance with applicable law. Disclaimers of the warranty are effective only for specified defects. The statute of limitations is four years, accruing with respect to a unit, from the time of possession by a purchaser and, with respect to the common elements, from completion of the common element or from first conveyance of a unit, whichever is later.

The Condominium Task Force is recreated to review the act, draft recommended revisions, and prepare written comments for inclusion in the Senate or House journals. The task force is required to report to the Senate Law and Justice Committee and the House Judiciary Committee before March 1, 1990.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: July 1, 1990

Partial Veto Summary: Section 4–105 which lists exceptions to the requirement that the declarant provide the purchaser a public offering statement is deleted. Section 4–111 which pertains to express warranties of quality is deleted. Section 4–114 which pertains to the statute of limitations for warranties is deleted. Section 4–118 which requires a unit to be substantially completed prior to its sale is deleted. Section 4–121 which re–creates the statutory committee is deleted. (See VETO MESSAGE)

SSB 5213

C 38 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen, Moore, Madsen, Nelson, McCaslin, Bluechel, Thorsness and Newhouse)

Extending the statute of limitations on written charge accounts.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The period of time to commence an action on contracts is limited by statute. The statute of limitations for actions based on a written agreement is six years. The statute of limitations for actions based on a contract which is not in writing is three years.

Persons engaged in many commercial businesses oftentimes do not enter into a written contract with customers. It is suggested that the statute of limitations should be extended to six years for all actions based on an account receivable.

Summary: The statute of limitations is extended to six years for contracts that are based on an account receivable incurred in the ordinary course of business.

Votes on Final Passage:

Senate	30	17
House	95	1

Effective: July 23, 1989

SSB 5214

C 22 L 89

By Committee on Children & Family Services (originally sponsored by Senator Smith)

Mandating abuse and neglect reporting.

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

Background: Current law states that when a professional person involved in various services for children, dependent adults or developmentally disabled persons has reasonable cause to believe that one of these persons has been abused or neglected, a report must be made to either a law enforcement agency or the Department of Social and Health Services.

If the Department of Social and Health Services does not contact a law enforcement agency shortly after receiving a report of abuse or neglect, valuable physical evidence of the abuse or neglect can be lost, interfering with the state's ability to prosecute.

Summary: The Department of Social and Health Services shall notify the proper law enforcement agency within 24 hours of receipt of information on an emergency case of abuse or neglect of a child, adult dependent or developmentally disabled person. In all other cases, the department shall notify the proper enforcement agency within 72 hours of receipt of information. If the department's initial report to law enforcement is oral, it shall provide a written report within five days.

In emergency cases, a law enforcement agency shall notify the Department of Social and Health Services within 24 hours of receipt of information of abuse or neglect. In all other cases, law enforcement shall notify the department within 72 hours.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: July 23, 1989

SSB 5221

FULL VETO

By Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Patterson, Rinehart, Smitherman, Bailey, Lee, West and Warnke)

Establishing the advance college payment program.

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

Background: Tuition costs at state colleges and universities have tripled over the last ten years making it more difficult for families and students to afford higher education. Nationally, charges have risen 113 percent at public colleges and 152 percent at private colleges between 1977–78 and 1987–88. These increases surpassed the rise in the Consumer Price Index, which was about 85 percent during the same ten–year period. Concern has been raised that financial aid has not kept pace with these increased costs.

Summary: The Higher Education Coordinating Board is required to study the feasibility of instituting an advance college payment program and to submit a report, including recommendations, to the Legislature by January 1, 1990. Specific study items are enumerated and an appropriation is made to carry out the study. The Higher Education Coordinating Board may seek assistance from public and private parties, provided state agencies shall fully cooperate within existing appropriations.

Appropriation: $30,000

Votes on Final Passage:

Senate	44	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	97	0
Senate	47	0

FULL VETO: (See VETO MESSAGE)

SB 5231

C 132 L 89

By Senators Pullen, Madsen and Metcalf

Defining "antique firearms."

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1954, Congress enacted legislation which exempted antique firearms manufactured in or prior to 1898, including replicas, from the procedural and substantive requirements of federal firearms regulations. However, the state exemption applies only to antique pistols and revolvers, and fails to exempt replica antique firearms such as black powder gun kits. Dealers and purchasers who conduct an in–state transaction involving an antique replica firearm are subject to the same paperwork and five–day waiting period requirement as for a modern firearm. Yet, if a

replica antique firearm is acquired through an interstate mail–order purchase, the buyer is not subject to any waiting period requirement.

Summary: Replicas of antique firearms, whether manufactured before or after 1898, are exempt from the record keeping and waiting period requirements of the state firearm statute.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: July 23, 1989

SB 5233

PARTIAL VETO

C 412 L 89

PARTIAL VETO OVERRIDE

C 1 L 89 E2

By Senators Pullen, Madsen, Rasmussen and Niemi

Changing provisions relating to the crime of burglary.

Senate Committee on Law & Justice and Committee on Ways & Means
House Committee on Judiciary
House Committee on Appropriations

Background: A person is guilty of burglary in the second degree if he or she enters or remains unlawfully in a building with the intent to commit a crime against a person or property therein. Burglary in the second degree is a class B felony and is classified as a seriousness level II offense under the statutory sentencing grid. Based on an offender's score under the sentencing grid, seriousness level II requires a sentence from 0 to 57 months. In addition, a court may impose a fine of up to $20,000.

Concern exists that the current law does not provide adequate punishment for persons who repeatedly burglarize homes and businesses. Recent statistics indicate that, in Seattle alone, approximately 11,927 residential burglaries occurred in 1987.

In light of the steady increase in residential burglaries and the potential for personal injury inherent in such crimes, it is recommended that a separate crime of residential burglary be created. It is also recommended that the seriousness level for second degree burglary be increased to level III.

Summary: A new crime of residential burglary is created. Residential burglary is a class B felony and shall be considered as a more serious offense than second degree burglary by the Sentencing Guidelines Commission and the Juvenile Disposition Standards Commission when establishing sentencing guidelines.

The punishment for the crime of burglary in the second degree is increased from seriousness level II to level III under the statutory sentencing grid.

Votes on Final Passage:

Senate	46	1	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)
Second Special Session			
Senate	38	9	(Partial Veto Override)
House	71	9	(Partial Veto Override)

Effective: July 1, 1990

Partial Veto Summary: Section 3, which increases the seriousness level of second degree burglary on the statutory sentencing grid from level II to level III and ranks the new crime of residential burglary at level IV, is deleted. (See VETO MESSAGE)

Partial Veto Override: The Legislature in the Second Special Session voted to override the Governor's veto of Section 3.

SSB 5234

C 90 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Madsen, Rasmussen, Sutherland and Gaspard; by request of Washington State Patrol)

Revising provisions for the criminal identification system.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Concern exists that several provisions in the background check statute need clarification, specifically: (1) The present definition of "conviction record" is too broad, including records of both convictions and "charges" (statutes prohibit access to records of charges); (2) the definition title does not clearly state the intended focus concerns offenses against children and developmentally disabled; (3) a number of offenses which might be of interest to businesses and organizations requesting information were omitted from the original language; (4) current language does not permit inquiry into later unprofessional conduct charges which might follow disciplinary board final decisions; (5) the processing time of 14 days is too

limited as it includes nonworking days; (6) the identification card issued by the State Patrol has no expiration date; once a person obtains a card, any subsequent conviction of crimes against persons could go undetected by businesses or organizations hiring staff members.

Summary: (1) The definition of "conviction record" is amended to exclude "charges;" (2) the definition title "Crime against persons" is changed to "Crime against children or other persons" to clarify the intended focus on children and the developmentally disabled; (3) the following offenses are added to the existing list of crimes: child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; first or second degree rape of a child; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; or any of these crimes as they may be renamed in the future; (4) the statute is amended to permit inquiry into disciplinary board charges following final decisions of the board; (5) the processing time is increased to 14 working days; (6) identification cards will expire in two years.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 23, 1989

SSB 5241

C 312 L 89

By Committee on Economic Development & Labor (originally sponsored by Senators Anderson, Lee, Saling, McMullen and West)

Promoting small business growth.

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

Background: Small and young businesses have great potential for creating jobs, developing new products and expanding the state's tax base. Unfortunately, these businesses are often unaware of the existence of nonbank capital sources. Similarly, investors have difficulty finding solid investment opportunities in new businesses. Institutionalizing a mechanism for meeting the information needs of investors and entrepreneurs will have a favorable impact on the Washington economy.

Summary: The Washington Investment Opportunities Office is created in the Business Assistance Center of the Department of Trade and Economic Development. The office acts as a clearinghouse for entrepreneurs seeking capital and investors seeking good investments. It will keep a list of entrepreneurs in the state looking for capital resources and will provide prospective investors with information about these entrepreneurs. The office will promote small business securities financing, keep abreast of national trends and preferences in capital markets, and provide timely information to both investors and entrepreneurs. The Business Assistance Center may charge fees for its services.

Referrals between the Investment Opportunity Office and the Small Business Innovators' Opportunity program are required.

Appropriation: $115,000 from the state general fund to the Department of Trade and Economic Development

Votes on Final Passage:

Senate	44	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
House	97	0	(House receded)
Senate	44	1	

Effective: July 23, 1989

SB 5246

C 361 L 89

By Senators Pullen, Newhouse and Madsen

Foreclosing on deeds of trust.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Nonjudicial foreclosures of deeds of trust are authorized as an efficient and inexpensive alternative to judicial foreclosure proceedings. A nonjudicial foreclosure sale extinguishes all junior liens on the property provided the junior lienholders have received proper notice of the sale. The mere recital of compliance with statutory notice requirements contained in a trustee's deed is considered conclusive evidence of such compliance.

Concern exists that the "conclusive evidence" rule of RCW 61.24.040(7) does not adequately protect junior lienors from flawed foreclosure proceedings. It is recommended that the present deeds of trust act be amended to preserve the interest of a junior lienor who has not had the opportunity to contest a nonjudicial foreclosure or to participate at the foreclosure sale.

Summary: The interest of a lienholder who is junior to a deed of trust beneficiary is not extinguished by a trustee's sale if the lienholder has not received the notice required pursuant to RCW 61.24.040(1).

An acknowledgement is no longer required on a Notice of Trustee's Sale.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: July 23, 1989

SB 5250

C 230 L 89

By Senators Sutherland and Amondson

Reclaiming land at surface mining sites.

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

Background: The Department of Natural Resources regulates surface mining activities in the state of Washington. The department sets the amount of the bond which is required for each surface mining operation. That bond is held until the surface mining activities are finished and the area is reclaimed according to plans developed by the department and the surface mining operator.

The original surface mining act provided that monies owed to the department by the operator for reclamation carried out by the state could be recovered by a lien against the reclaimed property if not paid by the operator. The lien would be enforced in the manner of a mechanic's lien. Given the changes in the Department of Natural Resources' bonding authority, the mechanic's lien provisions are no longer needed to insure compliance with the reclamation. The reclamation is guaranteed by a bond which the department would use if the operator failed to reclaim the land.

Summary: The Department of Natural Resources no longer has the authority to establish a mechanic's lien against surface mined property.

Votes on Final Passage:

Senate	43	3
House	97	0

Effective: July 23, 1989

SSB 5252

C 133 L 89

By Committee on Governmental Operations (originally sponsored by Senators McCaslin and DeJarnatt)

Changing provisions relating to expenditures of public money for unfit buildings, dwellings, structures, and premises.

Senate Committee on Governmental Operations
House Committee on Housing

Background: Local government is authorized to address unfit dwellings, buildings, and structures located in its boundaries, but not the ground or land surrounding a structure.

The local governing body of a city or county is authorized to set up an improvement board or officer by passing an ordinance. The ordinance must describe standards to be applied in defining a building or structure unfit, and in authorizing the board or officer to take action.

Once a building is identified as unfit, a notice must be sent to all listed owners (by personal service or certified mail) advising them of an administrative hearing. If no appeal is filed or the appeal results in a classification of "unfit," the owners are ordered to repair, vacate or demolish the structure. The officer or board may repair or demolish the structure if the owner does not accomplish it in a reasonable amount of time. The costs are assessed to the real property.

Summary: "Premises" is added to the statutory list of property-related items that a local county or city governing body can declare unfit. The term "premises" is used as a general term that includes the grounds and land. The word "premises" is generally defined as a building or part of a building, appurtenances thereto, grounds, and facilities.

Notice procedures are clarified when the whereabouts of the owner(s) is unknown. Service of the complaint may be made by personal service or by mailing a copy of the order and complaint by certified mail, return receipt requested, postage prepaid to each person at the address of the building involved in the proceedings, and by mailing a copy of the complaint and order by first class mail to any address of each

such person known by the county auditor or assessor for the county where the property is located.

Votes on Final Passage:

Senate	43	1	
House	97	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 23, 1989

SSB 5263

C 45 L 89

By Committee on Economic Development & Labor (originally sponsored by Senators Warnke, West, McMullen, Bender, Pullen, Bauer, Smitherman and Metcalf)

Providing for arbitration for unilaterally implemented proposals.

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

Background: Public employers may unilaterally implement their last offer when an existing agreement has expired and impasse has been reached in the collective bargaining process. In 1983, an employer unilaterally implemented its last offer, which contained a grievance procedure leading to binding arbitration. When an employee subsequently filed a grievance under the implemented offer, the employer argued that the arbitration provisions of its offer were not valid. An arbitrator agreed, ruling that the employer could not unilaterally impose the offer's grievance and arbitration language. The employee's complaint was thus not heard in arbitration proceedings.

Summary: The Public Employees Collective Bargaining Act is amended. If a public employer implements an offer where there is no contract settlement, allegations of violations shall be subject to grievance arbitration procedures if such procedures are in the implemented offer or if not in the implemented offer, in the parties' last contract.

Votes on Final Passage:

Senate	46	1
House	97	0

Effective: July 23, 1989

SSB 5265

C 295 L 89

By Committee on Transportation (originally sponsored by Senators Rasmussen and Metcalf)

Regulating certain charter boats on state water.

Senate Committee on Transportation
House Committee on Natural Resources & Parks
House Committee on Appropriations

Background: Vessels which are rented, leased, or hired, and which are used or capable of being used to transport more than six passengers, are operated on many of the waters of this state. The operators of such vessels are currently required to have a valid license issued by the United States Coast Guard for operation of that class of vessel.

Under current law, the Coast Guard is responsible for the inspection and licensing of charter boats when they are operated on federally–owned waters or on lakes which are connected to federally–owned waters. From 1979 to 1986, the Coast Guard also licensed the operators of charters which operated on state–owned inland waters. In 1986, the Coast Guard began refusing to license operators for inland waters because those waters were outside their jurisdiction.

The Department of Labor and Industries is responsible for inspecting charters for operation on inland waters but currently does not have authority to license charter operators. Due to the department's lack of licensing authority and the Coast Guard's refusal to license charter operators, many charters are operating on inland waters in violation of existing law.

Summary: The authority of the Department of Labor and Industries is expanded to include the licensing of charter boat operators. A charter boat is defined as a motorized vessel or barge operating on inland navigable waters of the state, which is not inspected or licensed by the United States Coast Guard, over which the United States Coast Guard does not exercise jurisdiction, and which is rented, leased, or chartered to carry more than six persons or cargo.

The operation of a charter boat on inland navigable waters is prohibited unless: (1) the department or the Coast Guard has inspected the vessel within the previous 12 months and issued a certificate of inspection; (2) the operator of the vessel is licensed by the department or the Coast Guard; (3) the vessel is registered; and (4) the vessel is covered by liability insurance.

The department must inspect charter boats once every 12 months with the vessel in the water and once every 24 months with the vessel in drydock. All money

received from licenses, permits, inspection fees, or penalties imposed for violations are deposited in the industrial insurance trust funds and are used for administration, education, and enforcement costs, and for repayment to the state general fund, by June 30, 1991, of the amount appropriated to start the program.

Enforcement, appeals, and other administrative procedures are handled pursuant to the Washington Industrial Safety and Health Act, Chapter 49.17 RCW.

The department may enter into reciprocal agreements with other states concerning the operation in Washington of charter boats from those states.

The department is required to develop an education and enforcement program designed to eliminate the operation of charter boats that are not inspected and certified, and to inform the public of the requirements for charter boat operation.

The following vessels are exempt: (1) vessels used only for the owner's personal pleasure; (2) vessels which are donated to and used by a nonprofit organization to transport passengers for charitable or noncommercial purposes; (3) rental boats which are rented without an operator (you–drive rentals); and (4) vessels used for educational purposes.

Appropriation: $48,300 to the Department of Labor and Industries

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 23, 1989

SSB 5266

C 29 L 89

By Committee on Education (originally sponsored by Senators Gaspard, Bailey, Rinehart, Lee, Fleming, Johnson, Anderson, Kreidler, Benitz, Talmadge and Bauer)

Providing baccalaureate and masters degree equivalencies for certification of vocational instructors.

Senate Committee on Education
House Committee on Education

Background: Current standards for certification of vocational instructors are provided by State Board of Education and Superintendent of Public Instruction rules. Individuals who enter vocational education as instructors after a number of years in business or industry are able to attain certification based on that experience provided additional requirements are also met.

In 1987 the Legislature passed an act requiring the State Board of Education to adopt rules providing that all individuals qualifying for an initial–level teaching certificate possess a baccalaureate degree in the arts, sciences, and/or humanities for certification after August 31, 1992. The State Board is also required to implement rules providing that after August 31, 1992, all applicant teachers for professional level (continuing) certification hold a masters degree in teaching, or in the arts, sciences, and/or humanities.

These new rules will prevent vocational institutes and schools from hiring non–degree holding individuals from the fields of business and industry.

Summary: The State Board of Education is required to develop and adopt rules establishing baccalaureate and masters degree equivalency standards for certification of vocational instructors and professional level vocational instructors who begin teaching after August 31, 1992.

Votes on Final Passage:

Senate	45	1
House	97	0

Effective: July 23, 1989

SSB 5275

C 143 L 89

By Committee on Energy & Utilities (originally sponsored by Senators Lee and Talmadge)

Regulating high voltage fields.

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

Background: Concern is developing over possible health effects of high voltage electrical and magnetic fields. Such fields are most commonly found with high voltage transmission lines, in other places in the electrical distribution system, and in some work places. Some concerned citizen groups have sought a moratorium on construction of new high voltage transmission lines or requiring undergrounding of those lines until further research is conducted.

Summary: The Washington State Institute for Public Policy is directed to review studies of the effects of high voltage electric and magnetic fields. In reporting to the Legislature on its findings, the Institute for

Public Policy shall identify high–priority research projects that need to be undertaken.

Votes on Final Passage:

Senate	45	1	
House	77	20	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 23, 1989

SB 5277

C 27 L 89

By Senators McCaslin, DeJarnatt and Kreidler

Extending the period for fire district service charges.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: In 1974, the Legislature granted fire protection districts the authority to impose service charges. If a district imposes service charges, it may not impose its third regular property tax levy of 50 cents per thousand dollars of assessed valuation. Service charges must be reasonably proportional to measurable benefits to property served by the district.

Service charges must be approved by a 60 percent majority of the district voters voting on the proposition. If approved, they may be imposed for up to three years.

Service charges have never been sought or imposed by any of the fire protection districts in the state. Recently, a number of districts have considered imposing service charges because they are precluded from imposing the third 50 cent property tax levy by certain property tax limitations.

Summary: The maximum period for the imposition of service charges within a fire protection district is increased from three years to six years after voter approval.

Votes on Final Passage:

Senate	47	0
House	91	0

Effective: July 23, 1989

SSB 5288

C 336 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Vognild, Craswell, Benitz, Barr and Amondson)

Providing for the production of salmon smolts by private aquaculturists.

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

Background: The Department of Fisheries does not utilize private aquaculturists to assist the department in the production of salmon to plant in public waters. Fishermen's cooperatives are currently not monetarily compensated for salmon they produce to stock public waters. The aquaculture industry and fishermen's cooperatives could assist the state in achieving its salmon restoration goals by providing privately produced salmon, under a contract, at a reasonable cost.

Summary: The director of Fisheries may contract with the private salmon aquaculture industry or with fishermen's cooperatives to produce salmon smolts for release into public waters if all department operated salmon hatcheries are operated at full capacity. The director shall give preference to nonprofit corporations in the awarding of leases to state salmon culture facilities. The department shall provide eggs to private contractors at a higher priority if the resultant fish are to stock public waters. The director shall provide information on the cost of operating all state–funded hatcheries at full capacity with the department's biennial budget request.

Votes on Final Passage:

Senate	40	8	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	97	0	
Senate	47	0	

Effective: July 23, 1989

SSB 5289

PARTIAL VETO

C 426 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Barr, Benitz and Anderson)

Authorizing the formation of regional fisheries enhancement groups.

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

Background: Regional fisheries enhancement groups, formed from interested private citizens, can be very effective in providing cost–effective fisheries enhancement. The state of Alaska has operated under the regional enhancement group approach for the last 10 years, and they have found the program to be worthwhile. In Washington State, the Grays Harbor Fisheries Enhancement Task Force serves as a working example of the concept. There is a need for increased funding for the Grays Harbor group, and for other regional groups which may soon be organized.

Summary: The development of eight regional fisheries enhancement groups is encouraged by cooperative relations with the Department of Fisheries and a series of potential funding mechanisms:

(1) Start–up grant: $8,000 per group.
(2) State loan.
(3) Cost recovery from sale of eggs or carcasses which return to group facilities.
(4) Operational grant, generated from a $1 surcharge per recreational salmon license and a $50 surcharge per commercial salmon license/charter boat license, to be on a matching basis (up to 90 percent state grant/10 percent other funds).
(5) Private contribution.

Regional fisheries enhancement groups shall enhance the salmon resources of the state, consistent with the watershed planning process. The Director of Fisheries shall report to the Legislature on an annual basis to document the catch of salmon from enhancement projects.

Appropriation: $64,000 from general fund

Votes on Final Passage:

Senate	35	0	
House	93	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	96	1	
Senate	45	2	

Effective: July 23, 1989

Partial Veto Summary: All sections of the bill were vetoed, except for the intent section and the section that requires the director of Fisheries to cooperate with regional fisheries enhancement groups. (See VETO MESSAGE)

SSB 5293

PARTIAL VETO

C 306 L 89

By Committee on Higher Education (originally sponsored by Senator Conner)

Establishing college classes in Clallam or Jefferson county.

Senate Committee on Higher Education
House Committee on Higher Education

Background: Access to higher education opportunities has become increasingly important to citizens of the state of Washington. Students need access to state–supported upper division programs leading to a baccalaureate degree.

Summary: The Higher Education Coordinating Board is to conduct an assessment of upper–division and graduate level programs needed by placebound students living in areas of the state not addressed by the board's branch campus initiative. The study names Clallam and Jefferson Counties specifically. Alternatives for program delivery are to be considered.

The Higher Education Coordinating Board may develop and administer demonstration projects designed to prepare and assist persons to obtain higher education in this state.

Any dependent of a member of the United States Congress shall be exempt from paying the nonresident tuition and fee differential.

Viet Nam veterans are given a one–year extension to May 7, 1990, to enroll in an institution of higher education at the tuition and fee level paid in October, 1977.

The Superintendent of Public Instruction is to contract with the University of Washington for the education of highly capable youth enrolled in the University's Early Entrance Program or Transition School. State and federal funds may be supplemented with payments from other parties to cover the actual cost of instruction and related activities.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	37	0	(Senate concurred)

Effective: July 23, 1989

Partial Veto Summary: Section 1 is vetoed as being redundant. The HECB has already been instructed to study the needs of placebound students in the less populated areas of the state.
Section 5 is vetoed in favor of the provisions in ESHB 1444 which address the University of Washington's Early Entrance Program. (See VETO MESSAGE)

SSB 5297

C 42 L 89

By Committee on Governmental Operations (originally sponsored by Senators DeJarnatt and McCaslin)

Disallowing secret ballot voting at open public meetings.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Open Public Meetings Act requires that most business conducted in meetings of the governing bodies of many state and local government entities be conducted in public sessions. Some matters may be discussed in closed executive sessions, but legislative actions — including votes on ordinances, rules, orders or the like — must be conducted in public. Violation of the act can potentially subject a member of a governing body to a civil penalty.

Since the adoption of the Open Public Meetings Act in 1971, some governing bodies have occasionally voted by secret ballot, albeit in a public meeting. Though the act does not expressly prohibit this practice, the Attorney General issued an opinion in 1971 to the effect that secret ballots violated the purpose of the act by defeating the accountability of individual members of a governing body to the public. AGO 1971 No. 13.

Summary: No governing body subject to the Open Public Meetings Act may vote in a public session by secret ballot. A vote taken by secret ballot is void.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: July 23, 1989

SB 5301

C 134 L 89

By Senators Williams, Lee and Rasmussen; by request of Department of Labor and Industries

Updating code specifications for factory built housing.

Senate Committee on Economic Development & Labor
House Committee on Housing

Background: The Department of Labor and Industries has general responsibility for regulating the construction and installation of factory-built housing and commercial structures. This is done in part through rule-making authority. The rules relating to safety and structural soundness are patterned to the extent practicable on the Uniform Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code, and the National Electrical Code.

The statute refers to the 1975 and 1976 versions of these codes.

Summary: References to the 1975 and 1976 codes are removed and replaced with a reference to the codes which will not require a periodic updating.

The Barrier-Free Code, the State Energy Code and the state rules relating to the National Electrical Code are added to the list of codes the department must consider.

Votes on Final Passage:

Senate	43	0
House	95	0

Effective: July 23, 1989

SSB 5305

C 292 L 89

By Committee on Law & Justice (originally sponsored by Senators Madsen, Metcalf, Hansen, McDonald, Benitz, Warnke, Matson, Pullen, Amondson, West and Newhouse)

Providing immunity for equine activities.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Throughout the state there are numerous fairs, rodeos, competitions and parades that include activities involving horses, mules and donkeys. Injuries occasionally result to participants engaged in such equine activities. Such injuries are often difficult to prevent because of the risks involved in riding, training and exhibiting equine animals.

Persons involved in conducting, promoting or participating in equine activities are concerned about the increasing cost of liability insurance.

Summary: An immunity statute is established which generally provides protection from civil liability for persons who sponsor equine activities.

An equine activity sponsor or an equine professional is not liable for injuries to a participant engaged in an equine activity. However, immunity from liability is not allowed if the sponsor or professional provides the equine that causes the injury and fails to make reasonable efforts to ensure that the animal will behave safely and the participant can safely manage the equine.

Other restrictions on immunity continue to exist, such as liability for willful and wanton misconduct, intentional acts, failure to discover dangerous latent conditions on the land and products liability laws.

"Equines," "equine activity sponsors," "equine professional," and "participants" are defined. A "participant" must be a rider, driver, trainer, or passenger upon an equine and does not include spectators.

The act applies to cases filed after the effective date of the act.

The act does not apply to the horse racing industry.

Votes on Final Passage:

Senate	47	0	
House	94	1	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 23, 1989

SSB 5314

C 320 L 89

By Committee on Education (originally sponsored by Senators Bailey, Craswell, Thorsness, Lee, Anderson, Nelson, Benitz, Bauer, Rasmussen and Smith)

Prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools.

Senate Committee on Education
House Committee on Education

Background: The Superintendent of Public Instruction has the authority to issue and revoke certificates for persons employed in the common schools. Current grounds for the denial or revocation of a teaching certificate include immorality; violation of written contract; intemperance; crime against the law of the state; the conviction of any crime involving the physical neglect, injury or sexual abuse of children; or any unprofessional conduct. Procedures for notice, a hearing and an opportunity for appeal are established. Certificates are revocable for up to one year. A certificate would be reinstated only if the candidate met the requirements for certification including evidence of good moral character.

Summary: Specific consequences are provided for certificated employees, classified employees and persons working at public schools upon a guilty plea or a felony conviction for any of the following crimes involving: (1) the physical neglect of a child under Chapter 9A.42 RCW; (2) the physical injury or death of a child under Chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under Chapter 46.61 RCW); (3) sexual exploitation of a child under Chapter 9.68A RCW; (4) sexual offenses under Chapter 9A.44 RCW where a minor is the victim; (5) promoting prostitution of a minor under Chapter 9A.88 RCW; (6) the sale or purchase of a minor child under RCW 9A.64.030; or (7) similar laws of another jurisdiction.

If a certificated employee who has contact with school children is convicted or has pled guilty to the listed offenses, that certificated employee's employment is terminated immediately. The employee may be reinstated if an appeal is successful.

After opportunity for a hearing, any employee's certification to teach is permanently revoked after conviction or guilty plea for one of the described felonies. Revocation of a teaching certificate for a guilty plea or criminal conviction occurring before the effective date of the legislation is subject to current law.

If a classified employee who has contact with school children is convicted or pleads guilty to one of the described offenses, that employee's employment is terminated immediately. The employee has the right to appeal provided in statute or under a collective bargaining agreement.

Contracts for services must contain a clause prohibiting any person not employed by a school district who has been convicted of or pled guilty to any of the described offenses from working at a public school where he or she would have contact with school children. Violation of the clause is grounds for ending the contract.

Upon a guilty plea or conviction of the described offenses, the prosecuting attorney is required to determine whether the person has a teaching certificate or is employed by a school district. The prosecuting attorney shall notify the State Patrol of those guilty pleas or convictions. The State Patrol transmits that information to the State Board of Education and the Superintendent of Public Instruction.

SSB 5314

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	86	0	
Senate	47	0	

Effective: July 23, 1989

SSB 5315

FULL VETO

By Committee on Environment & Natural Resources (originally sponsored by Senators Bender, Conner, DeJarnatt, Talmadge, Owen, Metcalf, Vognild, Murray, Bauer, Niemi, Kreidler, McMullen and Sutherland)

Prescribing financial responsibility for vessels that spill oil.

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

Background: The cleanup of oil spills from vessels is commonly a cooperative effort between state and federal response authorities. The federal Clean Water Act requires that vessels over 300 gross tons maintain evidence of financial responsibility to meet the liability to the United States to which the vessel could be subjected for cleanup of oil or hazardous substance spills. Liability under that act includes cleanup costs, civil penalties, and the cost of restoration or replacement of natural resources. In the case of vessels other than inland oil barges, minimum coverage must be maintained of $150 per gross ton or $250,000, whichever is greater.

The state Water Pollution Control Act prohibits the discharge of oil or other pollutants to state waters, and authorizes the Department of Ecology to respond to oil spills. That act provides for liability by those causing the spills for the state's cleanup costs, for damages to natural resources, and for civil penalties. There is no state law which requires vessels to maintain liability insurance to cover an oil or hazardous substance spill.

The ocean sea floor and resources off Washington's coast are owned by the state from extreme low tide seaward three miles, and by the federal government seaward from three miles to 200 miles. There are few statewide regulations, guidelines or policies for the use or development of coastal resources. While the Shoreline Management Act of 1971 (SMA) and various other laws could be used to regulate coastal resources, local coastal governments have done little to address coastal resource management.

The federally owned waters off Washington's coast are governed by many federal laws and agencies. The Mineral Management Service (MMS) is responsible for the development of mineral and other resources within federally owned ocean waters. The MMS is authorized to lease ocean areas for purposes of exploration, development, and extraction of mineral resources. MMS is required under the Outer Continental Shelf Lands Act (OCSLA) to develop five–year oil and gas lease plans.

The MMS's current five–year lease plan provides for a lease sale of ocean areas off the coasts of Washington and Oregon in April of 1992. As preliminary steps to the sale, MMS will request statements of interest from the oil industry in 1989 and will identify the sale area in 1990.

Under the OCSLA, the Secretary of the Interior must consider recommendations from an adjacent state's governor concerning the size, location, and timing of a proposed lease sale. The federal Coastal Zone Management Act (CZMA) and current court case law do not provide for any state input in deciding when or whether a lease sale should be held, nor in deciding what areas will be included in the lease sale. The CZMA does, however, provide for some state input after the lease sale. The CZMA directs that federal agencies conduct and support activities directly affecting the coastal zone to the extent practicable, consistent with approved state management programs. It also provides that any applicant for a federal license to conduct an activity affecting land or water uses in the coastal zone of a state must provide a state–approved certification of consistency with that state's management program. This requirement of certification also applies to any plans for exploration or development of, or production from, any area which has been leased under the OCSLA.

The approved state management program consists of the adjacent state's "coastal authorities," laws and regulations that have been approved by the Secretary of Commerce. At present, the approved coastal authorities for Washington include the SMA and county and city master programs, certain environmental laws, and the energy facility siting act.

Because of this system, any exploration, development, or production activities conducted or permitted by MMS must be consistent with Washington law. There is, however, dispute as to what is meant by "consistent" and as to the extent to which actions must be consistent.

In 1987, due to concern over the upcoming lease sale, the Legislature and the Governor took several actions. The Governor wrote to the Department of Interior suggesting that the lease sale may need to be delayed, and that he does not support leasing north of the 47th parallel or within 12 miles of Grays Harbor, Willapa Bay, and Columbia River estuaries. Further, several committees and task forces were formed and/or asked to conduct studies on aspects of the proposed lease sale. These groups included the Joint Select Committee on Marine and Ocean Resources and the University of Washington Sea Grant program. The Joint Select Committee on Marine and Ocean Resources developed proposed legislation.

Finally, if the 1992 lease sale is held, oil is found, and production takes place, the oil could be shipped from the production platforms to locations within the state by pipeline. Under Washington's current system, pipelines of different diameters and lengths are regulated under different statutes and by different agencies.

Summary: Any vessel over 300 gross tons that transports oil over Washington State waters must establish evidence of financial responsibility to meet liability to the state for actual cleanup costs, civil penalties, and natural resource damages. Financial responsibility must be for either $1 million or $150 per gross ton of vessel, whichever is greater, and may be established through insurance, surety bonds, self–insurance, or other method approved by the Department of Ecology.

Barges or tank vessels transporting oil as cargo must maintain evidence of financial responsibility on board and file it with the Department of Transportation. Other vessels must carry the certificate issued by the United States Coast Guard which evidences compliance with the federal requirements for financial responsibility.

The Secretary of Transportation is to suspend the privilege of operating the vessel in state waters where such financial responsibility is not maintained. The owner or operator of a vessel not in compliance with the act may be subject to civil penalties not exceeding $10,000.

At least until July 1, 1995, a moratorium is placed on oil and gas tract leasing of Washington marine waters. These waters, as well as the waters of Grays Harbor, Willapa Bay, and those downstream from the Columbia River's Longview bridge, are defined as tidal and submerged lands. Agencies and committees described in this act will investigate uses of Washington marine resources and update shoreline master plans accordingly. Based upon the information, the 1995 Legislature will determine whether or not to continue the moratorium.

Underlying the studies, master plan updates, and future lease decisions are criteria giving renewable resources priority over nonrenewable ones. The criteria are as follows: proof of significant national and state need for the resource; no reasonable alternative; no long–term adverse impact on marine resources; reasonable steps to avoid adverse environmental impacts; steps to minimize adverse economic impacts to fishing, tourism, and navigation; compliance with state, community and federal regulations; sufficient performance bonding for site rehabilitation; and compensation to mitigate adverse impact on coastal resources. Unless information suggests otherwise, these criteria will not apply to fishing or current commercial marine resource practices.

By April 1990, with the assistance of the Department of Ecology, state and coastal governments will finalize ocean use guidelines and policy. Revised shoreline master plans must be submitted to the department by the end of June 1991.

The joint select committee will continue until September 1994. It will complete its original task and undertake new ones including analyzing the use of the Energy Facilities Site Locations Act for making decisions on onshore energy facilities.

By September 1994, with direction from the joint select committee, the Departments of Natural Resources and Ecology will conduct a legislative study on all aspects of state aquatic land oil and gas leases.

Up to $180,000 is appropriated to the Department of Ecology, of which up to $120,000 will go to the coastal governments for shoreline master plan updates. The joint select committee will receive up to a $100,000 appropriation for its continuing role in meeting the 1994 deadlines. Appropriations will be minimized by any available federal grants.

It is the state's policy to conserve liquid fossil fuels and to seek alternate methods of encouraging such conservation. By September 1994, the State Energy Office will prepare a legislative report on the state's liquid fossil fuel supply, demand and conservation strategies.

Recognizing the states's role in federally–managed offshore marine resource use, the Department of Ecology will fully consult with state agencies, coastal governments, the public and tribes prior to responding to federal coastal zone management consistency certifications.

Appropriation: $280,000

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	42	0	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

SB 5329

C 170 L 89

By Senators Lee, Warnke, Matson and Smitherman; by request of Department of Licensing

Establishing a master license delinquency fee.

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

Background: Delinquency fees for late master license applicants are currently determined by formula set forth in statute. No maximum delinquency fee is set forth. An applicant with a large master license renewal fee has the potential to pay more in penalty than an applicant with a minimal renewal fee, even though both are late to the same degree. The Department of Licensing feels that this is inequitable.

Summary: A maximum delinquency fee of $150 is established.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: July 23, 1989

SSB 5348

C 172 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senator Owen)

Relating to the regulating of fishing.

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

Background: Commercial bottom trawling for food fish and shellfish often disturbs the water bottom and can negatively affect commercial and recreational fishing opportunities.

Summary: Commercial bottom trawling for food fish and shellfish is unlawful in all areas of the Hood Canal south of the mouth of the canal, in the central Puget Sound east of Whidbey and Camano Islands, and in all Sound areas south of a line drawn from Foulweather Bluff to Double Bluff.

Votes on Final Passage:

Senate	43	5
House	94	3

Effective: July 23, 1989

SSB 5350

C 174 L 89

By Committee on Law & Justice (originally sponsored by Senators Newhouse, Talmadge and Madsen; by request of Administrator for the Courts)

Providing for appointment of mental health commissioners.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Washington State Constitution authorizes each county to appoint up to three court commissioners to perform the same duties as a judge. The Legislature can create additional commissioner positions which are different from the position authorized in the Constitution. The office is different if the duties and powers are limited.

At the present time mental health hearings are handled by superior court judges or commissioners. Over the past five years, there has been a 40 percent increase in the number of mental health proceedings. Several counties have been unable to meet the increased workload with their current judicial staff. The Superior Court Judges' Association believes that mental health commissioners are needed as a result of the increased workload.

Summary: Superior courts are authorized to appoint mental health commissioners, investigators, and staff to assist the court in handling mental health cases. Duties and powers of the mental health commissioner are specified. The county legislative authority is required to approve the creation of the mental health commissioner positions. The mental health commissioner must be an attorney.

The position may be full–time or part–time and the commissioner may be appointed to perform the duties of another limited court commissioner position, such as a family court commissioner position.

Votes on Final Passage:

Senate	48	0	
House	96	1	(House amended)
Senate	40	0	(Senate concurred)

Effective: July 23, 1989

SSB 5352

PARTIAL VETO

C 19 L 89 E1

By Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard and Rasmussen; by request of Governor)

Making appropriation for the 1989–91 biennium.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: The state government operates on the basis of a fiscal biennium that begins on July 1 of each odd–numbered year.

Summary: The state omnibus operating appropriations act for the 1989–91 fiscal biennium is enacted.

Appropriation: $12,468,000,000 from the state general fund

Votes on Final Passage:

Senate	27	20	
House	60	35	(House amended)
Senate			(Senate refused to concur)
First Special Session			
Senate	25	22	
House	60	28	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	88	6	
Senate	41	4	

Effective: July 1, 1989

Partial Veto Summary: Thirty–three sections or subsections were vetoed. (See VETO MESSAGE)

SB 5353

C 88 L 89

By Senators Johnson, Pullen, Vognild, von Reichbauer, Matson, West, Warnke, Gaspard, Bailey, Moore, Rasmussen, Madsen, Wojahn, Nelson, Lee, Kreidler, Conner, Thorsness, Owen, Metcalf, Stratton, Smitherman, Williams, McMullen, McCaslin, Saling, Newhouse, Hansen, Anderson, Talmadge and Sutherland

Revising provisions for continued service credit for disabled law enforcement officers and fire fighters.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: Members of the Law Enforcement Officers' and Fire Fighters Retirement System first employed on or after October 1, 1977 (LEOFF II), who are temporarily disabled in the performance of duty, are provided with disability leave supplements if they qualify for industrial insurance. This supplement, discounting payments from industrial insurance, is in the amount of the compensation the member would have received while on active duty. Fifty percent of the supplement is charged against the accrued paid leave of the member, and 50 percent is paid by the employer. If the member has no accrued paid leave, only the employer portion is received. The member, however, does not receive service credit under LEOFF II during this period of disability.

Summary: A member of LEOFF II who becomes disabled in the line of duty on or after the effective date and who receives the disability leave supplemental benefit shall receive or continue to receive service credit. Conditions for receipt of service credit are as follows: (1) the member may not receive more than one month of service credit in a calendar month or service credit for more than six consecutive months; (2) the member is neither separated from service nor separated without leave of absence; (3) the employee, employer and the state pay the necessary contributions at the rate in effect for the period of the service credit; (4) the contributions are based on the member's active service compensation; and (5) the granting of such service credit is not a contractual right.

A member who became disabled prior to the effective date may receive service credit for the period of disability, subject to the same conditions and limitations. To receive the service credit the member must apply to the Department of Retirement Systems no later than December 31, 1991, and must agree to have the employer withhold the necessary contributions, plus interest, from the member's compensation.

A member receiving industrial insurance who is not receiving the disability leave supplemental benefit is deemed to be on unpaid, authorized leave of absence.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: July 23, 1989

SSB 5357

C 323 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Moore, Rasmussen, Matson and Johnson; by request of Insurance Commissioner)

Defining insurance education provider and establishing requirements for such providers.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Every applicant for an insurance agent, broker, solicitor, or adjuster license must first pass an examination before obtaining the license. Oftentimes people in preparation for taking the examination attend classes.

The Insurance Commissioner is required to establish minimum continuing education requirements for the renewal or reissuance of an insurance agent's or broker's license. The courses used for the satisfaction of the continuing education requirements must be approved by the commissioner. The actual providers of continuing education classes or the providers of prelicense classes do not have to be approved by the commissioner. Situations have occurred where the teachers of prelicense exam classes have removed or copied questions from the exam and provided them to people enrolled in their classes. There is no specific prohibition against this practice.

The commissioner currently has the authority to fine licensees for each offense in an amount of not less than $50, nor more than $500, for the maximum total of $1,000. There is no authority provided the commissioner to fine individuals providing insurance education.

Summary: It is unlawful for an unauthorized person to remove, reproduce, duplicate or distribute questions used to test agents, brokers, solicitors or adjusters for licensing. An insurance education provider may create and use sample test questions in teaching an approved course. The licensing examination must be sufficiently difficult so as to reasonably assure that passage indicates the applicant is qualified with regards to knowledge and education.

Insurance education provider is defined so as to include an insurer, health maintenance organization, professional association, educational institution created by statute, licensed vocational school or an independent contractor to whom the commissioner has given authority to conduct courses satisfying continuing education requirements. Approval of the commissioner to conduct insurance classes may be granted only if the educator demonstrates the ability to conduct classes and certify completion.

The authority of the commissioner to fine licensees is extended to allow the commissioner to fine insurance education providers. The amount of the fine is specified as not more than $1,000.

If a finding is made by the commissioner or a court that an insurance education provider has violated any statute or regulation pertaining to insurance education, the provider must pay the cost of the investigation. Reasonable attorney's fees may also be awarded.

Insurance education providers must post a bond, cash deposit or letter of credit no greater than $5,000 for the first course approved and $1,000 for each additional course. Proceeds from the bond, deposit or letter of credit inure to the commissioner for payment of investigation expenses and/or fines.

The commissioner may require information regarding course curricula, faculty and attendance monitoring. The commissioner may grant approval to providers to conduct and certify completion of continuing education and prelicense classes. The commission may not deny approval to a provider on the grounds that the method of education employs nontraditional teaching techniques. The commissioner may require that a licensed agent with appropriate experience be on the premises when instruction is offered.

Votes on Final Passage:

Senate	46	1	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 1, 1989

SSB 5362

C 120 L 89

By Committee on Health Care & Corrections (originally sponsored by Senators West, Talmadge, Niemi, Smith, Johnson, Kreidler, Wojahn and Anderson)

Regulating the administration of antipsychotic medications.

Senate Committee on Health Care & Corrections
House Committee on Human Services

Background: State law provides no procedures which define the rights of mentally ill persons regarding the involuntary administration of antipsychotic medications. Antipsychotic medications include drugs used to

treat serious mental illness associated with thought disorders.

In July 1988, the Washington State Supreme Court, in Harper v. State, decided that antipsychotic medication is an invasive medical procedure and may not be administered involuntarily without a court hearing and specific determination that there is a compelling state interest in overriding the patient's will.

The ruling has been generally interpreted to make questionable the involuntary administration of antipsychotic medications in emergency situations involving persons who are believed to be a danger to themselves or others. In addition, it is interpreted to require a separate hearing on the involuntary administration of antipsychotic medications, even for persons already involuntarily committed for psychiatric treatment.

Summary: Protection of the public safety is declared as one of the purposes of the Mental Health Involuntary Treatment Act.

A person may refuse shock treatment and the administration of antipsychotic medication. However, a court may order such treatments if: it finds by clear, cogent and convincing evidence that there is a compelling state interest in so doing; the proposed treatment is necessary and effective; and medically acceptable alternatives are not available, have not been successful, or are not likely to be effective.

If the person is unable to make a rational and informed decision in these matters, the court shall make a substituted judgment for the patient.

The person is granted the right to a hearing, to be present, to present evidence and other due process rights.

Court orders for the involuntary administration of antipsychotic medication are effective for periods of commitment.

Antipsychotic medication may be administered involuntarily to persons detained or committed under the Involuntary Treatment Act, if the person presents an imminent likelihood of serious harm to himself or others, if persons responsible for the person's treatment determine that alternatives are not available, or will not be effective, and if they determine that an emergency exists which requires treatment before a court hearing can be held.

In the case of such emergencies, a petition authorizing the administration of antipsychotic medication must be filed on the next judicial day. A hearing must be held on the petition within two judicial days.

The requirement that physicians complete medical examinations on persons detained in evaluation and treatment facilities is modified to allow physician assistants or nurse practitioners to assist in completing the examinations.

Gender specific terminology is deleted.

Provisions governing the administration of antipsychotic medication and shock treatment are extended to minors according to Chapter 71.34 RCW.

Votes on Final Passage:

Senate	40	5	
House	94	2	(House amended)
Senate	39	5	(Senate concurred)

Effective: April 20, 1989

SB 5368

C 160 L 89

By Senators Nelson and Bender; by request of Legislative Transportation Committee

Changing the criteria for determining priority for urban arterial improvement projects.

Senate Committee on Transportation
House Committee on Transportation

Background: In 1988, the Transportation Improvement Board (TIB) was established and directed to develop criteria for roadway projects to be funded by the newly established transportation improvement account. Criteria for funding includes multi–agency projects, those projects addressing congestion caused by economic development, local matching funds, and multi–modal solutions.

The urban arterial program is also administered by the TIB. This program was established in 1967 to assist urban areas with the improvement of arterial roadways. Urban arterial trust account (UATA) funds are apportioned to projects by region of the state and by function or class of arterial.

The allocation of UATA funds to projects submitted by cities and counties is based on five roadway criteria: (1) structural ability to carry loads; (2) capacity to move traffic; (3) alignment and geometric characteristics; (4) accidents; and (5) fatal accidents. These criteria do not presently take into account use of a facility or corridor by high–capacity vehicles.

A Joint Subcommittee on Public Transportation of the House and Senate Transportation Committees recommended that the criteria for allocation of urban arterial improvement projects be refined to include the person–carrying capacity of an arterial in addition to the measure of its capacity to move traffic.

Summary: The criteria by which urban arterial projects are prioritized for funding by the Transportation

Improvement Board is to include consideration of the person–carrying capacity of the facility as improved.

Votes on Final Passage:

Senate	45	0
House	96	0

Effective: July 23, 1989

SSB 5369

C 294 L 89

By Committee on Economic Development & Labor (originally sponsored by Senators Bluechel, Warnke, Smith, Lee and von Reichbauer)

Increasing mobile home space availability.

Senate Committee on Economic Development & Labor
House Committee on Housing

Background: During the past decade an increasing percentage of new residential construction, particularly in the lower price quadrant, is supplied by mobile or manufactured homes. Many of these homes are placed in mobile home parks on leased spaces by the owners of the home. Mobile home owners, particularly those who lease spaces in parks, have come to the Legislature consistently over the past 10 years to call attention to a declining availability of rental spaces and an escalating rent level that consistently increases faster than general inflation.

Lack of state regulation, local zoning practices, and high land and development costs have been cited as causes of these problems.

Summary: The Office of Mobile Home Affairs within the Department of Community Development is given additional tasks: to develop recommendations to increase the availability of mobile home park spaces; to stabilize rent levels through traditional market forces of supply and demand; and to allow senior citizens to continue living in their mobile homes including the possibility of direct subsidies.

A mobile home space availability task force is established to assist the Office of Mobile Home Affairs in accomplishing these tasks.

The task force is composed of four legislators, two representatives of park owners, two representatives of tenants, and two representatives of local governments.

Votes on Final Passage:

Senate	43	2	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 23, 1989

SB 5370

C 83 L 89

By Senators Gaspard and Bailey

Regarding school self–study.

Senate Committee on Education
House Committee on Education

Background: The Legislature requires that each school district board of directors develop schedules and processes for each school within their jurisdiction to conduct a self–study every seven years. The self–study process must focus upon the quality and appropriateness of the school's educational program and the results of its operational effort. Primary emphasis must be placed on achieving educational excellence and equity, building stronger links with the community, and reaching consensus upon educational expectations through community involvement and corresponding school management.

Summary: Each school district's biennial self–study report must include information about how the district and each school within the district has addressed the issue of class size and relevant staffing patterns.

Votes on Final Passage:

Senate	47	0
House	54	43

Effective: July 23, 1989

2SSB 5372

C 393 L 89

By Committee on Ways & Means (originally sponsored by Senators Bluechel, Moore, Nelson, Conner, Owen and Talmadge)

Revising laws concerning recreational boating.

Senate Committee on Environment & Natural Resources and Committee on Ways & Means
House Committee on Natural Resources & Parks
House Committee on Appropriations

Background: Pollutants entering state waters from boats and marinas have been identified as a significant source of nonpoint pollution. In 1985 the Department of Ecology estimated that throughout Puget Sound the contribution of sewage from recreational boats was equivalent to that from a city of 100,000 discharging primary treated sewage. Some studies have shown that

watercraft concentrated in marinas or coves or bays for several days can have noticeable short–term effects on the number of bacteria in the aquatic environment. Sewage discharges from boats in small bays of Puget Sound may cause problems due to large concentrations of boats with overnight moorage, smaller water volumes to dilute the wastes, and the shellfishing which takes place in such shallow waters.

It is estimated that only about 10 percent of registered vessels are equipped with installed toilets. Many others have portable toilets which do not discharge overboard unless dumped over the side. The great majority of boats that are equipped with sanitation devices require access to pumpout facilities. At the direction of the Puget Sound Water Quality Authority, a Boater's Taskforce was formed in 1987 consisting of state agencies, boating groups and others to explore the need for pumpout facilities at existing and new moorage facilities on Puget Sound. The Taskforce was also to design an education program to encourage proper waste disposal by recreational boaters.

Washington currently has a boating accident fatality rate that is more than double the national average. The State Parks and Recreation Commission administers a boating safety education program. In 1987 the Legislature directed the State Parks and Recreation Commission to review state boating safety efforts, in light of the high numbers of boating accidents on Washington waters. State Parks, working with the Boater's Taskforce, has identified additional educational measures which may decrease such accidents.

Summary: The State Parks and Recreation Commission is to review existing literature and studies regarding polluted and environmentally sensitive waters in the state. Marinas located in such areas, or marinas with 125 or more slips where pumpout facilities are not located within a reasonable distance, may be designated as appropriate for state funding support for the installation of sewage pumpouts or dump stations. Other marinas may also be designated based upon specified criteria.

Funding for installation of pumpout or dump station facilities shall be provided to marinas through contracts with the commission. Contracts may be awarded to publicly owned, tribal, or privately owned marinas. Eligible costs for reimbursement include purchase, installation, major renovation, utility connections, necessary pier or dock space, or other costs determined by the commission. Ownership is to be retained by the state in private marinas, and by the administering local public entity with respect to public marinas.

Facilities installed must be accessible for public use free of charge for at least a ten–year period. The applicant must also agree to pay a fee for periodic inspection by the local health department, and to encourage public use of the pumpout facilities. The Department of Ecology is to develop criteria for design, installation and operation of the facilities.

The commission is to conduct a statewide boater educational program regarding proper waste disposal methods. Grants are to be awarded to local governments for boater environmental education or boat waste management planning.

Until June 30, 1995, watercraft excise tax revenues above $5 million annually, but not exceeding $6 million, may be used for the grants program. The amounts allocated are to fund: (1) public recreational waterway access (30 percent); (2) sewage pumpouts or dump station installation (30 percent); (3) state and local agencies enforcement and boating safety programs (25 percent); and (4) public schools, public entities or other nonprofit community organizations for boating safety and environmental education programs (15 percent).

Vessel registration fees above $1.1 million annually are to be allocated by the State Treasurer to counties for boating safety and law enforcement, based upon the number of registered vessels per county and upon approval by the commission of the local boating safety program.

Fisheries' patrol officers may enforce watercraft registration and safety laws, and the Department of Fisheries is to report by 1992 on the costs of and revenues from such enforcement actions.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	97	0
Senate	46	0

Effective: July 23, 1989

SSB 5373

PARTIAL VETO

C 6 L 89 E1

By Committee on Transportation (originally sponsored by Senators Patterson, Bender, Nelson and Conner; by request of Governor)

Making transportation appropriations for the 1989–91 biennium.

Senate Committee on Transportation

House Committee on Transportation

Background: The Legislature must make biennial appropriations for each agency's operating budget and capital improvements. The transportation budget provides funding for the agencies and programs supported by transportation revenues.

Summary: The state transportation agencies omnibus capital and operating appropriations act for 1987–89 and 1989–91 fiscal periods is enacted.

The $2.0 billion budget is 6.4 percent below the Governor's proposal and 4.6 percent above 1987–89. It is less than the growth of inflation. Highlights of the budget include the following:

For the Traffic Safety Commission, $1.2 million is provided for the continuation of 16 DWI programs throughout the state.

For the County Road Administration Board, current level funding is provided.

For the Transportation Improvement Board, current level funding for the urban arterial program is provided but there is no funding for the transportation improvement program created in 1988.

For the Washington State Patrol, the following are provided:

- Restoration of the 1.2 percent cut made by the Governor of $1.8 million;
- 28 additional traffic troopers for $2 million;
- Expansion of the Vehicle Identification Number (VIN) program for $.6 million;
- 15 additional commercial vehicle enforcement officers for $1.3 million;
- Expansion of the license fraud program for $.6 million;
- $.6 million for an additional five tow truck inspectors;
- $2.3 million for 3 percent salary increase, effective January 1, 1990 and January 1, 1991, in addition to any increase in the omnibus budget;
- $.1 million for headquarters planning ($24 million was requested for construction of a facility) and $.3 million is added for cost of repairs to existing aircraft since the agency request for $1.8 million for a new airplane was not granted.

For the Department of Licensing, the following are provided:

- Restoration of the 1.2 percent cut made by the Governor for all department divisions except Management Services – $1.1 million;
- $7.0 million for completion of County Auditors Automated Program;
- $.4 million for front license tab;
- Two additional driver license stations (Marysville, Bothell);
- $.2 million for a new motorcycle awareness program (paid for by increased motorcycle fees);
- $3.6 million for new, self–supporting commercial driver's license program.

The following are provided for the Department of Transportation – Marine Division:

- $3.6 million is appropriated for additional services for Edmonds/Kingston and Anacortes/San Juan routes. Additional passenger–only vessel, terminal, and service increases are not provided.

The following are provided for the Department of Transportation – Highways:

- Highway preservation and interstate completion are continued at the current level. The added capacity program, "Cat C," comes to an end.

The following are provided for the Department of Transportation – Other Programs:

- $.8 million for further development of the Transportation Executive Information System;
- $2.0 million for completion of the central accounting system;
- $3.6 million to DOT operating programs to recover the across the board 1.2 percent reduction taken by the Governor.

Votes on Final Passage:

Senate	41	5
First Special Session		
Senate	26	19
House	82	12

Effective: May 20, 1989

Partial Veto Summary: The Governor vetoed sections 6(3), 9(3), 10(3) and (4), 12(1) and (2), 28(6), 38, and 67. The effect of these vetoes includes:

- Elimination of the requirement that all users of State Patrol aircraft be charged a pro rata operating, maintenance and capital cost;
- Elimination of two budget/policy analyst positions for the Department of Licensing;
- Elimination of the transfer of all unexpended public safety and education account monies to the highway safety fund;
- Elimination of the requirement that the Department of Licensing provide a project management plan for the integration of the driver and vehicle computer systems;
- Elimination of the requirement that $.3 million of appropriation authority granted to the Department of Licensing be used exclusively

for additional data storage capacity and implementation of the federal odometer act;
Elimination of the requirement that the Attorney General submit an annual report regarding each transportation related tort claim;
Elimination of the lid on revolving fund charges to those levels assumed in development of the budget;
Repeal of the tie between passage of HB 1825 and the high capacity transportation account appropriation.
(See VETO MESSAGE)

2SSB 5375

PARTIAL VETO

C 350 L 89

By Committee on Ways & Means (originally sponsored by Senators Pullen, Talmadge, Owen, McMullen, Thorsness, Madsen, Sutherland, Gaspard and Benitz)

Establishing a DNA identification system.

Senate Committee on Law & Justice and Committee on Ways & Means
House Committee on Judiciary
House Committee on Appropriations

Background: Deoxyribonucleic acid (DNA) is an organic substance found in the chromosomes that are structures within the nuclei of cells. DNA provides a biological blueprint for individual human beings.

Through a genetic typing technique first used in a crime investigation three years ago by Alec Jeffreys, a geneticist at the University of Leicester, information is obtained that creates an individual's unique DNA print.

Basically, the procedure Jeffreys developed involves chopping up the DNA that makes up the genes found in cells, marking the fragments with radioactive markers and propelling them with an electrical current through a gel. The unique individualized "print" is the set of tracks made by the DNA fragments, which travel different distances based upon their electrical charge.

It is believed that such prints are more useful than standard fingerprints because of their unique character, and because they enable forensic scientists to identify suspects using semen, bloodstains, hair and skin tissue.

Summary: The Washington State Patrol, in consultation with the University of Washington School of Medicine, is required to develop a plan for and implement a DNA identification system and report to the Legislature by November 1, 1989. The report is to include a time line for implementing each stage of the system, a cost/purchase analysis, a vendor bid evaluation, a local agency financial participation analysis and a space location analysis.

An oversight committee is established and is to recommend to the Legislature by November 1, 1989, specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification data. The rules and procedures are to be designed to protect the privacy interests of the affected parties. The oversight committee is composed of the Chief of the Washington State Patrol, forensic evidence, biomedical ethics, and civil liberties experts, and four legislators from the House of Representatives and four legislators from the Senate.

After July 1, 1990, individuals convicted of felony sex offenses and violent offenses are to have a blood sample drawn for purposes of DNA identification analysis and the prosecution of sex offenses and violent offenses.

The State Patrol in consultation with the University of Washington School of Medicine may: (1) after July 1, 1990, provide DNA analysis services to Washington law enforcement agencies; (2) provide assistance to law enforcement and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and (3) provide expert testimony in court on DNA evidentiary issues.

No local law enforcement agencies may establish or operate a DNA identification system unless it is compatible with the state system and complies with the procedures and rules applicable to the State Patrol DNA identification system. An exception is provided to allow local law enforcement agencies to use DNA identification analysis in individual cases to assist law enforcement and prosecutors in the preparation and use of DNA evidence in criminal cases.

Any federal funds which may be available for the DNA identification system must be spent prior to expending state funds.

The measure is contingent upon funding in the state budget.

Appropriation: $610,000 for the biennium ending June 30, 1991.

Votes on Final Passage:

Senate	40	0	
House	96	1	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	97	0	
Senate	47	0	

Effective: July 23, 1989

Partial Veto Summary: The oversight committee which was created to recommend specific rules and procedures for the collection, analysis, storage, expungement and use of DNA identification data is removed from the legislation.
The provisions requiring the Washington State Patrol, in cooperation with the University of Washington School of Medicine, to develop a program for the proper administration and collection of blood samples are also removed from the bill. (See VETO MESSAGE)

SB 5381

C 405 L 89

By Senators Sellar, Talmadge, Thorsness, Moore, Newhouse, Anderson, Lee, Saling, Amondson, Cantu, Rasmussen, Nelson, McMullen, West, Craswell and Barr

Increasing penalties for vehicular homicide due to drunken or reckless driving.

Senate Committee on Law & Justice
House Committee on Judiciary
House Committee on Appropriations

Background: A person is guilty of vehicular homicide when the death of a person occurs as a proximate result of an injury caused by: (1) the driving of a vehicle while under the influence of intoxicating liquor or any drug; or (2) the operation of a motor vehicle in a reckless manner; or (3) the operation of a motor vehicle with disregard for the safety of others.

The crime of vehicular homicide is assigned to seriousness level VII pursuant to the Sentencing Reform Act. The standard range presumptive sentence for crimes included in seriousness level VII is 15–20 months.

Summary: Vehicular homicide while the driver is under the influence of intoxicating liquor or any drug or is operating a vehicle in a reckless manner is classified as a seriousness level VIII offense. The standard range presumptive sentence for crimes included in seriousness level VIII is 21–27 months.

The crime of vehicular homicide when caused by disregard for the safety of others remains classified within seriousness level VII.

Votes on Final Passage:

Senate	45	0	
House	96	1	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 23, 1989

SB 5393

C 115 L 89

By Senators Johnson, Niemi, West, Kreidler, Smitherman and Smith; by request of Higher Education Coordinating Board

Revising provisions for educational assistance for nurses.

Senate Committee on Health Care & Corrections
House Committee on Higher Education

Background: In 1988 the Legislature authorized the creation of the Conditional Nurse Scholarship Program for students enrolled in nurse training programs who declare an intention to serve in a nurse shortage area. Scholarships are available to students who attend nurse training and education programs at community colleges, vocational–technical schools, or universities in the state of Washington. Inadvertently, private colleges who offer nurse training programs were not included and students attending these colleges are not eligible to participate in the program.

Summary: Private colleges with nurse training programs are included as participating institutions in the Conditional Nurse Scholarship Program. Students enrolled in these programs are eligible to receive scholarships.

Votes on Final Passage:

Senate	47	0	
House	97	0	

Effective: July 23, 1989

2SSB 5400

C 205 L 89

By Committee on Ways & Means (originally sponsored by Senators Niemi, West, Kreidler, Wojahn and Talmadge)

Regarding mental health systems.

Senate Committee on Health Care & Corrections and Committee on Ways & Means
House Committee on Human Services
House Committee on Appropriations

Background: Deinstitutionalization, the advent of psychotropic medications and the expansion of civil rights protections for mentally ill persons during the 1960s and 1970s dramatically reduced state hospital populations. Washington might be housing as many as 10,080 persons in state hospitals had these trends not occurred.

In 1988, Washington's state hospital populations averaged 1,700 and community hospitals about 750. In 1984, Washington ranked 39th in the nation in the number of psychiatric hospital beds per 100,000 population; 66.7 as compared to a national average of 112.9.

Nursing homes and other community residential programs house an additional 3,500 to 4,000 mentally ill persons. Community mental health centers provide outpatient services to an estimated 60,000, many of whom meet much broader eligibility criteria.

The federal Omnibus Budget Reconciliation Act will result in a loss of several hundred nursing home beds for the mentally ill.

A recent report to the Legislature documents the shortage of residences and describes the current administration and delivery of other mental health services as fragmented, and overly focused on providing expensive acute care. The report recommends that the authority and responsibility for delivering mental health services be decentralized to the local communities along with adequate funding to expand residential facilities and supports.

Summary: The Legislature intends to encourage the development of county–based mental health services by encouraging counties to enter into regional systems of care which integrate planning, administration, and service delivery for community mental health and involuntary treatment services. The Legislature intends that enhanced program funding for mental health services be made available primarily to counties participating in regional support networks.

A county or group of counties whose combined population is no less than 40,000 persons may enter into a joint operating agreement to form a regional support network (RSN). The RSN must develop and implement a plan to assume responsibility for planning, administering, and assuring the availability of mental health services for mentally ill persons within their area by July 1, 1995. Interim dates for the transition of certain responsibilities are specified. These responsibilities are to be assumed through contractual agreements with the Department of Social and Health Services (DSHS). The department may not determine the roles and responsibilities of counties within an RSN, but must assure that a single authority within the network has final responsibility for resources and performance under the contract.

An RSN must appoint a mental health advisory board to review and comment on all plans and policies developed under this act.

When RSNs are established, or on July 1, 1995, certain terms are redefined including "available resources," "community mental health program," "community support services," "mental health services," and "residential services." Mental health services will be redefined to include all services provided by the RSN including residential services.

Resource management services are defined as the responsibility of the RSN and mean the planning, coordination, and authorization of residential and community support services for those who are acutely or chronically mentally ill, and for those seriously disturbed individuals that the RSN finds to be at risk of becoming acutely or chronically mentally ill.

Counties seeking to form RSNs must submit their intentions regarding participation by October 30, 1989, or, if they wish to delay such designation, by November 30, 1992. DSHS must assume the responsibilities of an RSN by July 1, 1995 for areas of the state in which a county has not entered into a joint operating agreement to operate an RSN.

The implementation of the RSNs is to be included in all state and federal plans affecting the state mental health program. The first RSN may include a pilot project demonstrating the relationship between organic disease and mental illness.

The secretary must begin implementation of the RSNs between January 1, 1990 and March 1, 1990, and complete implementation by June 1995. By July 1, 1993, the secretary must allocate 100 percent of available resources to RSNs in a single grant. By July 1, 1995 allocation of funds shall be in a single grant for RSNs established during 1992. Up to that time, funds for establishing and operating evaluation and treatment facilities shall be allocated separately from other funds.

The secretary must report to the Legislature on the effects of federal Title XIX funds and the 16–bed limit on Institutions for Mental Diseases, on services for acute and chronic persons and those at risk of becoming so by December 1, 1989.

The secretary must have an adequate interim tracking system available for an RSN that will allow it to perform its responsibilities. The secretary shall establish a task force on recruitment and retention of qualified community mental health professionals and report to the appropriate committees of the Legislature by January 1, 1990.

By July 1, 1993 the first RSNs must be responsible for at least 85 percent of the acute care population within their boundaries who are subject to civil commitments of 17 days or less. Also by July 1, 1993, the first RSNs must administer a portion of the funds appropriated to state hospitals for care of those needing evaluation and treatment for up to 17 days in residential services, including in state hospitals. If state hospitals are used after this date, the RSNs must buy bed days at a rate equal to that indicated by the Legislature for that biennium. The duty of the state hospitals to accept persons for short term acute care is limited by the duties of the RSNs. The second wave of RSNs shall assume these responsibilities by July 1, 1995. RSNs with total population of less than 150,000 persons may contract with neighboring RSNs for evaluation and treatment services.

Requests by the RSNs for the utilization of state–owned land previously used for the care of the mentally ill shall be given first priority by the administering state agency.

The Legislature will receive DSHS studies on a proposed funding distribution formula and on administrative costs in 1993.

RSN contracts must include progress toward taking responsibility for short–term civil commitments, residential services and crisis services.

Chapter 71.05 RCW, the Involuntary Treatment Act (ITA) is modified to require RSNs to develop procedures for coordination between county–designated mental health professionals and resource management services.

Procedures are established regarding confidentiality of patient registration and treatment records which authorize the release of specific portions to patients, families, courts, corrections officials and persons providing care and treatment under the authority of state law. These procedures take effect with the establishment of RSNs or on July 1, 1995.

The Legislature intends to change the role of state mental hospitals from short–term acute care to care of the most difficult populations including mentally ill offenders and long–term care patients.

Advisory boards are created at each state mental hospital to monitor and review operations of the hospitals, to make recommendations to the Legislature and the Governor regarding implementation of the changing role of the state hospitals, and to advise on persons who might be selected as superintendent, if a vacancy occurs.

Institutes for the Study and Treatment of Mental Disorders are created at each state mental hospital to improve the training, recruitment and retention of staff, to engage in clinical research, and to encourage cross staffing of state hospitals and community programs, through joint operating agreements with state universities and institutions of higher education.

The Legislative Budget Committee is to complete a study plan for an evaluation of the implementation of this act. It must determine the progress of the first wave RSNs in meeting the requirement to serve 85 percent of their short–term commitments by 1993. The Department of Health, if created, or the Office of Financial Management is required to complete a review of rates paid to local hospitals for care of mentally ill persons.

Representatives from underserved populations are included on the state hospital boards and shall participate in developing the state's mental health plan.

Votes on Final Passage:

Senate	42	4	
House	94	2	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	97	0	
Senate	43	2	

Effective: May 3, 1989

SB 5403

C 144 L 89

By Senators McCaslin, DeJarnatt and Thorsness

Providing for greater cost efficiency in disposing of state surplus property.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Department of General Administration has the responsibility of disposing of all state–owned surplus personal property. The procedure for disposing of such property requires the Department of

General Administration to notify all other state agencies to determine whether they have a need for such property. If no other agency indicates a need, the property may be sold at a public or private sale.

It has been suggested that items of minimal value should be surplused locally if it is determined by the Director of the Department of General Administration to be in the best interest of the state.

Summary: The Director of the Department of General Administration is authorized to dispose of surplus state personal property, without prior notification to state agencies, if it is in the best interest of the state. The Division of Purchasing is to maintain records of all disposed property, including dates and methods of disposal, recipients, and approximate value.

Votes on Final Passage:

Senate	44	0	
House	96	1	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 23, 1989

SSB 5418

C 273 L 89

By Committee on Ways & Means (originally sponsored by Senators Johnson, Moore, Nelson, Hayner, Bailey, Lee, Metcalf and Talmadge; by request of Joint Committee on Pension Policy)

Altering pension funding.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: On an annual basis, the Office of the State Actuary performs what are known as "actuarial valuations." These valuations are required by the Law Enforcement Officers' and Fire Fighters Retirement System (LEOFF), Public Employees' Retirement System (PERS), Teachers' Retirement System (TRS) and Washington State Patrol Retirement System (WSPRS). These valuations are mathematical computations and procedures using various assumptions to determine the current assets and future liabilities of the respective retirement systems, as well as the contributions required of employers to fully fund the systems.

The assumptions used in a valuation may be classified under three categories: decremental or demographic, incremental and economic. The decremental or demographic assumptions (which reduce future liability) are the probabilities of retirement, disability, death and withdrawal of membership for reasons other than retirement, disability or death (turnover). The incremental assumptions (which increase future liabilities) are future membership growth and salary increases. Finally, the economic assumptions are future interest rates and inflation.

Each of these various assumptions acts as a discounting factor in determining the present value of future retirement liability. Of these three categories, generally the decremental assumptions have the greatest statistical accuracy and the economic assumptions have the least. The actuary preparing the valuations is solely responsible for the selection of these assumptions.

Within each five year period, the actuary is required by law to perform what is known as an "experience study." The experience study is a determination of the current validity of the assumptions used, given the funding policy and the experience of the system. From findings of the experience study, the actuary may revise the assumptions being used and may make recommendations on a change in the current funding policy.

Prior to its submission, the State Actuary recommends to the Governor the employer/state contribution rates, stated as level percentages of salary, to be used in the biennial budget to obtain full funding for LEOFF, PERS, TRS and WSPRS. The Governor, however, is not required to utilize that rate in the gubernatorial budget request nor is the Legislature required to use the actuary's recommendation in the adoption of the biennial budget.

LEOFF, PERS and TRS were divided into two tiers on October 1, 1977. Membership in these systems is statutorily distinguished by indicating whether the employee was first employed prior to, on, or and after this date. In written or verbal communications, they are distinguished as "Plan I" for those first employed prior to October 1, 1977, and "Plan II" for those first employed on or after this date.

The unfunded actuarial accrued liabilities (commonly known as the "unfunded liabilities") of LEOFF I, PERS I and TRS I are to be amortized by the years 2010, 2014 and 2026, respectively. The amortization period for WSPRS is a "rolling 40 years"; that is, it is always 40 years from the most recent valuation. By statutory definition, LEOFF II, PERS II and TRS II may not incur unfunded actuarial accrued liability because the members and the employers automatically share equally in all costs of the Plan II portion of the respective system.

Summary: Beginning September 1, 1990, the basic state contribution rate for LEOFF and the basic employer contribution rate for PERS, TRS and

WSPRS are established by law and required to be utilized in the Governor's request bill and the appropriations act. These rates (expressed as a percentage of the total salary of the system's membership) will be 16.88 percent for LEOFF, 7.1 percent for PERS, 12.6 percent for TRS, and 21.47 percent for WSPRS. These rates will be billed for both Plan I and Plan II membership except, upon receipt, the first dollars received will be used to assure the full funding of the Plan II portion of LEOFF, PERS and TRS, and the remaining amounts going to the Plan I portions of LEOFF, PERS and TRS.

A supplemental employer contribution rate for benefits enacted after January 1, 1990, as determined by the State Actuary, is also authorized. The payment of this rate may not be negated by a subsequently enacted statute which authorizes additional benefits.

The Economic and Revenue Forecast Council shall adopt the economic assumptions (i.e., interest rates and inflation) used by the State Actuary in conducting valuation studies of the state retirement systems. Beginning September 1, 1989, and every six years thereafter, the State Actuary shall submit to the council information regarding the experience and financial condition of each of the state retirement systems. After review of this information, the council shall recommend to the Legislature any revisions to the respective basic employer rates it deems necessary to amortize the unfunded liabilities of LEOFF, PERS, TRS and WSPRS by 2024 and to continue to fully fund the Plan II portions of LEOFF, PERS and TRS.

The informal terms of "Plan I" and "Plan II" are formalized in the statutory definitions of LEOFF, PERS and TRS.

A number of sections of the Revised Code of Washington are repealed, including the provision of the revenue accrual account. The remaining sections repealed deal generally with the maintenance of actuarial data by the Department of Retirement Systems and the performance of the valuation and the experience study.

A severability clause is provided.

Votes on Final Passage:

Senate	43	5	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: May 8, 1989 (Sections 1–12, 14–16, 19–21, 24, 26, 29–32)
September 1, 1990 (Sections 13, 17, 18, 22, 23, 25, 27, 28)

SSB 5419

C 147 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senators DeJarnatt, Metcalf and Sutherland)

Allowing Oregon charter boats to fish in Washington waters.

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

Background: Charter boats take recreational fishermen to the waters off the states of Oregon and Washington. The salmon catch is managed for an area which includes the offshore waters of both states and the catch is allocated toward salmon quotas. Charter boats from Oregon may not fish in the waters in the north part of this area from the Columbia River to the tip of Ledbetter Point since there is a charter boat license moratorium in Washington. Washington operators can fish in the area below the mouth of the Columbia since they can obtain an Oregon charter boat fishing license. In order to provide equity and to ensure that the state of Oregon does not retaliate against Washington charter boat fishermen, amendments to the salmon charter license and angler permit statutes have been recommended by boat operators in both states. The Oregon Legislature is considering similar legislation this session.

Summary: A charter boat licensed in Oregon may fish in Washington State waters from the southern border of the state to Ledbetter Point under the same regulations as Washington charter operators. Permission is limited by the requirement that the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The law will only take effect if Oregon has a reciprocal law.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	43	2	(Senate concurred)

Effective: July 23, 1989

SB 5440

C 111 L 89

By Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee

Regulating tow trucks.

Senate Committee on Transportation
House Committee on Transportation

Background: The Department of Licensing (DOL) and the Washington State Patrol (WSP) jointly administer the state's tow truck program. In 1985, DOL and WSP were given the authority to regulate impoundment and redemption of motor vehicles.

The Joint Subcommittee on Driver and Vehicle Programs of the Legislative Transportation Committee, the affected agencies and the industry recommend changes to the tow truck program.

Summary: The tow truck program is amended. RCW 46.61.563 is repealed and redefined in 46.55.

Each tow truck business location must have a sign, readable from the street, that displays the firm's name. Normal business hours are defined as 8:00 a.m. to 5:00 p.m. on weekdays, excluding weekends and holidays. Mail is to be received at business locations. Addresses of all storage lots are required. File keeping requirements for a "master log" are specified.

To be licensed, a tow truck operator must have an inspection form at the time of application. Specific identification of tow trucks is required on the application. Each tow truck must have its own permit. A decal is allowed in place of the paper permit. Failure to keep insurance in effect or cancellation of insurance automatically cancels the license.

Operators are prohibited from associating in any way with businesses whose main function is to authorize the impounding of vehicles. Language is added that prohibits collusion between a tow truck operator and a person who authorizes impounds.

Operators will notify all impounded vehicle owners of an impoundment. Such notice shall identify the person or agency authorizing the impound. Language is clarified as to who may not provide impound authorization. If an impound is in violation of this chapter, the district court shall enter a judgment of not less that $50 a day against the person or agency who illegally authorized the impound. Inclusion of vehicle impoundment language in local ordinances is mandated.

A new section for fees is added. Fees stated on the rate sheet must be adequate to cover services, and tow and storage service must be charged on an hourly basis.

A person determined and verified by the operator to have the permission of the registered owner of the vehicle may recover it. A person who stops payment on a credit card charge used to recover a vehicle is liable to the towing firm for twice the amount of the bill.

The required notice for auctions of unclaimed vehicles is to accommodate weekly newspaper schedules. Bidders at auctions must provide names, addresses and telephone numbers. Auction fees or a buyer's fee may not be charged.

All traffic infractions issued under this chapter are put into the court system. The Department of Licensing's administrative hearing authority is narrowed to licensing violations of this chapter but broadened to allow for a combination of administrative actions. Violations in this section are punishable as a traffic infraction, with a monetary penalty of not less than $250. Collusion is punishable as a gross misdemeanor.

The Department of Transportation's tow trucks are exempt from the immediate statutory authorization requirements.

A study is to be conducted by the Washington State Patrol and Department of Licensing to determine at what level the registration fees of tow truck operators should pay to cover the cost of the tow truck program.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 23, 1989

SSB 5441

C 178 L 89

By Committee on Transportation (originally sponsored by Senators von Reichbauer, Patterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee)

Licensing commercial drivers.

Senate Committee on Transportation
House Committee on Transportation

Background: Washington has one of the most extensive classified driver licensing systems. In 19 states, however, any person licensed to drive an automobile can also legally drive a tractor–trailer or a bus. No special training or special license is required, even though it is widely recognized that certain types of vehicles call for special skills, knowledge, training and other qualifications.

Some commercial drivers avoid possible license suspension or revocation for traffic law violations by holding driver licenses in more than one state.

The Commercial Motor Vehicle Safety Act of 1986 (Title XII, P.L. 99–570), enacted by Congress on

October 18, 1986, addresses these problems. It is illegal for an operator of a commercial motor vehicle (truck or bus) to have more than one driver license. The U.S. Secretary of Transportation is required to develop uniform standards for testing and licensing of operators of vehicles over 26,000 pounds gross vehicle weight rating (GVWR). Sanctions for states that do not implement the uniform national standards by September 30, 1993 are established. The Secretary, in cooperation with the states, is authorized to develop a clearinghouse to aid the states in implementing the one–license requirement, and record the issuance of a commercial driver license. Operator disqualifications are stipulated and financial grants to assist states in implementing the testing and licensing standards are provided.

Various forms of classified driver licensing have been adopted by 31 states. Some programs are less comprehensive than others, and the lack of uniformity hinders cooperative efforts to exchange information among the states. The purpose of the Commercial Motor Vehicle Safety Act is to accomplish that uniformity.

If not implemented, the state will lose 5 percent ($3.1 million) of federal aid construction funds by October 1, 1993 and 10 percent on October 1, 1994.

Summary: The laws regulating driver licensing are revised to meet the standards set by the Commercial Motor Vehicle Safety Act of 1986. All commercial and school bus drivers are required to be licensed under new federal standards by April 1, 1992. Farmers operating within 150 miles of their farm, fire fighters with certification and drivers of recreational vehicles are exempt.

The use of more than one driver's license is prohibited. Drivers are required to notify employers and the state of traffic law convictions in another state. Provisions for reporting of traffic violations in Canada are not effective until mandated by the federal government or until Washington enters into an agreement(s) with a Canadian province implementing the same standards for truck drivers as this act. Drivers are required to notify employers when a license is suspended, revoked, cancelled or when disqualified. They are required to pass knowledge and skill tests, and to pay exam fees.

The Department of Licensing may enter into agreements with other states, extend reciprocity to commercial drivers of other states, establish rules which carry out the intent of the federal and state act and grandfather drivers who meet specific criteria for the skill tests. The director of the Department of Licensing is allowed to establish third party testing for skill tests.

A commercial motor vehicle is defined as any vehicle with gross weight greater than 26,000 pounds. Disqualification offenses and requalification standards are established for commercial drivers. At the time of application to become a commercial truck driver, the applicant shall provide the employer with the previous ten–year employment history.

A commercial vehicle may not be operated by a driver with alcohol in the system. A 24–hour out–of–service is mandated when this occurs. An administrative proceeding is established to disqualify commercial drivers at a 0.04 blood–alcohol content level.

The state is required to complete a record check prior to issuing a classified driver's license (CDL) and to notify the national information system within ten days of issuing a CDL. State–to–state reporting of traffic infractions of commercial drivers is required.

The State Board of Education is granted authority to receive a copy of the driving record of school bus drivers. The Traffic Safety Commission is added to the list (Department of Licensing and State Patrol) of those who may obtain copies of driving record abstracts.

The split driving record (personal and job related) for commercial truck drivers is repealed, as are current endorsement laws used for commercial drivers. Penalties are provided for violations of driver and employer responsibilities.

Whenever a law enforcement officer writes a ticket for defective equipment, it shall be to the owner of the vehicle, unless the infraction is clearly within the responsibility of the driver. Whenever the owner is issued a ticket, the court may direct, at the request of the owner, that any person with involvement be made a codefendant. The court may dismiss the notice against the owner if the owner was not responsible.

Appropriation: $3.6 million is appropriated in the 1989–91 biennium from the highway safety fund

Votes on Final Passage:

Senate	46	2	
House	98	0	(House amended)
Senate	42	2	(Senate concurred)

Effective: October 1, 1989
April 1, 1992 (Sections 25, 26, 28, 32)

SSB 5443

PARTIAL VETO

C 337 L 89

By Committee on Transportation (originally sponsored by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee)

Making various policy changes in vehicle laws.

Senate Committee on Transportation
House Committee on Transportation

Background: At the request of the Legislative Transportation Committee, the Department of Licensing reviewed its statutes relating to vehicles and drivers and recommended changes to promote more efficient and cost–effective departmental operation.

Summary: Changes are made to the Department of Licensing statutes dealing with mobile homes, vehicle dealers, motorcycle instruction permits, motor vehicle wreckers, and driver schools.

New sections are added dealing with vehicle dealer consignment contracts and defining new types of vehicles.

The definition of "mobile home" is expanded and new definitions for "park trailer" and "travel trailer" are added. Changes are made concerning the required signatories to transfer title to a mobile home.

Temporary permits for vehicle dealers are limited to six permits per year. Consignors and listing sellers may proceed against a vehicle dealer bond; wholesale dealers are required to be bonded; the definitions of wholesale dealer and retail dealer are clarified; and vehicle dealers must disclose that a vehicle has been rebuilt from a total loss, if the dealer knew that fact. Listing sellers, consignees and motor vehicle dealer consignors cannot go against motor vehicle dealers surety bonds.

The requirement drivers notify the Department of address changes on a form provided by the Department is modified.

Persons who supervise motorcycle operators operating with an instruction permit must have five years of riding experience.

The department is authorized to issue criminal citations for enforcement of the Curbstoner Program.

Driving school instructors must requalify every five years. The "place of business" for a driving school is clarified.

The department is authorized to sell lists of motor vehicle registrations to businesses for commercial purposes.

Motor vehicle wreckers may lose their license if convicted of a crime related to the business of a motor vehicle wrecker within the last 10 years or if a judgment has been entered against the licensee within the last five years.

A committee is formed to study drivers license issuance.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
Conference Committee			
House	97	0	
Senate	47	0	

Effective: July 23, 1989
January 1, 1990 (Section 22)

Partial Veto Summary: Sections authorizing the Department of Licensing to furnish lists of motor vehicle registrations to businesses for commercial purposes, issue criminal citations to enforce the curbstoner program and directing a study of the drivers license issuance system are vetoed. (See VETO MESSAGE)

SB 5452

C 156 L 89

By Senators Nelson and Vognild

Raising vehicle license fees.

Senate Committee on Transportation
House Committee on Transportation

Background: The county auditors are the official agents of the Department of Licensing for the registration and renewal of all vehicle licenses. During the 1988 session of the Legislature, SB 6494 was passed which increased the vehicle license fees by $1 to cover increased administrative county auditor costs. However, truck and trailer license fees were not increased.

Summary: The filing fee for trucks and trailers is increased by $1.

Votes on Final Passage:

Senate	34	12
House	92	4

Effective: July 23, 1989

SB 5464

C 127 L 89

By Senators von Reichbauer, Moore, Johnson, Gaspard and McCaslin

Changing provisions relating to boxing and wrestling.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The State Boxing Commission is a regulatory agency composed of three gubernatorial appointees. It controls and supervises all boxing, wrestling, karate, sumo and judo events occurring in the state. It also regulates live, closed circuit telecasts of these events viewed in the state. The objective of the commission is to enforce licensure requirements.

Summary: Major Substantive Changes: The name of the commission is changed to the State Professional Athletic Commission.

A boxing promoter is required to file a bond in the sum of $10,000 with the commission conditioned upon faithful performance by the licensee of the provisions of the law, the payment of the taxes, the performance under all contracts, and the observance of all rules and regulations of the commission. Promoters are required to obtain medical insurance to cover injuries incurred by participants in an event.

Within seven days prior to a boxing contest or match, a promoter must file with the commission a statement setting forth the name of each licensee and his or her manager and such other information as the commission may require. Changes in the participants in a wrestling exhibition 24 hours prior to the exhibition may be allowed after notice to the commission if the new participant holds a valid license. The commission may stop any event in a wrestling exhibition if any participant is not licensed.

A contestant for a boxing match must be examined by a physician appointed by the commission eight hours prior to the contest. The commission may have a participant in a wrestling exhibition or show examined by a physician appointed by the commission prior to the exhibition or show. If the participant's condition is not approved by the examining physician, he or she will not be permitted to participate in the exhibition or show.

The referee for a wrestling exhibition or show must be provided by the promoter and licensed by the commission. The prohibition against fake boxing contests does not apply to wrestling but any licensee who violates any rule or regulation of the commission is subject to existing penalties. The requirement that a commission inspector be present at a wrestling exhibition or show is changed so that the commission is not required to have an inspector present at a wrestling exhibition but may do so.

Other Changes: The promoter of a wrestling exhibition or boxing contest must have an ambulance or paramedic unit present at the arena in case serious injury occurs unless one is located within five miles of the arena and that particular unit is on call for the event.

It is unlawful for a promoter to destroy any ticket stubs whether sold or unsold within three months after the date of any exhibition or show. The number of complimentary tickets to a boxing contest or wrestling exhibition is limited to 2 percent of the total tickets sold per event location and all complimentary tickets exceeding this amount are subject to taxation.

If a participant in a wrestling exhibition or show strikes any person that is not a licensed participant, it shall constitute grounds for suspension and/or revocation of the participant's license.

Participants and promoters are added to those who, if conducting or participating in a boxing contest or wrestling exhibition without first obtaining a license, are in violation of RCW 68.08 and are guilty of a misdemeanor.

Technical Changes: Terms such as "commission" and "promoter" are defined. "Wrestling exhibition" or "wrestling show" is defined as a form of sports entertainment in which the participants display their skills in a struggle against each other in the ring and either the outcome may be predetermined or the participants don't necessarily strive to win, or both. "Boxing" is defined as including, but not being limited to, sumo, judo, and karate in addition to fisticuffs, but does not include professional wrestling.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: April 20, 1989

SB 5466

C 246 L 89

By Senators McCaslin, DeJarnatt and Thorsness; by request of Insurance Commissioner

Removing an employee of the insurance commissioner from the building code council.

Senate Committee on Governmental Operations
House Committee on Housing

Background: Prior to 1985 the duties of the State Fire Marshal, including building inspections, were performed by the Insurance Commissioner. In 1985 the Legislature transferred the duties of the State Fire Marshal to a newly created State Fire Protection Board, which in 1986 became part of the Department of Community Development.

It has been suggested that the statutory requirement that an employee of the office of the Insurance Commissioner be on the State Building Code Council should be eliminated since the commissioner's office no longer has the responsibility to conduct building inspections.

Summary: The requirement that an employee of the office of the Insurance Commissioner be on the State Building Code Council is eliminated.

The 1955 statutes requiring counties to issue building permits is repealed. Counties, cities, and towns must transmit a copy of any permit issued under the State Building Code Act, where the cost of fair market value of the construction or alteration exceeds $500, to the assessor of the county in which the property is located. The building permit must contain the county assessor's parcel number.

The State Building Code Council is directed to adopt guidelines, by rule, establishing the type of construction or alteration work on single family residential or agricultural buildings that can be exempt from the permit requirements of counties, cities, and towns.

After June 30, 1990, counties, cities, and towns are authorized to exempt from the requirement to obtain a building permit, certain construction or alteration work on either single family residential or agricultural buildings or both. The permit exemption must be approved by a resolution or ordinance of the county, city, or town. The exemption is limited to activity where the total cost or fair market value of the construction or alteration work does not exceed $1,500. The construction or alteration work must meet the standards of the State Building Code.

Every month counties, cities, and towns are required to submit a copy of the U.S. Department of Commerce, Bureau of the Census' Report of Building or Zoning Permit Issued and Local Public Construction to the Department of Community Development.

The State Building Code Council's ex officio nonvoting membership is revised. The representative from the Insurance Commissioner's Office is removed from the State Building Code Council. In addition, two members of the House of Representatives, one from each caucus and two members from the Senate, one from each caucus, are appointed to the State Building Code Council as ex officio nonvoting members.

Any county of the seventh class that had in effect on July 1, 1985, an ordinance or resolution authorizing and regulating the construction of owner–built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county shall transmit a copy of the ordinance or resolution to the State Building Code Council.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	45	2	(Senate concurred)

Effective: July 23, 1989

SSB 5469

C 162 L 89

By Committee on Health Care & Corrections (originally sponsored by Senators Nelson and Talmadge)

Revising record release criteria for alcoholism treatment facility patients.

Senate Committee on Health Care & Corrections
House Committee on Human Services

Background: Registration and other records of alcohol treatment facilities are confidential and privileged to the patient. Truthful disclosure of such treatment is often required of a person applying for certain benefits, such as insurance coverage.

Some persons have fraudulently denied receiving such treatment, but allegations of fraud or perjury have been impossible to prove because the law does not allow the court to order disclosure.

Summary: State law is broadened to bring it into accordance with federal law regarding disclosure of confidential patient records from alcoholism treatment facilities.

A court may order a person's alcohol treatment records be disclosed after application showing good cause. The records may also be disclosed when the patient has given prior written consent, in cases of child abuse or neglect, and/or when a patient commits or threatens to commit a crime on program premises or against program personnel.

Votes on Final Passage:

Senate	47	0
House	95	0

Effective: July 23, 1989

SSB 5472
FULL VETO

By Committee on Transportation (originally sponsored by Senators Nelson, Bender, Barr and Conner)

Establishing vessel dealer exemptions to chapter 88.02 RCW.

Senate Committee on Transportation
House Committee on Transportation

Background: The Department of Licensing (DOL) is responsible for the administration of the state's vessel dealer laws.

At the time of registration, the department requires the applicant to file a $5,000 surety bond to insure compliance with the vessel dealer laws.

Summary: The Department of Licensing may exempt people from the vessel dealer laws who sell human–powered watercraft less than 16 feet in length, unable to be powered by a motor or the wind, and designed for use on navigable waters.

The DOL may also exempt retailers who sell vessels less than 10 feet in length that are capable of being powered by a motor of five or less horsepower.

At the time of registration, the applicant may establish a cash account in lieu of a surety bond. The applicant shall certify in writing to the department that he or she will conform to the vessel dealer laws.

Depository institutions are authorized to pay judgments against a vessel dealer's cash account. The depository institution shall notify the department within 20 days if any account is not maintained in proper status.

An obsolete statute which distributed monetary penalties from violations of the vessel dealers law is repealed.

Votes on Final Passage:

Senate	46	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

SSB 5474
PARTIAL VETO
C 358 L 89

By Committee on Law & Justice (originally sponsored by Senators Newhouse, Vognild and Talmadge; by request of Administrator for the Courts)

Requiring testing and certification of English language interpreters in court.

Senate Committee on Law & Justice
House Committee on Judiciary
House Committee on Appropriations

Background: Under current law, only interpreters for the hearing–impaired are certified. The law requires courts to provide interpreters for non–English speaking persons, but sets no standards for the interpreters.

Summary: Certified interpreters shall be used when a non–English speaking person is a party to a legal proceeding, is subpoenaed or summoned by an appointing authority, or is otherwise compelled by an appointing authority to appear at a legal proceeding. A qualified interpreter shall be used in all other situations.

The non–English speaking person may waive the right to a certified interpreter. The presiding authority may appoint an uncertified interpreter, upon finding good cause. Good cause for using an uncertified interpreter includes the unavailability of a certified interpreter.

The Office of the Administrator for the Courts (OAC) shall work with community colleges and other private or public educational institutions and organizations to establish a certification curriculum and training program. The programs shall be available in eastern and western Washington.

OAC shall create and consult with an advisory committee. The committee shall consider: (a) the certification standards and procedures; (b) the priority of languages in need of certification; and (c) whether an agency other than OAC ought to perform the certification duties.

The duties of language interpreters are specified. Additionally, technical changes are made deleting references to "language interpreters" from the statute governing hearing–impaired interpreters.

Votes on Final Passage:

Senate	44	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 23, 1989

Partial Veto Summary: The Governor vetoed section 9 of the bill which required OAC to create an advisory committee. The veto was based upon the structure of the committee, which did not include representatives of cities or towns, or OAC as advisory members. (See VETO MESSAGE)

SB 5480

C 95 L 89

By Senators Pullen, Fleming, Talmadge, Smitherman, McCaslin, Nelson, Niemi, Madsen, Rinehart and Lee

Clarifying the crime of malicious harassment.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In the past several years, there has been a steady increase in the number of incidents involving racial or religious harassment of Washington citizens. A report issued by the Northwest Coalition Against Malicious Harassment documents at least 42 cases of violence or destruction of property within the past 12 months which are directly attributable to racial or religious bias.

RCW 9A.36.080 provides that a person is guilty of malicious harassment if he or she maliciously and with the intent to intimidate or harass on the basis of race, color, religion, ancestry, national origin, or handicap, causes injury to a person or property. Malicious harassment is a class C felony, punishable by a fine of up to $10,000 and/or five years in prison. In addition to the criminal penalty, a person may also be liable in a civil action for actual damages to the victim and punitive damages of up to $10,000.

The following examples, consistent with those cited in the original floor debate in the Senate on March 20, 1981, illustrate some typical words or conduct which the Legislature intended to cover by the malicious harassment statute. These examples are by no means inclusive, and many other situations involving malicious harassment could be cited. The examples are for clarification purposes only and to help establish legislative intent. The Legislature does not condone the highly prejudicial and inflammatory words used in these examples, but the words will help to clarify the thrust and intent of the law.

1) A swastika is painted on the home of a Jewish family. This act constitutes a per se violation of the law because the property of the Jewish family was defaced with a swastika, and in addition to the defacement, a swastika is a symbol that traditionally connotes hatred or threats towards Jews.
2) A person drives past a family of Chinese ancestry and yells out the window of the car, "All Chinese better go back to China, or else they'll wish they had!" These words constitute a violation of the law because the perpetrator has maliciously harassed the victim in a way that is related to the victim's race and by oral communication has directed an implied threat to the victim and thereby has placed the victim in fear of harm to his person or property.
3) A cross is burned on the lawn of a Black family. This act constitutes a per se violation of the law. By tradition, the burning of a cross is a racially motivated action that is highly intimidating and represents a threat to the safety of the person or property of the victim. Moreover, it would make no difference if the family were of another race.
4) A Black person is walking along the street, and a person yells from the other side of the street, "I wish all Blacks would go back to Africa." These words, in and of themselves, do not constitute a violation of the law because the person was expressing a personal, though highly prejudicial point of view, and is not threatening harm to the Black person.

Several months ago, a youth who confessed to burning a cross on the lawn of an interracial family in Kitsap County was acquitted under the malicious harassment statute. The defense argued and the jurors apparently concluded that the statute applied only where the harassment was solely due to race. The jurors also interpreted the statute as applying only to organized hate groups and not to individuals.

In light of the present confusion regarding the proper interpretation and implementation of the malicious harassment statute, it is suggested that the current law be amended to clarify the Legislature's intent and purpose.

Summary: Clarifying language is added to the definition of malicious harassment.

Cross burning and defacement of property with symbols or words which traditionally or historically connote racial or religious hatred constitute per se violations of the malicious harassment statute.

The Administrator for the Courts is required to develop a malicious harassment educational training program for superior court and court of appeals judges and justices of the Supreme Court by July 1, 1989.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 23, 1989

SSB 5481

C 119 L 89

By Committee on Health Care & Corrections (originally sponsored by Senators West, Wojahn, Sellar and Vognild)

Including education and prevention services in the impaired physician program.

Senate Committee on Health Care & Corrections
House Committee on Health Care
House Committee on Appropriations

Background: The impaired physician program was passed by the Legislature in 1987. The program was established to provide treatment for physicians with alcohol, drug abuse and mental illness problems. The Medical Disciplinary Board is directed to contract with a committee to provide treatment, evaluate and verify suspected impaired physicians and provide post-treatment monitoring and support of impaired physicians. The program is financially supported through a $15 surcharge on the physician licensure fee.

Summary: The impaired physician program is expanded to include prevention and educational services in addition to treatment. The definition "impaired" is expanded to include other debilitating conditions. The surcharge fee is increased to $25 per license.

Appropriation: $270,000 from the health professions account to the Department of Licensing

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: April 20, 1989

SSB 5486

C 161 L 89

By Committee on Economic Development & Labor (originally sponsored by Senators McCaslin, DeJarnatt, Thorsness and Johnson)

Revising provisions for real estate brokers and salespersons.

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

Background: Real estate brokers and sales persons are required to renew their licenses every year before the renewal date. Licensees are required to provide proof of continuing education every two years.

Summary: Real estate broker and sales person licenses are renewable every two years with a fee to be set by rule to reflect a biennial license.

Brokers are no longer required to obtain branch office licenses for real estate sales activities related strictly to one subdivision or tract within 35 miles of licensed business. The exemption from real estate licensing laws for lawyers only applies to those acting without compensation, or in the performance of their duties.

Votes on Final Passage:

Senate	45	0
House	96	0

Effective: July 23, 1989
January 1, 1991 (Sections 2 & 4)

SSB 5488

C 131 L 89

By Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Bauer, Conner, Sellar, DeJarnatt, Owen, Metcalf, Sutherland, Bailey, Gaspard, Madsen, Newhouse, Hayner, Rinehart, Smitherman, Benitz, Amondson, Anderson and Matson)

Changing penalties and procedures for theft of livestock.

Senate Committee on Agriculture
House Committee on Judiciary

Background: A person convicted of stealing livestock with intent to sell is guilty of theft in the first degree which is classified as a class B felony. Persons convicted of stealing livestock for their own use are guilty of livestock theft in the second degree which is classified as a class C felony.

The maximum punishment for a class B felony is a jail term of up to 10 years or a fine of up to $20,000 or both. Class C felonies carry a jail term of up to five years or a fine of up to $10,000 or both.

There is concern that the actual monetary penalties imposed by the courts have not been sufficient.

Summary: In addition to the penalties cited above, a fine of $2,000 per animal is to be levied against a person upon conviction of killing or stealing livestock.

Of the fines collected, a portion is to be remitted to the public safety and education account in the state treasury.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: July 23, 1989

SB 5492

C 377 L 89

By Senators Nelson and Talmadge

Establishing immunity for health care providers in suits brought by a parent.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The domestic relations statute was recently amended to include parenting plans. Parenting plans are used to encourage cooperation by fully specifying the rights and duties of each parent. A parenting plan must allocate decision–making authority regarding the children's health care to one or both parents.

There is a concern that medical treatment for children may be delayed when a parenting plan exists. The concern is that medical personnel may delay or not perform treatment because of the fear of legal liability for failure to obtain parental consent as specified in a parenting plan.

Summary: Health care providers treating a child with the consent of a parent are not liable for damages in a civil action brought by the other parent, when the action is based only on a lack of his or her consent. This immunity applies even if the consenting parent is not authorized to consent under the parenting plan.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 23, 1989

SSB 5499

C 353 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Rasmussen, Sellar, Moore, Newhouse, Lee and Johnson)

Requiring motor vehicle liability insurance.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: The financial responsibility law requires drivers and owners of motor vehicles to pay for damages caused by the negligent operation of their motor vehicle or face suspension of driving privileges and possible suspension of the motor vehicle registration. The operation of a motor vehicle without insurance is not prohibited.

If an automobile driver negligently causes an accident, the driver must arrange for payment of the damages and show future proof of financial responsibility by obtaining a vehicle liability insurance policy, self–insuring, posting a bond, or obtaining a certificate of deposit.

Summary: It is declared a privilege to operate a motor vehicle upon state highways. The intent of the Legislature is to require all persons driving vehicles registered in this state to satisfy specified financial responsibility requirements.

It is not the intent of the Legislature to modify, amend or invalidate existing insurance contract terms, conditions, limitations or exclusions.

Every driver and registered owner of a motor vehicle must maintain financial responsibility. Financial responsibility includes a motor vehicle liability policy in the amount of $25,000 per person and $50,000 per accident as well as $10,000 for property damage, or a bond, certificate of deposit, or certificate of self–insurance as defined in the Financial Responsibility Act. Vehicles owned by or driven by an agent of the United States, the state of Washington or a municipality or subdivision thereof are considered to have financial responsibility. Antique vehicles, collectors' vehicles, motorcycles, mopeds, motor driven cycles and common carriers are exempt.

A person must provide evidence of financial responsibility when requested by a law enforcement officer. Evidence of financial responsibility is accomplished by presenting an insurance identification card which must be provided by any insurance company issuing or renewing a motor vehicle liability policy. The Department of Licensing must adopt rules specifying the type, content and style of the card.

Drivers or owners of motor vehicles registered in another state requiring financial responsibility or insurance must comply with the laws of that state while driving in Washington.

A violation of this act is a traffic infraction carrying a penalty of $250 per violation. The court may reduce the penalty or require community service in lieu of the fine.

If a person provides proof satisfactory to the court that he or she had the required financial responsibility at the time of citation (pursuant to this act), the citation must be dismissed. This proof may be submitted in writing prior to the hearing or by personal appearance at the hearing.

A person who knowingly provides false evidence of financial responsibility to a law enforcement officer or the court is guilty of a misdemeanor.

The insurance information contained on the insurance identification card must be included in an accident report. The Department of Licensing must notify the public of the requirements of the act when issuing or renewing a vehicle registration.

The Department of Licensing is required to compile records on uninsured motorists and must file a report with the Legislature after accumulating data for 12 months after the effective date of the act.

Votes on Final Passage:

Senate	34	13	
House	91	3	(House amended)
Senate	44	1	(Senate concurred)

Effective: January 1, 1990

SSB 5501

C 157 L 89

By Committee on Health Care & Corrections (originally sponsored by Senators West, Wojahn, Niemi, Johnson and Amondson; by request of Department of Corrections)

Modifying indemnification of contract providers to the department of corrections.

Senate Committee on Health Care & Corrections
House Committee on Health Care

Background: The Department of Corrections contracts with health care practitioners to provide some medical services to prison inmates. Malpractice insurance coverage for physicians serving prison inmates has become virtually impossible to obtain in the last few years. For this reason, the department has experienced difficulty in attracting physicians to serve the inmate population.

In order to attract physicians, the department has been including an indemnification provision in its contracts with health care practitioners for the last few years. It allows the department to assume liability resulting from any action, claim or proceeding instituted against a practitioner who performs services in good faith on behalf of the department. The department does not have written statutory authority to assume this contractual liability, so there is concern that the provision might be inadequate to protect physicians.

Summary: The Secretary of the Department of Corrections may enter into contracts with health care practitioners or other entities to provide basic medical care to inmates. The secretary may provide for indemnification from liability on any health care claim where the practitioner acted in good faith. The Department of Corrections is directed to enter into these indemnification contracts only when the practitioners are unable, upon showing reasonable effort, to obtain professional liability insurance on their own.

The department may also develop and implement a health services plan for the delivery of health care services to inmates.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: July 23, 1989

SB 5502

C 148 L 89

By Senators Amondson, Kreidler, Smith and Owen

Revising advertising and sale requirements for valuable materials.

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

Background: The Department of Natural Resources has the responsibility to manage state-owned trust and grant lands, and to generate income from these lands to support the trust beneficiaries. One of the ways the department generates income is by the sale of valuable materials from these lands. Valuable materials most often include plants, soil, gravel and small amounts of timber.

Minimum advertising requirements for the sale of valuable materials and maximum dollar amounts the department may collect on the day of the sale is set by the Legislature. On occasion, income to the trust has been reduced when newspapers have failed to meet advertising schedules required by law. Administration costs and risks of loss are increased on some occasions due to the limited dollar amount the department may collect on the day of the sale. By modifying procedures, the department would be more responsive to the public and would lower preparation costs on many

sales. An additional volume of timber should be made available to smaller purchasers and to local mills.

Summary: The Department of Natural Resources may require full payment on the day of sale for small sales. The department is given more advertising flexibility for the sale of valuable materials. The maximum dollar amount for the sale of valuable materials that the department may sell without direct Board of Natural Resources approval is raised from $20,000 to $100,000.

Votes on Final Passage:

Senate	46	0	
House	96	0	

Effective: July 23, 1989

SSB 5506

C 181 L 89

By Committee on Ways & Means (originally sponsored by Senators Newhouse, Gaspard, Lee, Benitz and Anderson; by request of Department of Community Development)

Making appropriations for projects recommended by the public works board.

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

Background: Under Chapter 43.155 RCW, the Public Works Board, within the Department of Community Development, may make low–interest or interest–free loans to assist local governments in financing public works projects. Eligible public works include roads, bridges, water systems, and storm and sanitary sewage systems. The statute establishes eligibility criteria for local governments and priorities for projects. Each year, the board submits a list of projects to the Legislature for approval and appropriation. The Legislature may delete a project from the list but may not add any projects or change the order of project priorities.

Summary: From the public works assistance account $39,931,540 is appropriated to the Public Works Board for a list of 64 projects for the 1987–89 fiscal biennium, including $1 million for unanticipated emergency public works. The existing 1987–89 appropriation to the Public Works Board is reduced by $5.9 million to reflect unused appropriation authority.

Votes on Final Passage:

Senate	44	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House	95	0	(House receded)

Effective: April 23, 1989

SSB 5521

PARTIAL VETO

C 12 L 89 E1

By Committee on Ways & Means (originally sponsored by Senators McDonald and Gaspard; by request of Governor)

Adopting the capital budget.

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

Summary: Capital appropriations are provided for the 1989–91 biennium. (See capital budget under legislation passed.)

Votes on Final Passage:

Senate	40	3	
First Special Session			
Senate	32	3	
House	73	23	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	93	2	
Senate	40	5	

Effective: June 1, 1989

Partial Veto Summary: Seven sections or portions of sections were vetoed, including appropriations for the Asian Counseling and Referral Service, for the dredging of the Cedar River delta, and for the purchase of the Ohme botanical gardens in Wenatchee. Restrictions were removed from appropriations for the community college system and the Puyallup tribal settlement. (See VETO MESSAGE)

SSB 5531

C 77 L 89

By Committee on Ways & Means (originally sponsored by Senators Gaspard and Bailey)

Revising provisions for the award for excellence in education program.

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

Background: In 1986, the Washington Award for Excellence in Education Program was created to recognize teachers, principals, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The awards for teachers and principals include waivers of tuition and fees to attend state colleges and universities. The waivers make the colleges and universities bear the financial responsibilities of the award, particularly when recipients attend fee based nontuition classes. Additionally, there is no date specified in statute for recipients to complete courses, creating administrative difficulties for the office of the Superintendent of Public Instruction.

Summary: Teachers and principals receiving a Washington Award for Excellence in Education may choose to receive a grant equal to one year's tuition to attend any state institution of higher education or an independent college or university. Additionally, courses paid by the grant must be completed within four years of receiving the award. The Higher Education Coordinating Board is directed to administer the grants and stipends under the act. The stipend is linked to costs incurred while taking the courses under the grant. The bill is contingent on funding in the budget.

Votes on Final Passage:

Senate	47	1
House	98	0

Effective: The act is null and void since no appropriation was made in the budget.

SB 5536

C 324 L 89

By Senators McCaslin, DeJarnatt, McDonald, Bailey, Gaspard, Wojahn, West, Rasmussen, Warnke, Nelson, Vognild, Johnson, Kreidler, Pullen, Moore, Thorsness, Smith, Hansen, Conner, Saling, Sellar, Madsen, Talmadge, Fleming, Smitherman, Bender, Owen, McMullen, Sutherland and Bauer

Revising provisions for the state employees' benefits board.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Prior to October 1, 1988, health care and other forms of insurance benefits were provided to state employees through contracts negotiated by the State Employees Insurance Board (SEIB). The SEIB was composed of representatives of the Governor, higher education faculty and administrators, the director of the Department of Personnel, employee unions and associations, retired persons and the Legislature. As of October 1, 1988, all of the functions of the SEIB were transferred to the State Employees' Benefits Board (SEBB). The composition of the board remained essentially the same except the retired member was removed.

Summary: One member of the State Employees' Benefits Board shall be a retired state employee who: (1) represents an organized group of retired public employees, and (2) is covered by a program under the jurisdiction of the board.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	43	1	(Senate concurred)

Effective: July 23, 1989

SSB 5543

C 291 L 89

By Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman, Kreidler and Niemi)

Regulating annual reports of nonprofit corporations.

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

Background: The issue of nonprofit corporations competing with the private sector has received legislative attention during recent years. In testimony before legislative committees, it was reported that nonprofit corporations were "unfairly" competing with private sector businesses in providing goods and services.

During 1988 a select committee on nonprofit competition was established to provide the Legislature with a careful and comprehensive review of the issue, upon which public policy decisions could then be made. The committee was comprised of members from the Senate, nonprofit community, business community and state agencies. The committee published a report which included the following recommendations: the existing annual reporting requirements of nonprofit corporations should be expanded to provide a more

detailed description of the corporation's activities and any modifications to its stated purposes; and the Public Corporations Act should be amended to provide a new designation for those nonprofit corporations that hold federal tax exempt status as a charitable organization (U.S. Code 501(c)(3)) and that this new designation should be referred to as a "public benefit nonprofit corporation."

Summary: The existing annual reporting requirements of nonprofit corporations are expanded to include: a listing of any modification in the corporation's purpose and the reason for the change; an indication that the corporation has filed an annual tax exempt form (990) with the Internal Revenue Service which, if filed, may be requested by the Secretary of State's office; the gross revenue of any unrelated business income as required to be reported under federal law; and a corporation's unified business identifier number issued by the Department of Revenue.

There is established within the nonprofit corporations act a new designation termed "public benefit nonprofit corporation." This new designation is consistent with the existing definition of nonprofit corporation in that no part of the income of the corporation is distributable to its members, directors or officers. In addition, the corporation is required to hold a tax exempt status as a charitable organization as provided under federal statutes U.S. Code 501(c)(3).

The Secretary of State may provide a temporary designation for those organizations that are in the process of applying for federal exempt status. The designation is renewed annually and the secretary may provide fees for the cost of renewals. The designation may be removed if the corporation loses its federal exempt status or fails to comply with administrative procedures. The use of the name "public benefit nonprofit corporation" is limited to those corporations that have received the designation from the Secretary of State's office.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: July 23, 1989

SB 5552

C 186 L 89

By Senators Patterson, Hansen, Madsen and Benitz; by request of Utilities and Transportation Commission

Repealing filing requirements for interstate tariffs.

Senate Committee on Transportation
House Committee on Transportation

Background: The federal Motor Carrier Act of 1980 effectively ended federal rate regulation of the interstate trucking industry. While tariffs are still filed with the Interstate Commerce Commission (ICC), liberal discounting is allowed. Therefore, the filed rate does not reflect what is actually being charged in the market place. (There is no federal limitation on discounting, but discounts are a maximum of 50–60 percent below the filed rate, with the average being 20 percent.) Although the Utilities and Transportation Commission (UTC) is required to maintain interstate rate files, the commission does not have the authority to regulate interstate rates. The UTC currently maintains an interstate transportation tariff file for 300–400 transportation companies, generating approximately 1,900 revised tariff pages monthly.

Summary: Transportation companies are no longer required to file interstate rates with the Utilities and Transportation Commission (UTC).

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 23, 1989

SSB 5553

C 163 L 89

By Committee on Transportation (originally sponsored by Senators Patterson, Hansen, Madsen and Benitz; by request of Utilities and Transportation Commission)

Deregulating excursion buses.

Senate Committee on Transportation
House Committee on Transportation

Background: An excursion service transports persons, on an individual fare basis, on public highways from points of origin in an incorporated area to another location in the state and then returns to the origin. The service cannot pick up or drop off passengers along the route and the service may or may not be

regularly scheduled. An example of an excursion service is Gray Line which offers sightseeing tours to individual tourists.

Excursion companies are currently regulated by the Utilities and Transportation Commission (UTC) as auto transportation companies. Auto transportation companies operate on a fixed route and schedule, may pick up and drop off passengers along the route, and charge individual fares.

Last year legislation was enacted which revised the regulatory authority of the UTC with regard to passenger charter services. The commission's authority to regulate rates was removed, and the UTC's safety authority was expanded to include interstate and foreign charters.

Excursion services provide the same type of service as charter buses, i.e., a fixed route or schedule is not required, and passengers must be returned to the point of origin. Compensation is based on a contract for charter carriers and upon an individual fare for excursion services. It is in the best interest of the industry to place excursion services under the same regulations as charter buses.

Summary: Excursion services are no longer regulated as auto transportation companies and are subject to the same Utilities and Transportation Commission (UTC) regulatory provisions as charter buses.

Rate regulation for intrastate excursion carriers is removed. The entry standard is changed from Public Convenience and Necessity to Fit, Willing and Able for intrastate carriers. The application fee or transfer fee is a maximum of $200. Intrastate excursion carriers are subject to the commission's driver qualification and safety provisions, insurance provisions, and payment of the annual per vehicle regulatory fee. The annual regulatory fee cannot exceed the cost of supervising and regulating the carriers.

Interstate and foreign excursion carriers with Interstate Commerce Commission (ICC) operating or exempt authority are required to register with the UTC if operating in Washington. A one–time $25 registration fee is imposed. These carriers are also subject to the annual regulatory fee, and the UTC's safety of operations and insurance provisions.

The liability insurance provisions are: $100,000 personal injury to one person; $300,000 for each vehicle with a passenger seating capacity of 16 or less; $500,000 for a vehicle with a passenger seating capacity of 17 or more; and $50,000 property damage to any one person. An interstate excursion carrier that qualifies as a self–insurer with the ICC is exempt from the UTC insurance provisions as long as the ICC qualification remains in effect.

Airporter services are not impacted since they are considered auto transportation companies.

Votes on Final Passage:

Senate 48 0
House 96 0

Effective: July 23, 1989

SSB 5560

C 331 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Wojahn, Johnson, Vognild, Moore, Bauer, Warnke, Smitherman, Rasmussen, Sutherland, Fleming, Stratton, Matson, McMullen and Sellar)

Providing for insurance coverage for temporomandibular joint disorders.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Insurers are not required to offer or provide coverage for temporomandibular joint (TMJ) disorders. The TMJ is the hinged joint between the skull and the lower jaw bone.

TMJ disorders can be accompanied by a variety of symptoms including: headaches, pain in or around the joint, difficulty in opening the mouth, sticking of the joint, and pain from joint movement associated with eating and speaking.

Summary: The Legislature recognizes that temporomandibular joint disorder treatments are often not covered in group insurance contracts and a need for public awareness of the disorder exists.

Group disability insurers, health care contractors, and health maintenance organizations (HMO) must offer optional temporomandibular joint disorder coverage on group contracts entered into and renewed after December 31, 1989. If an employer declines the optional coverage, temporomandibular joint coverage still may be included in a basic group contract.

Coverage flexibility is encouraged. The Insurance Commissioner is granted rule–making authority to establish minimum standard benefits, terms, and conditions on January 1, 1993. The use of gatekeepers, copayments, and deductibles is allowed. In the preparation of rules, the commissioner shall consult with a panel of experts. The panel shall be comprised of medical and dental experts specializing in temporomandibular joint disorders, an employer purchasing a

group policy, and a representative of the insurers, health care contractors, or health maintenance organizations.

If a group disability insurer, health care contractor or HMO offers a group contract to an employer or group who offers to its eligible enrollees a self–insured health plan that does not provide TMJ coverage, the optional TMJ coverage may not be offered.

An insurer, health care contractor, or HMO offering medical coverage only may limit coverages to medical treatments. Similarly, an insurer or health care contractor offering dental coverage only may limit coverages to dental treatments. A HMO offering medical and dental coverage may not limit benefits to only dental services.

The Insurance Commissioner is to deliver a report on the offered insurance coverage for TMJ disorders to the Legislature by January 1, 1991.

Votes on Final Passage:

Senate	45	1	
House	92	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: January 1, 1990

SSB 5561

C 293 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senators Barr, Sutherland, Benitz, Vognild, DeJarnatt, Sellar, Hansen, Bauer, Patterson and Nelson)

Assisting fin fish culture facilities.

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

Background: The Legislature has established policy to ensure the purity of state waters by maintaining the highest standards for water quality consistent with public health and enjoyment. This includes the protection and propagation of wildlife, birds, game, fish and other aquatic life and regulation of any industrial development which would adversely affect water quality. All known and reasonable methods to prevent and control pollution of state waters (RCW 90.48.010) must be used.

Fish rearing facilities are nonconsumptive users of water, and return the water to its source. Prior to discharge, the water from a fish hatchery must be treated to prevent degradation of water quality.

The fish farming industry reports there are delays in administering the wastewater discharge permits by the Department of Ecology and there are no clear or consistent standards for issuing permits.

Summary: Fin fish hatching and rearing facilities are exclusively on uplands and defined to mean those where fish are hatched, fed, nurtured, held, maintained or reared to reach the size of release for market sale.

By September 30, 1989, the Department of Ecology will adopt standards under its rule–making authority for waste discharge from upland fin fish hatching and rearing facilities. The department will incorporate studies conducted by the United States Environmental Protection Agency on upland fin fish rearing facilities and other relevant information. No later than September 30, 1989, the department will issue a general permit which is authorized both by the federal Clean Water Act and state law for upland fin fish hatching and rearing facilities. The department will approve or deny applications for coverage under the general permit within 180 days from the date of application, unless a longer time is required to satisfy public participation requirements. The department will notify applicants as soon as the department determines that a proposed discharge permit meets or fails to meet standards or general permit conditions.

The Department of Ecology may adopt rules to eliminate the permit requirements for disposing of waste by individual upland fin fish rearing facilities unless a permit is required under the federal Clean Water Act's national pollutant discharge elimination system.

Votes on Final Passage:

Senate	47	0	
House	93	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: May 8, 1989

SSB 5566

PARTIAL VETO

C 422 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen and Talmadge; by request of Department of Social and Health Services)

Creating the safe drinking water act.

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

Background: The State Board of Health directs the Department of Social and Health Services (DSHS)

Office of Environmental Health Programs to carry out the state's drinking water program, RCW 43.20.050, "in order to protect public health."

The state's drinking water program dates back to the early 1900s. The department is launching a major legislative effort to update as well as more clearly define responsibilities between other state agencies and local health jurisdictions.

The federal Safe Drinking Water Act was passed in 1976, updated in 1986 covering water quality standards, sampling, treatment and public notification requirements. Without appropriate administrative and enforcement authority, the state may lose its primary responsibility to implement the federal act.

The department has developed a four step enhancement strategy, covering four bienniums to bring the drinking water program into statutory, jurisdictional and staffing focus. The plan is detailed in the department's report entitled "DSHS Drinking Water Program Overview."

Summary: The "Washington State Safe Drinking Water Act" updates, clarifies and broadens the State Board of Health (Board) and the Department of Social and Health Services' programs and authority.

The department shares the delegated authority to carry out the provisions of the federal Safe Drinking Water Act and to accept federal grants.

Rules and regulations cover standards for drinking water quality and public water supply system design. Clarification and re–definition are given to the Board's authority for rules that indirectly protect public health including public water system planning, management, reporting and emergency response.

The department's primary enforcement authority is further defined as well as its enforcement relationship with other state and local health jurisdictions. DSHS authority to enter agreements with local health districts is clarified. The civil penalty process is simplified and improved.

A public water system serving fewer than five single family residences is exempt from provisions of this act. The authority to declare a public health emergency is given to DSHS or the local health officer.

No rule or regulation adopted by the Department of Social and Health Services or the State Board of Health to come into compliance with the federal Safe Drinking Water Act shall be applicable to public water systems not covered by federal law unless the department or state health board determines that they are necessary to protect public health.

Votes on Final Passage:

Senate	44	1	
House	97	1	(House amended)
Senate			(Senate refused to concur)
House	96	1	(House receded)

Effective: July 23, 1989

Partial Veto Summary: Section 7 was vetoed since the department's enforcement and civil penalty procedures are included in the new Administrative Procedure Act (HB 1358) revisions. The Board of Health's rule–making authority on drinking water systems in section 9 is similar to HB 1857, the new Public Water Systems Act, and is vetoed to avoid duplication.
Sections 10 and 11 that provide exemptions for water systems serving fewer than five families residences are vetoed to remain consistent with the one–family residence exemption provisions currently in statute. In the Governor's veto message, he said the exemptions would leave over 4,000 small water systems without regulation and protection of public health. (See VETO MESSAGE)

SB 5579

C 100 L 89

By Senators McCaslin, Lee, DeJarnatt and Rasmussen; by request of Office of Financial Management

Authorizing state agencies to report past due accounts receivable to credit reporting agencies.

Senate Committee on Governmental Operations
House Committee on State Government

Background: There is no general provision of law allowing state agencies to report past due accounts receivable to credit bureaus, in order to improve credit performance. Federal regulations require institutions of higher education to report delinquent borrowers of student loans, which is reported to have increased the collection rate.

Summary: State agencies may report past due accounts to credit reporting agencies if it is determined that such reporting is cost– effective and does not violate confidentiality or other legal requirements.

Within 35 days after a debt is satisfied, the state agency must notify the credit bureau. OFM is required to make a cost–benefit study of creating a central debtor identification system. Agencies could identify persons with overdue debts, and the state could withhold any future payments to those individuals until the debts are paid.

Votes on Final Passage:

Senate	47	0	
House	93	1	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 23, 1989

SB 5580

C 78 L 89

By Senators McCaslin and DeJarnatt; by request of Office of Financial Management

Allowing write–offs of uncollectible accounts.

Senate Committee on Governmental Operations
House Committee on State Government

Background: One of the major recommendations in a study of accounts receivable by the Legislative Budget Committee in 1987 was that the Office of Financial Management, in cooperation with the Attorney General's Office, study the state's control of write–offs, including the Attorney General's role in the process.

OFM has made a number of findings:

- The control of write–offs is an appropriate function for agency management, subject to review by the State Auditor for compliance with OFM policies and statutes.
- Accounts should be written off whenever an agency finds there is no cost–effective means of pursuing them. The current standard is "if there are no other available and lawful means" of collecting.
- The Attorney General should be involved in write–offs only when necessary to pursue legal action.

OFM is also revising its policies to require that each agency adopt procedures in cooperation with the Attorney General's Office to specify any needed involvement of the Attorney General.

Summary: Uncollectible accounts or other debts may be written off if there is no other cost–effective means of collecting the amounts due for all accounts of the Department of Revenue and several accounts of the Departments of Employment Security and Social and Health Services.

Mandatory approval by the Attorney General and the Office of Financial Management is removed, as are two mandatory waiting periods before the write–off process can begin. In the Department of Revenue a $100 limit on the amount of write–off is deleted. Two special methods of write–offs for the Department of Social and Health Services — cancellation of hospital charges for the mentally ill and waiver of collections of overpayments of assistance — are repealed.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: July 23, 1989

SB 5583

C 165 L 89

By Senators Pullen, Newhouse, Nelson, Rasmussen and Talmadge

Replacing the Washington business corporation act.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The present Washington Business Corporation Act (RCW 23A) adopted in 1965 was based largely on the Model Business Corporation Act proposed by the Committee on Corporate Laws of the American Bar Association. In 1984, the Model Business Corporation Act was completely revised in response to extensive comments by parties throughout the country. The 1984 Revised Model Business Corporation Act contains significant improvements over the prior version in organization, language, and concepts.

Concern exists that the provisions contained in the existing Washington Business Corporation Act are outdated. It is suggested that the present act be amended to incorporate provisions of the 1984 Revised Model Business Corporation Act.

Summary: The Washington Business Corporation Act is substantially revised to incorporate provisions of the 1984 Revised Model Business Corporation Act.

Technical changes in language are added.

Appropriate methods of written and oral notice are clarified.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: July 23, 1989

SB 5590

C 91 L 89

By Senators Conner, Johnson, Newhouse, Rasmussen, Hansen and von Reichbauer

Making changes to the firefighters relief and pension fund.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: The Volunteer Firemen's Relief and Pension Act was established to provide long–term volunteer firefighters with disability and survivor coverage in the event injury or death occurred in putting out a fire. The funding of the relief and pension system comes from the following sources: (1) a $3 fee for death and disability benefits paid by the municipal corporation for each volunteer member or 1 percent of salary for each fully paid member; (2) an optional $30 fee for retirement benefits, $20 of which is paid by the member, if the option is chosen, and $10 of which is paid by the municipal corporation; and (3) 40 percent of the fire insurance premium tax collected annually. The assets of the system are invested by the State Treasurer in fixed income instruments.

Summary: The assets of the Volunteer Firemen's Relief and Pension System, upon request of the State Treasurer, may be invested by the State Investment Board. Volunteer fire department fees are increased from $3 per year to $10 per year or 0.015 percent of the annual salary of a full–time member. The disability and survivor benefits are revised to be based on the statewide average wage as is done in industrial insurance. The Office of the State Actuary will provide actuarial services for the board. Provisions are made for a lump sum payment of the actuarial equivalent of the annuity or death benefit. The board is to maintain necessary records, including the names and addresses of each person enrolled in the system.

Votes on Final Passage:

Senate	45	0
House	91	0

Effective: July 1, 1989

SSB 5591

C 224 L 89

By Committee on Transportation (originally sponsored by Senators Patterson, DeJarnatt and Sellar; by request of Department of Transportation)

Prescribing penalties for unfranchised use of highway right–of–way.

Senate Committee on Transportation
House Committee on Transportation

Background: Existing law (Chapter 47.44 RCW) requires any public or private entity who wants to locate a utility on state highway right–of–way to obtain a franchise or permit from the Department of Transportation (DOT). The department estimates there are approximately 100 violations a year. Cable TV and small utility companies appear to be the major violators. Current law does not provide adequate penalties to deter use of state right–of–way by unauthorized utilities.

Summary: A civil penalty of $100 per calendar day is imposed on any utility that has not obtained a franchise or permit from DOT to locate on state highway right–of–way. Imposition of the penalty begins on the 45th calendar day following notice by the department that the utility is in violation of the above requirement and continues until application is made for a franchise or permit or until the facility is removed.

The Department of Transportation (DOT) is required to give notice by certified mail, and the notice must contain sufficient information to identify the portion of right–of–way in question.

If the utility does not apply for a permit or franchise within 45 days of notice or the Department of Transportation determines that a facility constructed or maintained without a permit or franchise must be removed (and not granted a permit or franchise), the DOT may order removal of the facility, in a time period specified by the department, at the owner's expense.

Votes on Final Passage:

Senate	47	1	
House	96	0	(House amended)
Senate	44	1	(Senate concurred)

Effective: July 23, 1989

SB 5592

C 196 L 89

By Senators Patterson, DeJarnatt and Sellar; by request of Department of Transportation

Limiting liability for damages to facilities on state highways.

Senate Committee on Transportation
House Committee on Transportation

Background: Existing law provides a mechanism for accommodating utilities on state highway right–of–way through a franchise or permit application process. Recent technological advances in the utility industry, telecommunications (fiber optics) in particular, make the potential for losses claimed by a utility for damaged facilities or interrupted services substantial.

Summary: When the state Department of Transportation damages a utility's facility that is authorized to be on the state's right–of–way, it is not liable for third party damage (loss of service). If found liable, the DOT is responsible for the cost of repair. The department is subject to a civil penalty of not more than $1,000 for each violation when it fails to give notice of excavation to a facility owner. Malicious or willful damage by an excavator is punishable by treble the cost incurred in repairing or relocating the facility. Failure to notify a known underground facility owner is deemed willful and malicious. All penalties are deposited in the state general fund.

Votes on Final Passage:

Senate	47	1
House	97	0

Effective: July 23, 1989

SB 5595

C 164 L 89

By Senators Nelson, Wojahn, Smith, Conner, Newhouse, Niemi, von Reichbauer and Johnson

Allowing distribution of drug samples.

Senate Committee on Health Care & Corrections
House Committee on Health Care

Background: In 1987 the federal government enacted a comprehensive regulatory law governing the manner and extent to which pharmaceutical manufacturers may distribute sample controlled substances to physicians and other prescribers. State law, for the most part, parallels federal law in this area except that it does not allow pharmaceutical manufacturers to distribute drug samples to hospital pharmacies or other health care entities.

Summary: Pharmaceutical manufacturers or their representatives may distribute drug samples to hospital pharmacies or other health care entities. The receiving entities must return a written receipt to the manufacturer upon delivery.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: April 22, 1989

SSB 5614

C 125 L 89

By Committee on Health Care & Corrections (originally sponsored by Senators West, Johnson and Wojahn)

Monitoring a substance abuse program for dentists.

Senate Committee on Health Care & Corrections
House Committee on Health Care

Background: Current statutes (RCW 18.130.175) authorize the health professional disciplining authorities to refer license holders suspected of substance abuse to substance abuse monitoring programs in lieu of disciplinary action. The disciplining authority approves eligible monitoring programs and establishes other requirements related to participation. The cost of substance abuse treatment is the responsibility of the license holder. The Medical Disciplinary Board is currently authorized to contract with a substance abuse monitoring program to refer its license holders and may assess a surcharge to license fees to support the program.

Summary: The Dental Disciplinary Board, the Veterinary Board of Governors and other health professionals are authorized to contract with a substance abuse monitoring program. The program may include treatment, rehabilitation, post treatment monitoring, education, and preventive services. The dental board is authorized to assess a surcharge of up to $15 on each license or renewal to support the program. The veterinary board is authorized to assess a surcharge of up to $25 on each licensee or renewal to support the program. Other participating health professions may have a surcharge assessed to their license fees to support the program.

Appropriation: $310,560 from the health professions account to the Department of Licensing

Votes on Final Passage:

Senate	48	0	
House	94	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: April 20, 1989

SB 5617

C 66 L 89

By Senator Fleming

Encouraging students to enter teaching as part of the mathematics, engineering, and science achievement program.

Senate Committee on Higher Education
House Committee on Higher Education

Background: A report by the Task Force on Women, Minorities, and the Handicapped in Science and Technology indicates that by the year 2010 the United States will face a shortage of 560,000 technicians in science and engineering. Of the new people entering the labor market between 1985 and 2000 most will be women, immigrants and minorities. Blacks, Hispanics, and Native Americans will constitute more than one-third of the future college-age population. The National Science Foundation points out that if minority populations are not trained early for high-tech careers, industry and colleges will be forced to become dependent on foreign-born students and faculty.

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

Summary: The Mathematics, Engineering, and Science Achievement Program (MESA) will expand its focus to encourage minority students to enter the teaching profession in the fields of mathematics, engineering and science.

Votes on Final Passage:

Senate	44	1
House	98	0

Effective: July 23, 1989

SB 5636

C 92 L 89

By Senators Smitherman and Lee; by request of Employment Security Department

Revising the state/federal relationship regarding unemployment compensation benefits, recovery, and confidentiality.

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

Background: Changes in federal regulations concerning alien workers require minor wording changes to corresponding state statutes.

Currently, the Department of Employment Security may collect overpayments on behalf of other states only if such overpayments were due to fraud. An ability to pursue other kinds of overpayments could reduce the amount of outstanding debt owed to the trust fund.

The federal Bureau of Labor Statistics provides survey and other information to the department. The bureau has indicated that current law does not provide sufficient protection of data confidentiality, and has stopped supplying information to the department.

Summary: Unemployment compensation statutes are clarified to conform to federal regulations regarding an alien worker to be "lawfully present" on the job.

The Commissioner of Employment Security may enter into cooperative agreements with other states for collection of any valid unemployment compensation overpayments.

Information provided to the Department of Employment Security on the basis of confidentiality will have that confidentiality maintained. Any requests for such information must go to the agency originally providing it.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 23, 1989

SSB 5641

C 112 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer and Moore)

Setting service charge limits on vessel retail installment contracts.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Retail purchases using installment credit may be made under a retail installment contract. It is generally entered into for the purchase of a single item or group of items with an established term for completing payments. The maximum interest rate which may be charged on a retail installment contract is determined by calculating the average of four quarterly auctions of 26 week treasury bills for the year prior to the year in which the contract is made. The maximum interest rate is six percentage points over the average. The rate remains the same for an entire year.

In 1987, the Legislature established an exception to maximum service charge for a retail installment contract for the purchase of a motor vehicle. Rather than using the average of the four quarterly auctions for the year prior to the year in which the contract is made, the maximum interest rate on a motor vehicle retail installment contract is now based on the auction of 26 week treasury bills in the quarter prior to the quarter in which the contract is made. No similar provision for the calculation of the interest rate on retail installment contracts for vessels exists.

Summary: The maximum interest rate that may be charged on a retail installment contract for the purchase of a vessel is based on the auction of 26 week treasury bills in the quarter prior to the quarter in which the contract is made. The maximum interest rate is 6 percent over the treasury bill rate for the prior quarter.

A vessel is defined as any watercraft, other than a seaplane, used or capable of use as a means of transportation on water.

The State Treasurer shall compute the maximum service charge for vessels and file this charge for publication in the Washington State Register. The Treasurer already calculates and provides for publication of the maximum service charge for installment contracts for retail goods and motor vehicles.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: July 23, 1989

SSB 5644

C 129 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senators Bluechel, Bender, McDonald, Kreidler, Bailey, McMullen, Johnson, Niemi, Vognild, Lee, Smitherman and West)

Transferring designated portions of the Milwaukee Road from the department of natural resources to the parks and recreation commission.

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

Background: In 1981 and 1982 the state of Washington acquired 213 miles of railroad right–of–way from the Chicago, Milwaukee, St. Paul and Pacific Railroad (Milwaukee Road) between the town of Easton and the Washington–Idaho state line. In 1984 the Legislature transferred ownership and control of approximately 25 miles of the Milwaukee Road right–of–way from management by the Department of Natural Resources (DNR) to the State Parks and Recreation Commission. The commission manages that 25 miles as a recreational trail. The remaining 188 miles of the Milwaukee Road right–of–way is managed by DNR and can be used for trail purposes by obtaining a special use permit from the department. DNR has the authority to lease portions of the right–of–way to adjacent landowners.

Summary: Management of the section of the Milwaukee Road corridor beginning at the western terminus near Easton and ending at the west end of the bridge structure over the Columbia River is transferred from DNR to the State Parks and Recreation Commission. Management of that portion is pursuant to existing authority of the commission regarding the Milwaukee Road corridor.

The State Parks and Recreation Commission may limit recreational access of the Milwaukee Road corridor to holders of permits issued by the commission. The commission may adopt rules for the safe use of the corridor and the protection of adjoining landowners, and may include restrictions on permits issued and the availability of corridor use.

The commission may use its discretion to increase recreation management of the corridor and eliminate the permit system if funding is available.

Votes on Final Passage:

Senate	34	13
House	66	31

Effective: July 23, 1989

SSB 5648

PARTIAL VETO

C 425 L 89

By Committee on Economic Development & Labor (originally sponsored by Senators Smitherman, Lee, Murray and Vognild)

Authorizing creation of a federation of Washington ports.

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

Background: The Washington Public Ports Association is currently empowered to: coordinate programs among the ports; study ways of improving commerce; and promote development of transportation and industry throughout the state. Its coordination authority and responsibilities are found in several sections of statute. In addition, individual port districts may operate trade centers for the promotion of import and export trade.

The Economic Development Board was established to develop long–range economic development goals. It has recommended that the ports form a cooperative marketing association to further enhance their ability to carry out their responsibilities.

Summary: The Washington Public Ports Association is authorized to establish a federation of Washington ports to strengthen international trading capacities. The federation operates as an international trading company while maintaining the authority of individual ports.

Beginning with the 1990 legislative session, the association shall report to the Legislature on progress toward establishing and operating the federation.

Both the association and federation are given specific authority to operate trade centers. Associate development organizations are added to the list of groups with which the association and its member districts are directed to work. A definition of the federation is added. The sunset review and termination of the Export Trading Company Act is changed from 1991 to 1994.

A 20–member temporary task force on cooperation among ports and local economic development organizations is created. The task force's areas of study include: joint marketing, joint trade offices, and other efforts between ports and local organizations; building local capacity; and the state's air cargo capacity. The task force may not consider nor make any recommendations in the areas of rates or rate setting (or price fixing) by ports or associate development organizations.

Votes on Final Passage:

Senate	42	5	
House	76	20	(House amended)
Senate	34	9	(Senate concurred)

Effective: July 23, 1989

Partial Veto Summary: The state's air cargo capacity is removed as a task force study subject. (See VETO MESSAGE)

2SSB 5658

PARTIAL VETO

C 419 L 89

By Committee on Ways & Means (originally sponsored by Senators McCaslin, Talmadge, Niemi, Pullen, DeJarnatt, Nelson, Thorsness and von Reichbauer; by request of Department of General Administration and Office of Financial Management)

Creating a risk management program and agency accountability.

Senate Committee on Governmental Operations and Committee on Ways & Means
House Committee on Judiciary

Background: Liability claims and costs for the state have increased significantly in recent years. Future projections indicate that the costs will continue to rise. In 1987–88, for example, the state paid nearly $28 million in claims, as compared to $15.5 million in 1985–86.

Since the early 1960s the state has paid for claims against state agencies as they arose, whether the settlements or judgments were for property damage or personal injury. Such claims have been paid from the tort claims revolving fund and are charged back to the affected agency or agencies. In instances where a claim is too large for the agency to absorb out of its current budget, the agency requests the Office of Financial Management (OFM) for a waiver. If the waiver is approved, a direct appropriation is requested from the Legislature in the next session.

The Attorney General plays a lead role with the agencies in pursuing liability actions. The Risk Management Office in the Department of General Administration has been responsible for coordinating agency efforts and directing liability studies.

Special appropriations have been made to agencies with higher than average liability exposure. Among these have been the motor vehicle fund for transportation–related liability and vehicle claims; the agencies primarily affected are the Department of Transportation (DOT) and the Washington State Patrol (WSP). In addition, the Department of Corrections has received a small direct allowance in its budget. None of the other agencies receive direct appropriations for prospective claims.

A few special exposures — such as pollution, aircraft and marine liability — are covered under insurance contracts outside the tort claims revolving fund.

In the last interim, a special task force was created to study the risk management program and make legislative recommendations. The task force consisted of representatives of private and public risk management programs, private insurance companies, and various affected state agencies. In addition, the Office of Financial Management and the Attorney General's Office contracted with Price Waterhouse for a special study of the legal aspects of risk management.

Summary: Legislative intent is to reduce tort claims costs by restructuring the state's risk management program, increasing accountability of individual agencies, establishing an actuarially sound funding mechanism to pay legitimate claims, and establishing an effective safety and loss control program.

Significant elements of the management program to be carried out by the Risk Management Office include:

- Requiring that all liability claims be filed with the Office;
- Establishing a centralized claim tracking system;
- Requiring that all claim and loss records and internal communications are not discoverable nor admissible in court for any purpose;
- Standardizing procedures for program operations, including the use of qualified claims managers;
- Requiring the Office of Risk Management to determine an initial valuation of each claim and either delegate investigation, negotiation and settlement to the appropriate agency, or retain the responsibility on behalf of the agency;
- Providing that all claims resulting in a lawsuit be forwarded to the Attorney General's Office, for resolution in collaboration with the affected agency; and
- Establishing reserves to recognize financial liability and monitor effectiveness of claims management.

Each agency must budget prospectively for anticipated claims. A new, nonappropriated liability account is created to replace the tort claims revolving account. The purpose of the account is to: pay legal liabilities expeditiously; promote risk control through a cost allocation system based on agency loss experience, levels of self–retention (a form of self–insurance) and levels of risk exposure; and establish an actuarially sound system for payment of losses incurred.

Earnings on the account's assets must be credited to the account rather than to the state general fund. Annual premiums assessed to state agencies for liability coverage in excess of the budgeted self–retention levels provide the financial base for the account. Annual premium levels are determined by the Risk Management Officer, in consultation with the Risk Management Advisory Committee and concurrence from OFM. An actuarial study will assist in determining appropriate funding levels.

The liability account must not exceed 50 percent of the actuarial value of outstanding liability, determined annually by the Office of Risk Management. Premiums may be adjusted if the account exceeds the limit, and excess amounts thereafter are prorated back to the appropriate funds.

A risk management account is created to administer the program and purchase liability insurance, including catastrophic insurance. Earnings are credited to the account, which is financed by a combination of direct appropriations and agency assessments.

The Office of Risk Management must establish a coordinated safety and loss control program. Agencies must provide top management support and commitment to the program. Centralized loss histories must be developed to identify agency risk exposures. The Office of Risk Management is charged with monitoring agency loss control programs and assisting small agencies in their efforts.

A Risk Management Advisory Committee must be established by the Director of GA, who serves as committee chair. The committee provides guidance for the appropriate role of the Office of Risk Management and program policies as well as establishing premiums or other cost allocation systems, and making appropriate determinations for self–insurance as opposed to purchased insurance.

The Director of GA may adopt rules for the program and the Risk Manager may delegate powers to individual agencies if it is determined that sufficient resources are available. The University of Washington, including its hospitals, is exempt from the program.

A waiting period of 60 days is required, after a claim has been presented to the Risk Management

Office, before a cause of action may be commenced. The Risk Manager is required to develop procedures for standard indemnification agreements to be used by state agencies. The Risk Manager, together with OFM, must study the potential in state government for utilizing retrospective rating programs and submit recommendations to the appropriate legislative committees by December 1, 1989. The Attorney General must submit a report each February to the Legislature, the Governor and the Risk Management Office providing a comprehensive summary of all cases involving tort claims from the previous year.

Repealers include the former system of settlement of claims by agencies and payment of claims through the tort claims revolving fund. The June 30, 1989 termination date of the Risk Management Office is also repealed.

Votes on Final Passage:

Senate 45 0
House 96 0

Effective: July 1, 1989

Partial Veto Summary: The Governor vetoed the section which required the Attorney General to issue an annual report by February 1, providing a comprehensive summary of all tort claims cases against the state. (See VETO MESSAGE)

2SSB 5660

C 126 L 89

By Committee on Ways & Means (originally sponsored by Senators Niemi, Smith and Murray)

Regarding child care resource and referral.

Senate Committee on Children & Family Services and Committee on Ways & Means
House Committee on Human Services
House Committee on Appropriations

Background: The Office of Child Care Resource Coordinator was established by legislative mandate in 1987. The coordinator was given the responsibility for administering grants to local communities to enable them to develop child care information and referral systems and for creating a data bank to provide information about all licensed child care providers in the state.

After receiving input from numerous experts, including the Governor's Commission on Children, it was determined that localized data banks do a better job of providing residents with specific community oriented information and therefore they are preferable to a statewide referral data bank.

None of the currently operating resource and referral programs in the state are operating full time and none can afford to provide the type of quality information and assistance they believe was envisioned in the original concept for the system.

Summary: The Child Care Resource Coordinator of the Department of Social and Health Services is directed to establish a method for awarding grants up to $25,000 for new or existing child care resource and referral programs.

To qualify for a grant, the program must demonstrate how it will (1) provide parents with information on location, services and subsidies of child care providers, (2) carry out recruitment and training and provide support services to child care providers, (3) provide child care resource information to businesses, (4) advocate for increased public and private sector resources, and (5) provide technical assistance to employers regarding employee child care services.

The act is null and void if funding is not provided in the 1989 omnibus appropriations act.

Votes on Final Passage:

Senate 47 0
House 95 1

Effective: This act is null and void since no appropriation was made in the budget.

SSB 5663

C 250 L 89

By Committee on Governmental Operations (originally sponsored by Senators McCaslin, DeJarnatt, Thorsness, Newhouse and Vognild)

Authorizing counties to defend county officials in recall actions.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Article 1, Section 33 of the state Constitution provides that all elective public officers except judges are subject to recall by voters. A recall is commenced when a voter files a recall charge alleging malfeasance, misfeasance, or violation of an oath of office by an elective official. Recall laws generally define "malfeasance" as the commission of an unlawful act, "misfeasance" as the performance of a duty in an improper manner, and "violation of the oath of office" as the willful failure to perform a duty. The

recall charge must recite acts legally sufficient to establish grounds for a recall. If the charge is determined to be sufficient by a superior court judge, and a sufficient number of signatures are then collected on recall petitions, voters are given the opportunity to vote on the truth of the allegations, which are summarized in a ballot synopsis. If a majority of voters approve the recall, the official is discharged from office and a vacancy is created.

There is no express statutory authority for cities, towns or counties to pay the legal expenses of their elective officials when recall charges have been filed against them.

Summary: Cities, towns and counties are authorized to pay the necessary expenses of defending their elective officials in judicial proceedings to determine the sufficiency of a recall charge, including costs associated with an appeal. The official against whom a recall charge has been filed must request payment of the expenses. Approval for payment by counties must be granted by the county legislative authority and the prosecuting attorney. Approval for payment by cities and towns must be granted by the city or town legislative authority.

Votes on Final Passage:

Senate	44	0	
House	93	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	40	2	(Senate concurred)

Effective: July 23, 1989

SB 5668

C 71 L 89

By Senators Pullen and Talmadge

Providing for venue in juvenile proceedings.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The present venue statute requires that all criminal charges against juveniles (misdemeanors and felonies) be filed in the county where the juvenile lives. Concern exists that the present rule is impractical.

A problem arises when a juvenile resides in one county and commits a crime in another county. Under the statute, the prosecutor of the county where the crime occurred can try the case in that county only by filing the charge in the county of residence and requesting it be transferred to the county where the crime occurred.

Currently, most defense attorneys simplify the process for the county where the crime occurred by not objecting to the transfer. It is felt that most counties cannot afford and do not have the staff to pursue all juvenile crimes in other counties. If the strict rule were followed, it is felt that only the most serious crimes would be pursued into other counties.

It is suggested that the present venue statute be changed to provide that charges against juveniles originate in the county where the offense was committed. It is also suggested that an exception be made for cases in which diversion is permitted so that charges against juveniles may originate in either the residence county or the county where the crime occurred.

Summary: Criminal charges against juveniles must originate in the county where the offense was committed. The case can be transferred to the county where the juvenile lives at the discretion of the court. In cases where diversion is provided by statute, venue is in either the county where the juvenile resides or the county where the crime occurred.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: September 1, 1989

SB 5676

FULL VETO

By Senators Cantu, Bender, Patterson and McDonald

Designating state route number 901 a scenic highway.

Senate Committee on Transportation
House Committee on Transportation

Background: Designation of a state route as a scenic highway requires legislative authorization. The recreational character and geography of State Route 901 is similar to other state routes of comparable usage that have been designated as scenic and recreational highways.

Summary: State Route 901, beginning in the vicinity west of Issaquah, then north to the west of Lake Sammamish to a point in the vicinity of Redmond, is designated as part of the scenic and recreational highway system.

Votes on Final Passage:

Senate	48	0
House	92	0

FULL VETO: (See VETO MESSAGE)

SB 5679

C 190 L 89

By Senators von Reichbauer, Moore, Sellar and McMullen; by request of Insurance Commissioner

Revising provisions for industrial insurance funds.

Senate Committee on Financial Institutions & Insurance
House Committee on Commerce & Labor

Background: In the event of death or total permanent disability of a worker, the Department of Labor and Industries establishes an annuity to cover the payments to be paid to the worker or survivors. An actuary from the Insurance Commissioner's office performs periodic review of these annuities to determine if the level of reserve is in line with the current claim history. The Department of Labor and Industries pays approximately $10,000 annually to the Insurance Commissioner for this service. Because of workload requirements, the Insurance Commissioner's office has not always been able to meet the financial reporting time lines of the Department of Labor and Industries, causing these reports to be delayed.

Summary: The Department of Labor and Industries assumes responsibility for actuarial review of annuities established for payments in the event of death or permanent total disability of a worker covered by industrial insurance.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: July 23, 1989

SB 5680

C 140 L 89

By Senators McCaslin, DeJarnatt and Thorsness; by request of State Auditor

Deleting obsolete language from the Revised Code of Washington.

Senate Committee on Governmental Operations
House Committee on State Government

Background: In 1871 the territorial legislature codified a common law rule requiring public disclosure of records kept by a public auditor. That rule provides that "all books, papers, letters, and transactions pertaining to the office of state auditor shall be open to the public." It has been suggested that this provision be deleted because the broad scope of the open public records provisions adopted in 1972 grant greater public access rights to State Auditor records than the older provision.

Summary: An obsolete section of the RCW is deleted.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 23, 1989

SSB 5681

C 154 L 89

By Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman and West; by request of Department of Labor and Industries)

Reenacting and amending provisions for asbestos projects.

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

Background: The 1986 federal Asbestos Hazard Emergency Response Act and related 1987 EPA rules require states to provide worker certification plans and ensure that asbestos in schools is removed by certified work crews. These plans must conform to a given model. There is interest on the part of affected parties and the Department of Labor and Industries to provide for certification of contractors and supervisors.

Summary: Federal rules regarding worker certification for projects in schools are extended to all asbestos removal projects. Inspection and prenotification to the Department of Labor and Industries are required for building owners (or agents) prior to conducting or authorizing activities that may release asbestos into the air. Additional wording clarifies the appeal process if a certification is revoked.

The definition of "owner" excludes an individual conducting an asbestos project on his or her own single family residence if no part of the residence is used for any commercial purpose.

Inspection reports shall be maintained and made available upon request to the department, contractors and employee representatives.

Prenotification to the department is only required for projects larger than 48 square feet (or 10 linear

feet of pipe). Large–scale, on–going projects can be covered by an annual notification (significant changes must be reported). The director may require prenotification for smaller projects if information available on personnel, equipment, methodologies, work site or procedures warrants.

Incremental phasing in conduct or design of projects to avoid prenotification requirements is a violation.

Emergency projects are defined. Such projects require posting of a notice.

Procedures for reciprocal certification are provided for workers trained and certified in other states.

Appropriation: $226,343 for the biennium from the accident and medical aid funds to the Department of Labor and Industries to be repaid from certification and training fees. $1,145,188 from the accident and medical aid funds to increase enforcement of workplace asbestos requirements.

Votes on Final Passage:

Senate	48	0
House	94	0

Effective: April 22, 1989

SSB 5686

C 354 L 89

By Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Newhouse, Bailey, Anderson and Gaspard)

Making major changes to agriculture statutes.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: Food and Dairy Products: The dairies and dairy product and fluid milk statutes (RCW 15.32 and RCW 15.36) provide the authority for the Department of Agriculture to regulate the dairy industry in the state, and establish the standards for the sale of milk products. Current statute contains some obsolete language and references, as well as certain requirements which are no longer applicable or enforceable.

Fruit Commission: The Washington State Fruit Commission assesses growers of soft tree fruits (Bartlett pears and all varieties of cherries, apricots, prunes, plums and peaches) for purposes of marketing and promotion. While nectarines are also currently assessed, they are not specifically listed in the statutory definition of soft tree fruit. The annual assessment funding the commission is currently levied on all commercial soft tree fruit which is grown or packed in the state. The statutory authority specifically authorizes the assessment to be levied on fruit grown in the state.

Commodity Commissions: Commodity commissions are responsible for the promotion of various specific agricultural commodities. Good statistical information on what is produced by growers enhances the ability of the commodity commissions to assist in marketing the crops. Several varieties of the same crop are often grown, and specific knowledge of these crops would aid the efforts of commodity commissions. Current law is not broad enough to allow the commissions to require the reporting of grower receipts based on crop variety.

Weights and Measures: The Weights and Measures division of the Department of Agriculture has a National Bureau of Standards lab in Olympia which calibrates commercial measuring devices.

Commission Merchants: Commission merchants and dealers must maintain the records of their purchases and sales of agricultural products for one year. Many complaints filed by producers are not made within this time period.

Grain Inspection: The warehousing and deposits statutes authorize the Department of Agriculture to regulate warehouses and grain dealers. In reviewing the statutes, the department has suggested that there are areas with potential risk of litigation because practices do not conform with the terms of RCW 22.09, and there is language in the act which is unclear and does not reflect either the practices or needs of the industry.

Apple Advertising Commission: The Apple Advertising Commission, composed of nine apple producers and four apple dealers, is a commodity commission responsible for promoting the sale of Washington apples. The commission uses research, advertising and educational campaigns to meet the goals of promotion. Currently the state is divided into three districts for purposes of representation on the commission, with both dealer and producer representatives elected from these districts.

Pesticide Disposal: The Department of Agriculture instituted a pilot program for pesticide disposal in 1988. The aim of the program was to reduce the backlog of unusable pesticides currently being stored on farms in the state of Washington. The program was funded through the department's budget with considerable help from the state toxics control account. The program accepted waste pesticides from farmers in three counties, and then contracted with a carrier to transport the waste to disposal sites in Texas and Oregon.

Organic Foods: The Department of Agriculture administers a certification program for producers of organic foods under RCW 15.86. The program includes inspection by certification personnel, record-keeping requirements, and the submission of product samples for chemical analysis. The certification program is a fee–for–service program.

Summary: Food and Dairy Products: Technical changes are made to revise obsolete language, eliminate requirements that are no longer applicable or enforceable and to allow the application of modern practices. Standards for labeling, cleanliness, and inspection are amended to reference federal law, such as the Fair Packaging and Labeling Act, rather than standards set by state statute.

Specific requirements for pasteurization are expanded to include higher temperatures and shorter time limits. In the instance of milk products containing 10 percent or more sweetener, or for eggnog, specific temperature/time limits are included, and any pasteurization process recognized by the Federal Food and Drug Administration is approved for use.

Technical changes are made in the milk grading process to make it consistent with federal requirements. The director shall degrade or suspend the grade A permit whenever the standard is violated in three of the last five consecutive milk samples rather than one of the last four, as is current law. A grade A permit shall subsequently be reinstated in notice status when sample results are within the standard for which the suspension occurred.

Fruit Commission: The definition of soft tree fruit is modified to include nectarines, and assessment language is expanded to include fruit packed as Washington soft tree fruit.

Commodity Commissions: Commodity commissions or the Director of the Department of Agriculture are given authority to designate the type of information required to be reported by growers.

Weights and Measures: The director is authorized to establish fees for the calibration work done in the state's weights and measures laboratory. Monies collected shall be deposited into the agricultural local fund to be used by the Division of Weights and Measures to fund the laboratory and its services.

Commission Merchants: Any person handling livestock, hay, grain, or straw must be licensed as either a commission merchant or dealer and cannot be licensed as a cash buyer.

No person may operate a separate business under the cover of another person's license.

Commission merchants and dealers are required to retain records for three years.

Any commission merchant, dealer, cash buyer, or person acting as such without a license who, with the intent to defraud a consignor, fails to comply with the requirements of the commission merchants statutes, is guilty of a class C felony.

The requirement that boom loaders be licensed is eliminated.

Grain Inspection: The department is authorized to adopt inspection standards and procedures for grains and commodities. The inspection and grading of a lot is expanded to include the determining of a sample's grade, condition or other qualitative measurement.

A person aggrieved by the grading of a commodity may request a reinspection or appeal inspection within three business days from the date of certificate. A reinspection is an official review of the results of an original inspection, and an appeal inspection is a review of an original inspection or a reinspection by an authorized United States Department of Agriculture inspector or a supervising inspector.

Agricultural commodities are grains for which inspection standards have been established under the United States Grain Standards Act, the Agricultural Marketing Act of 1946, or other products for which the department has established inspection rules.

Apple Advertising: Technical changes are made which clarify that commissioners for the Washington State Apple Advertising Commission must grow apples or act as an apple dealer in the district they represent. Nominations for vacant commission positions shall be made at the Washington State Horticultural Association annual meeting or the annual meeting of any other producer organization which represents a majority of producers in the state. In order to have a vote in a district or subdivision, growers must operate a commercial producing apple orchard within the district or subdivision.

Pesticide Disposal: The department is authorized to expand the pesticide disposal program to include products held by pesticide dealers. Fees will be paid by dealers to fund the program.

Seed Law: The state's Seed Act, regulating commercial seed, is amended. Any violation of the act is punishable by a civil penalty of up to $2,000, replacing criminal penalties. If a buyer of seed is damaged (in an amount greater than $2,000) by the failure of seed to perform as represented, the damage claim must be submitted to nonbinding arbitration conducted by an arbitration committee appointed by the Director of Agriculture. An action to assert the claim or any counterclaim may not be brought until after the arbitration. Provisions regarding weed seeds are also clarified.

Organic Foods: Beginning on January 1, 1990, "transition to organic foods" may be sold, which are organic foods which meet all the requirements except the chemical free time period. Transition to organic foods must not have had prohibited substances applied within one year, and products sold as transition to organic must specify first or second–year transition on their label. On January 1, 1991, the one year chemical free period for organic food designation is extended to two years after the application of any prohibited pesticide, herbicide, or fungicide and two years after the application of a prohibited fertilizer. On January 1, 1992, the period is extended to three years for prohibited pesticides and two years for prohibited fertilizers.

Authorization for the organic food certification program is expanded to include the certification of processors of organic foods. Fees charged under the program need only cover the costs of the inspection program. No out–of–state products may be labelled or sold as organic without having first received organic certification, in the state of origin, which meets the requirements of this state's organic food laws.

Apiary Coordination: The county legislative authority of any county of the third class in southeastern Washington is authorized to designate apiary coordinated areas in which the number of colonies per apiary, the distance between apiaries, the minimum required setback distance from property lines, and/or the time of year the regulations shall be in effect may be established. A violation of such a regulation is a misdemeanor.

State Designation: Bluebunch wheatgrass is named the official state grass, and the apple is named the official fruit of the state of Washington.

Disease Control: The Department of Agriculture's authority to control animal diseases and establish quarantines is modified such that all violations of the act or rules implementing the act are gross misdemeanors.

Agricultural Clear Title: The Department of Agriculture is directed to study ways of resolving the agricultural products clear title issue. The resolution to the problem shall: not require further expenditure by the state; serve the interests of security interests, buyers and creditors; make recommendations to the federal government; and provide opportunity for public comment. The report shall be made to the Legislature during the 1990 legislative session.

Appropriation: $40,000 is appropriated for the study.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	97	0
Senate	46	0

Effective: July 23, 1989
January 1, 1990 (Sections 70–81, 84–86)
January 1, 1991 (Section 30)

SB 5689

C 179 L 89

By Senators von Reichbauer, Moore, Sellar and McMullen; by request of Department of Labor and Industries and State Investment Board

Regulating industrial insurance premium investments.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance
House Committee on Commerce & Labor

Background: The State Investment Board was established in 1981 to invest public trust and retirement funds. The board is to establish investment policies and procedures designed to maximize return with a prudent level of risk except with respect to the Department of Labor and Industries' accident, medical aid and reserve funds. Relative to the Department of Labor and Industries' funds, the board is required to establish investment policies and procedures designed to limit fluctuations in industrial insurance premiums and, subject to that purpose, maximize return at a prudent level of risk. This mandate is in effect until July 1, 1989.

The different mandate for Department of Labor and Industries' funds was a result of legislation passed in 1988. It required the State Investment Board to present a report to designated standing committees in the Senate and House of Representatives recommending necessary changes in investment policies relative to the funds of the Department of Labor and Industries. The report was to include recommendations for appropriate accounting policies allowing stabilization of rates as well as maximizing investment return.

The report indicated the need to have an investment policy for the Department of Labor and Industries funds separate from those applicable to retirement funds. Other recommendations were made on asset valuation techniques, investment objectives, investment policies and guidelines, minimizing fluctuation of income and premium levels and procedures for information flow.

Summary: The expiration date of July 1, 1989 relative to the mandate of the State Investment Board's treatment of the Department of Labor and Industries' accident, medical aid and reserve funds is stricken. The State Investment Board must continue to establish investment policies and procedures designed to limit fluctuations in industrial insurance premiums and subject to that purpose, maximize return at a prudent level of risk.

The State Investment Board must report annually on its investment activities for the funds of the Department of Labor and Industries. The report must be provided to the Senate Committees on Financial Institutions and Insurance, and Economic Development and Labor, and the House Committee on Commerce and Labor.

Votes on Final Passage:

Senate	46	0
House	92	0

Effective: July 23, 1989

SB 5701

C 180 L 89

By Senators von Reichbauer, Moore and Sellar; by request of Department of General Administration

Regulating financial institutions.

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

Background: The Supervisor of Banking or certain representatives thereof are required to examine a state-chartered commercial bank or trust company without prior notification. Critics of this requirement feel examination personnel's time may be used inefficiently waiting for an institution's personnel to prepare required documents.

State banking, trust company, or mutual savings bank statutes do not provide for agreements allowing the supervisor to give or accept examinations with other bank regulatory authorities. The implementation of interstate banking allows the out-of-state ownership of certain domestic institutions. It has been suggested that these agreements could equip regulatory authorities more efficiently to monitor the safety and soundness of regulated institutions.

If the criteria for disapproval are met, the supervisor must file an injunctive action to restrain a pending acquisition or change in control of a bank, trust company, or mutual savings bank. Publicity accompanying such injunctive action could seriously harm an institution's reputation or cause a run on the institution.

Business corporations may limit or eliminate liability of their directors. Currently, a proposal is being considered by the Legislature to extend this ability to financial institutions. Some concern has been expressed that the interests of certain regulators and deposit insurers may not be protected under this proposal.

A current moratorium preventing withdrawal of any institutions from the Federal Savings and Loan Insurance Corporation (FSLIC) exists. The moratorium prevents the merger of a FSLIC insured institution into a Federal Deposit Insurance Corporation (FDIC) insured institution in which the acquired institution would be a subsidiary of the acquirer.

Mutual savings bank statutes are silent concerning the examination of these institutions. Also, the disclosure of examination contents is less specific than banking statutes.

Summary: Various modifications are made to the banking and mutual savings bank codes.

The banking and trust company provision forbidding prior examination notification is deleted.

The Supervisor of Banking is authorized to enter into cooperative agreements with other specified banking authorities to give and obtain examination reports for banks, trust companies, or mutual savings banks. The supervisor may accept these examination reports in lieu of conducting his or her own examination. In order to furnish examination reports, the supervisor must find that the reports will receive protection from disclosure comparable to that provided in this state. All examinations obtained through agreements are considered privileged and confidential information, and are not public information or subject to the Public Disclosure Act.

The supervisor is authorized to disapprove any application for acquisition or control of any bank, trust company, or mutual savings bank; provided, however, that the criteria for disapproval are met. The basis for any disapproval is to be set forth in an order, a copy of which is to be provided to the applicants and the bank involved. The findings of such an order are not subject to public disclosure unless the findings or order are appealed. Any change in a director or chief executive officer within the first twelve months after a change in control is to be reported to the supervisor.

A director of a state commercial bank or mutual savings bank may be held personally liable for damages sustained by the state or deposit insurer. In order to be held liable, the director must knowingly violate or permit violation of applicable banking law, regulation or supervisory directive.

A mutual savings bank may invest in the stock of another federally insured depository institution as a controlled subsidiary.

Examination provisions for state commercial banks are added to the mutual savings bank statute.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: April 27, 1989

SSB 5713

C 386 L 89

By Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and Wojahn; by request of Department of Social and Health Services)

Providing for licensure of medical test sites.

Senate Committee on Health Care & Corrections
House Committee on Commerce & Labor
House Committee on Appropriations

Background: Currently the state does not have a comprehensive licensure law regulating laboratories conducting medical testing. Some regulation of laboratories exists for those involved with specific tests or who receive Medicare reimbursement. In addition, some private organizations have accrediting programs for laboratories.

Recent concerns over the accuracy of pap smear tests have drawn attention to the issues of quality control in laboratories. Medical tests are becoming more complex as technology makes advances in areas such as genetic screening. Accuracy in analyzing these tests raises concerns about the presence of adequate quality control procedures.

In response to these concerns Congress enacted in 1988 a national comprehensive laboratory licensing program. The program affects laboratories located in all settings including physician offices. Laboratories conducting any medical test are covered, though some exemptions exist for those conducting "simple" tests. The federal government is in the process of developing regulations on the program and implementation will occur over the next few years. The federal legislation provides that states may enact their own licensure program to substitute for the federal program. The standards of the states' programs must be as stringent or more stringent than the federal program.

Summary: A state laboratory licensure program is created. Laboratories are defined as any test site analyzing material derived from the human body for the purpose of health care, treatment or screening. Exceptions are created for tests approved for self–administration in an individual's home.

The Department of Social and Health Services (DSHS) is designated as the regulatory authority and given rule making authority. Should the Department of Health be created, the program will be transferred there. All laboratories conducting medical tests are required to be licensed by July 1, 1990. Waivers from licensure are granted to laboratories conducting simple tests determined to have an insignificant risk of an erroneous result. The department is required to grant temporary permission to perform additional tests, pending the department's determination that the test site meets requirements for the additional tests. Laboratories accredited, certified or licensed by other organizations approved by the department are automatically licensed but must meet department established proficiency standards.

The department shall adopt rules consistent with federal laws, governing test site quality control, quality assurance, recordkeeping, and personnel requirements. Test sites are required to participate in approved proficiency testing programs. DSHS may contract with third parties offering proficiency testing programs. Test sites shall have a designated supervisor.

The department shall establish fees for licensure to cover the cost of the program. A dedicated account is created for the program. Application procedures are enumerated. Specifics are outlined for conditions when the department may deny, limit or cancel, suspend or revoke a license or assess monetary penalties. It is a misdemeanor to operate a laboratory without a license.

The department may conduct on–site reviews at any time to determine compliance.

Votes on Final Passage:

Senate	46	0	
House	97	1	(House amended)
House	97	0	(House amended on reconsideration)
Senate	44	0	(Senate concurred)

Effective: July 1, 1989 (Section 23)
July 1, 1990 (Sections 1–22)

SB 5715

C 117 L 89

By Senators Newhouse, Talmadge, Owen and Benitz; by request of Attorney General

Regulating the business of immigration consulting.

Senate Committee on Law & Justice
House Committee on Judiciary
House Committee on Commerce & Labor

Background: Recent changes in federal immigration law have caused a dramatic increase in the number of foreign nationals who are applying for U.S. citizenship. They have also caused a proliferation of immigration consultants who provide non-legal assistance and advice on immigration matters for a fee.

Concern exists that individuals seeking non-legal assistance and advice on immigration matters are not adequately protected from unscrupulous practices and conduct. It is suggested that rules of practice and conduct be established for immigration consultants in order to minimize potential abuses.

Summary: The Immigration Assistant Practices Act is established.

Attorneys and legal interns or paralegals operating under the supervision of an attorney are exempt from this act. Nonprofit corporations and law school clinics are also exempt from this act.

Any person who wishes to engage in the business of an immigration assistant must register with the Secretary of State's office. Immigration assistants must inform the Secretary of State of any changes in their name, address, or phone number within 30 days of the change.

Immigration assistants are authorized to provide only non-legal assistance or advice. An immigration assistant must provide the client a written contract prior to providing any service. The contract must contain certain specific provisions and must be written in both English and in the native language of the client. The client may rescind the contract within 72 hours of signing the contract. Certain acts are specifically prohibited.

Any violation of the act constitutes a gross misdemeanor.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 1, 1989

SB 5731

C 97 L 89

By Senators von Reichbauer and Moore

Allowing investment in government obligations.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: A fiduciary of a trust instrument may acquire and retain certain securities, provided the fiduciary follows standards established by law and any express provisions or limitations of a particular trust instrument.

A qualified public depository must maintain collateral of 10 percent of the amount of public deposits in that particular institution. The following instruments qualify as collateral: bonds, notes, and other securities which are general obligations of the United States; certain obligations constituting the direct and general obligation of the Federal Home Loan Bank or Federal Reserve Bank; and certain other general obligation bonds.

State chartered savings and loan associations may invest in mutual fund instruments under the parity provisions granted to federally chartered institutions or, to a limited extent, through a service corporation.

A state chartered mutual savings bank may invest in various bonds and obligations delineated in statute. Included among these permissible investments are bonds and obligations of the United States.

Summary: A trustee, mutual savings bank, savings and loan association, and qualified public depository may invest in securities of a management type investment company, or investment trust registered under the federal Investment Company Act of 1940; provided, however, certain prescribed limitations are followed.

The portfolio of the investment trust must invest solely in obligations of the United States and any repurchase agreements collateralized by such obligations. Also, the investment company may take delivery, either directly or through a custodian, of the collateral of any repurchase agreement.

The Supervisor of Banking and Supervisor of Savings and Loans are granted rule-making authority to limit investment in these investments.

Votes on Final Passage:

Senate	45	1
House	96	0

Effective: July 23, 1989

SSB 5733

C 72 L 89

By Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Modifying the statute pertaining to trademark registration.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Concern exists that current law governing the registration of trademarks in this state is outdated. It is recommended that the present Trademarks Registration Act be modernized.

Summary: Registration under the act constitutes constructive notice of the registrant's ownership of the trademark throughout the state.

A certificate of registration constitutes prima facie evidence of the validity of the registration. It also constitutes prima facie evidence of the registrant's ownership of and exclusive right to use the trademark within the state with regard to the goods or services specified.

Owners of famous trademarks may bring suit to enjoin dilution of their trademarks.

A court may only award attorneys' fees in an action brought under the act where exceptional circumstances exist. Attorneys' fees may also be recovered from any person who obtains a trademark registration through false or fraudulent means.

The administrative cancellation procedure is deleted.

The courts of this state are required to consider the federal courts' interpretation of the federal Trademark Act when construing provisions of the Washington Trademark Registration Act.

Purchaser motivation is not a test for determining abandonment of a registered trademark.

Several technical corrections are made.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: July 23, 1989

SB 5736

C 321 L 89

By Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf, Murray, Anderson, Conner and Smith; by request of Superintendent of Public Instruction

Modifying local funding requirements for school construction.

Senate Committee on Education
House Committee on Education
House Committee on Capital Facilities & Financing

Background: Under law and State Board of Education rules, school districts are eligible for state matching funds for school construction projects approved by the board and for which local funds have been or are expected to be secured. Students living in a school district that does not have a high school (nonhigh districts) and attending high school in a high school district are not counted in determining the adjusted valuation per full–time equivalent pupil for an elementary building project in the nonhigh district. At the same time, a nonhigh school district is required to contribute capital assistance for building programs in the designated high school district.

Summary: The allotment procedures for school construction and the local match requirements are clarified. A district is required to provide matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance calculated under the formula. The matching requirement may be waived if the district provides funds through bonds or levies equal to 2.5 percent of the assessed valuation of their taxable property.

The state matching percentage is calculated using the district's adjusted valuation per full–time equivalent resident pupil. Full–time equivalent pupils are determined using the October enrollment reports for the purposes of basic education and handicapped education allocations. Preschool handicapped students and kindergarten students are counted as half–time students.

For calculating allocations for school construction, the enrollment of a school district is decreased by the number of nonresident students enrolled in that school district unless: (1) the nonhigh school district has not identified the high school district as a designated "serving" district; or (2) the high school district has passed a bond issue before the effective date of the bill and counted students living in a nonhigh school district but attending high school in the high school district.

A nonhigh school district may count students living there and attending high school in the designated serving district for purposes of computing the state matching percentage for allocations for elementary and middle school facilities.

If a high school district is identified as a serving district, the nonhigh school district must place a measure on the ballot regarding proposals for the issuance

of bonds or levies for capital building programs for the serving high school district.

A district without a high school must designate a serving high school district if more than 33.3 percent of the high school students residing in the nonhigh district are enrolled in the high school district. A district without a high school is not required to designate more than one serving high school district. The district without a high school may designate more than one serving high school district.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: May 11, 1989

SB 5737

C 208 L 89

By Senators Bailey, Rinehart, Lee, Fleming, Smitherman, Bender, Metcalf and Murray; by request of Superintendent of Public Instruction

Providing for annual leave for employees of educational service districts.

Senate Committee on Education
House Committee on Education

Background: Currently there are no provisions in statute allowing educational service districts (ESD) to grant annual leave and sick leave for educational service district employees, or for such employees to transfer such leave.

Summary: Every educational service district board of directors must adopt written policies to provide annual and sick leave of at least ten days for their future employees. Part–time employees accrue leave proportionately. Sick leave may not accrue in excess of 12 days per year.

For certificated and noncertificated employees, annual leave accrues at a rate not to exceed 12 days per fiscal year. Provisions of current contracts, which may conflict with requirements of this statute, continue in effect until the contract expires. All new contracts must be consistent with this statute.

Leave may not accumulate beyond a maximum of 180 days. Up to 12 days of unused sick leave per year may be cashed out.

Leave accumulated at the educational service district level may be transferred to other educational service districts, school districts or the Office of the Superintendent of Public Instruction.

Leave earned prior to the effective date of this act shall be added to leave accumulated after the effective date of this act.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 23, 1989

SB 5738

C 209 L 89

By Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf and Murray; by request of Superintendent of Public Instruction

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

Senate Committee on Education
House Committee on Education

Background: In 1987, the Legislature authorized the Superintendent of Public Instruction to grant funds to selected school districts to assist in the development of student motivation, retention, and retrieval programs for students at risk of dropping out of school. Funds appropriated for these purposes have been distributed to qualifying school districts for initial planning, development, and implementation of educational programs.

Summary: The Student Motivation, Retention and Retrieval Program is amended. Funds are distributed among qualifying school districts on a per pupil basis. The appropriation shall be divided by the total full–time equivalent student population of all qualifying districts as determined on October 1 of the first year of each biennium. The eligibility of a school district or cooperative of school districts to receive program implementation funds is determined once every two years. Funds not requested by one or more eligible school districts may be expended or allocated to other qualifying school districts on a nonformula grant basis by SPI. The requirement that priority consideration be given to schools where no student motivation, retention and retrieval programs currently exist is deleted.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 23, 1989

SSB 5746

C 104 L 89

By Committee on Transportation (originally sponsored by Senators Sellar, Smith, Owen and Matson)

Exempting interstate truck drivers from overtime wage requirements.

Senate Committee on Transportation
House Committee on Commerce & Labor

Background: Recently the Washington State Supreme Court ruled that the regulations governing the maximum number of hours an employee of an interstate motor carrier may work as contained in the federal Motor Carrier Act (MCA) does not preempt the overtime provisions of Washington's Minimum Wage Act (MWA). The decision overturned two lower court rulings.

The MWA requires employers to pay employees time and one–half when the work week exceeds 40 hours. Under the MCA, the Secretary of the U.S. Department of Transportation has the power to set the maximum hours of service for employees of interstate motor carriers for safety purposes; rates of pay are not addressed. An interstate truck driver is limited to: (1) no more than ten hours driving time followed by eight consecutive hours off duty, or (2) no more than 15 hours on duty followed by eight consecutive hours off duty, or (3) no more than 60 hours on duty in seven consecutive days if the motor carrier employer does not operate seven days per weeks, or (4) no more than 70 hours on duty in eight consecutive days if the employer operates seven days per week.

A mechanic employed by an interstate trucking firm based in Washington State was denied overtime wages even though the employee worked entirely within the state and in excess of 40 hours per week in 35 pay periods.

The State Department of Labor and Industries (L&I) brought an overtime wage claim in lower district court and later in superior court. In both cases, the courts held in favor of the employer, based on the assumption that the MCA preempted the MWA. L&I appealed the case to the Court of Appeals, which certified the case to the Supreme Court.

In its decision, the Supreme Court found: (1) Congress has not expressed a clear intent to preempt state overtime wage provisions; (2) neither Congress or the secretary have shown an intent to occupy the field of overtime wage; (3) the MWA does not require an employee to work in excess of the maximum hours set by the secretary; and (4) the state's hours worked and wage requirements do not interfere with safety goals of the MCA. The court concluded that there is no necessary inconsistency between enforcing maximum hours of service for safety and at the same time, requiring compliance with increased rates of pay for overtime.

Truck drivers are currently paid: (1) an hourly wage, plus overtime, (2) on a per mile basis, or (3) on a percentage of the gross income per load. Compensation which is based upon a per mile or percentage of the gross income may include an allowance for overtime so the over–the–road driver's monthly income is comparable to a local driver who is paid on an hourly basis. This system is normally used because it is difficult for a company to keep track of the working schedules of its over–the–road drivers.

Summary: The 40–hour work week and overtime wage provisions contained in Washington's Minimum Wage Act (MWA) do not apply to an individual employed as an interstate truck or bus driver who is subject to the provisions of the federal Motor Carrier Act and Interstate Commerce Act. The pay system used to compensate the truck or bus driver includes overtime pay that is reasonably equivalent to that required in the Minimum Wage Act for working more than 40 hours per week. Other employees of an interstate carrier are eligible for overtime wages as contained in the MWA.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 23, 1989

SB 5756

C 145 L 89

By Senators McCaslin, Warnke and DeJarnatt

Changing provisions relating to sureties for public works bonds.

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

Background: Statutory law establishes requirements for contractors' bonds on public works projects. The statute allows for individual sureties, as well as surety companies. An individual surety is an individual or group of individuals who serve as surety for the debt, default or miscarriage of a contractor.

Surety companies are regulated by the Insurance Commissioner, but individual sureties are not. When a contracting agency accepts individual surety, the

agency has assumed the burden of determining that the individual is financially able and willing to perform if the contractor defaults. This requires the contracting agency to expend extensive time and effort to make this determination, and also exposes the agency to added costs if the individual surety defaults.

Summary: A public entity may accept a full payment and performance bond from an individual surety for contracts of $100,000 or less. The surety must agree to be bound by the laws of the state of Washington and subjected to the jurisdiction of the state of Washington.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: July 23, 1989

SSB 5759

C 239 L 89

By Committee on Education (originally sponsored by Senators Bailey, Rinehart, Lee, Warnke, Talmadge, Moore, Bauer and Stratton)

Establishing a school breakfast program.

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

Background: In October 1988, the Governor's Task Force on Hunger called for increased use of the national school lunch and breakfast program. The task force recommended that the serving of breakfast be mandated in all schools where more than 25 percent of the students are eligible for free or reduced price meals. Where 40 percent or more of the children participating in the school lunch program qualify for a free and reduced priced lunch, schools receive $.95 for each free breakfast served. In the 1989–90 school year that will increase to $.98 per breakfast. These schools are identified as severe need schools under federal statute, 42 U.S.C. 1773, and federal regulation, 7 C.F.R. 220.9(e). If the school is not identified as a severe need school, the reimbursement for each free breakfast is $.79 and will increase to $.82 in the 1989–90 school year.

Summary: The SPI is directed to conduct a study to determine why some schools are not participating in the national school lunch program and shall report its findings to the Legislature before January 15, 1990.

The office of the Superintendent of Public Instruction shall adopt a schedule for school districts to implement school breakfast programs in severe need schools as defined by federal law as follows:

School districts where 40 percent or more lunches served to students are free or reduced price lunches shall implement a school breakfast program in the severe need schools no later than the beginning of the 1990–91 school year.

School districts where 25–39 percent of lunches served to students are free or reduced price shall implement the breakfast program in all severe need schools by the beginning of the 1991–92 school year.

School districts where less than 25 percent of lunches served to students are free or reduced price lunches shall implement a school breakfast program in severe need schools by the beginning of the 1992–93 school year.

The requirements for a free breakfast program shall lapse if the federal reimbursement rate for breakfasts in severe need schools is eliminated.

SPI is directed to conduct a study of the costs and feasibility of expanding the school breakfast program to include schools where 25–39 percent of lunches served are free or reduced price. This study is submitted to the Legislature before January 15, 1992.

Votes on Final Passage:

Senate	46	1	
House	74	21	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	76	21	
Senate	47	1	

Effective: July 23, 1989

SB 5771

C 73 L 89

By Senator Nelson

Clarifying the process for perfecting interests in the assignment of rents.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Federal bankruptcy courts must apply state law in deciding cases involving the validity of a mortgagee's security interest. In a recent case, a federal bankruptcy court interpreted Washington State property security laws in a way which some believe to be contrary to state legislative intent.

The Washington statute is generally considered to provide that one who holds a mortgage in real property may perfect an assigned security interest in the rents and profits of the mortgaged property simply by recording the mortgage and assignment.

The Bankruptcy Court for the Western District of Washington held in May, 1988 that an assignment of rents taken as security for a loan is an unperfected lien which is not perfected until the lender takes possession of the rents or has a receiver appointed.

It is suggested that an ambiguity in the current statute contributed to the court decision. It is suggested that the statute be amended to clarify legislative intent that a lender obtains a perfected lien and security interest in the unpaid rents once it has recorded a mortgage or assignment of rents.

Summary: The assignment of rents and loans for security are perfected at the time of recording and no further action by the holder of the security interest is required to perfect the security interest.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 23, 1989

SSB 5776

PARTIAL VETO

C 299 L 89

By Committee on Law & Justice (originally sponsored by Senator Pullen)

Regarding training for law enforcement officers.

Senate Committee on Law & Justice
House Committee on Local Government

Background: Currently, all law enforcement personnel are required to complete a basic training course. The 11–week course is to be completed during the first 15 months of employment. A chief of police or marshal for a city or town with a population of less than 1,000 is given nine months to complete the basic training course. Chiefs of police and marshals who hold office on a part–time basis have not been required to complete the basic training course.

Summary: Law enforcement personnel employed after January 1, 1990 are to commence the basic training course within the first six months of employment. Successful completion of the course is required for continued employment.

The Department of Community Development establishes an advisory committee to study the issue of untrained and uncertified city and town law enforcement personnel. The report shall be made on or before January 15, 1990.

Votes on Final Passage:

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

Effective: July 23, 1989

Partial Veto Summary: The provision establishing an advisory committee to study the issue of untrained and uncertified law enforcement personnel was vetoed. The veto was based on a lack of compelling public interest in the study and upon the structure of the committee. (See VETO MESSAGE)

SSB 5782

C 109 L 89

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Hansen, Barr and Newhouse)

Establishing criminal penalties for defrauding a public utility.

Senate Committee on Energy & Utilities
House Committee on Judiciary

Background: Utilities report an increasing amount of electricity theft through tampering or unauthorized connections in order to avoid metering. Indoor marijuana farmers often tap into utility lines because the lights used for growing consume high levels of electricity. Under current law, utilities may seek civil penalties against persons engaged in defrauding a utility or may seek criminal penalties under the theft statute.

Summary: Criminal penalties are established for defrauding a public utility. A class B felony may be charged when tampering has occurred in furtherance of other criminal activity or when services taken exceed $1,500. A class C felony may be charged when services taken exceed $500. A gross misdemeanor may be charged when services less than $500 in value are taken or an unauthorized connection or reconnection is made. The court may require restitution in an amount twice the value of services taken and payment of court costs and other costs incurred by the utility.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 23, 1989

SSB 5786

C 79 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senators Owen and Nelson)

Relocating certain harbor lines.

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

Background: Article 15 of the Washington State Constitution directs the Legislature to create a commission to establish harbor lines. The Legislature has designated the Board of Natural Resources as the Harbor Line Commission. The Harbor Line Commission is authorized to establish, relocate or re–establish harbor lines by RCW 79.92.030.

Summary: The Harbor Line Commission is given legislative authority to establish harbor lines for Oakland Bay, in front of the City of Shelton in Mason County, and for Gig Harbor in Pierce County. Harbor lines will be set within one mile of each city limit.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: July 23, 1989

SSB 5790

C 98 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Fleming, Johnson, McCaslin and McMullen)

Regulating the sale of loan servicing.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Servicing of a residential mortgage loan may be included in the sale of the loan or may be retained separately from a sold loan. Typically the purchaser of loan servicing is another financial institution, someone within the secondary market, or some other investor.

A substantial portion of the secondary market is comprised of the Government National Mortgage Association (Ginnie Mae), the Federal National Mortgage Association (Fannie Mae), and the Federal Home Loan Mortgage Corporation (Freddie Mac). Ginnie Mae, Fannie Mae and Freddie Mac each utilize varying systems of approved lenders. If loan servicing is sold to Ginnie Mae, Fannie Mae or Freddie Mac, each requires any new purchaser of this servicing to be approved by that particular organization.

Some concern has been expressed that individuals whose loan servicing is sold may experience difficulty obtaining information with regards to that loan.

Summary: The Legislature recognizes the importance of an individual having access to timely information concerning his or her residential mortgage loan.

If the servicing of a loan is subject to sale, the lender must disclose this fact in writing to the borrower on or prior to the time of loan closing. The disclosure also must inform the borrower that the purchasing loan servicer will notify the borrower if the servicing of the loan is sold. These disclosures must be made for loans used to finance a one to four family owner occupied residence in the state.

When the servicing for a loan is sold, the purchaser must notify a mortgagor at least 30 days prior to the first payment's due date. The notification must contain the name, address, and telephone number of the division from which the mortgagor can obtain information pertaining to the loan. Any changes regarding servicing requirements must be included in the notice.

If the original lender is a party in an acquisition, consolidation, or merger and the original lender has not provided the disclosure, the lender must provide such disclosure within 30 days of the acquisition, consolidation or merger.

The purchasing lender must respond to a written inquiry from the mortgagor within 15 business days upon receipt of such request.

A person injured by a violation of this act may recover for actual damages, reasonable attorneys' fees, and court costs.

Votes on Final Passage:

Senate	45	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: January 1, 1990

SSB 5807

C 44 L 89

By Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Rasmussen, Fleming, Warnke, Metcalf, Newhouse, Niemi and Kreidler)

Protecting Indian and historic graves.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Washington State recognizes the cultural and spiritual value of burial sites to the native Indian population. It further recognizes that native Indian burial grounds and other historic grave sites are an intrinsic part of the cultural heritage of the people of Washington.

Recently, there have been reported cases involving the accidental disturbance of Indian and historic graves where careless indifference was displayed towards the graves. There is also growing apprehension regarding the intentional desecration of native Indian graves and concern that artifacts are being taken and sold for profit.

It is suggested that these cases are difficult to prosecute and that the current criminal classification does not reflect the seriousness of these offenses. It is also recommended that a civil remedy be provided which would allow tribes to bring actions for an injunction, damages, or other appropriate relief.

Summary: Civil remedies and criminal penalties are created with respect to the desecration of native American graves or remains.

Any person who knowingly removes, damages, or destroys any native Indian grave, cairn, glyptic marking or any other historic grave is guilty of a class C felony. A person who inadvertently disturbs a native American grave must reinter the human remains under the supervision of the appropriate Indian tribe. Persons disturbing a historic grave through inadvertence must reinter the human remains at their own expense under the supervision of the Cemetery Board.

Any person who sells or is in unauthorized possession of any native Indian artifacts or human remains taken from an Indian grave or cairn or from any other historic grave is guilty of a class C felony.

A defense is established if the defendant committed the alleged acts accidentally or inadvertently, and made reasonable efforts to preserve and properly report the remains or artifacts.

An Indian tribe or enrolled member of the tribe may bring a civil action to secure an injunction, damages or other appropriate relief, including attorney's fees, against any person who removes, damages, destroys, sells or is in unauthorized possession of native Indian artifacts or human remains. The action must be brought within two years of the discovery of the violation by the plaintiff.

Any person, firm, corporation or any agency or institution of the state which knowingly removes, alters, excavates, damages, or destroys any historic or prehistoric archaeological resource or site or removes any archaeological object from such site without a written permit from the Director of Community Development is guilty of a misdemeanor. Prior to issuance of the permit, the director must obtain the consent of the private or public property owner or agency responsible for management. The director, in consultation with the affected tribes, is required to develop guidelines for the issuance and processing of permits.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: July 23, 1989

SB 5809
FULL VETO

By Senator Amondson

Regarding shopping center directional signs.

Senate Committee on Transportation
House Committee on Transportation

Background: The current statutory criteria governing directional signs on state highway rights-of-way for regional shopping centers include the requirement that 500,000 square feet of retail floor space be available for lease, the center generate at least 9,000 daily one-way vehicle trips, and the shopping center be located within one mile of the roadway. Of the 25 regional shopping centers in the state, only 18 meet all of the qualifications for signing under current law. Fourteen have requested and received signs. A change in the current criteria would permit additional centers to qualify for signage.

Summary: The amount of square feet of retail floor space required to qualify for signing is reduced from 500,000 to 400,000 square feet. The number of daily one-way vehicle trips generated to the center is reduced from 9,000 to 7,000 trips. The requirement that the shopping center be located within one mile of the roadway is changed to five miles.

No more than a total of two directional signs may be erected on each interstate or state route located within five miles of the shopping center.

Votes on Final Passage:

Senate	45	1	
House	84	13	(House amended)
Senate	45	1	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

SSB 5810

C 406 L 89

By Committee on Agriculture (originally sponsored by Senators Barr, Madsen, Sutherland and Benitz)

Modifying responsibility for hazardous material incidents.

Senate Committee on Agriculture
House Committee on Environmental Affairs

Background: Local fire districts are under a general obligation to protect life and property in their jurisdictions. In addition, fire districts may be designated as "incident command agencies" under state law governing coordination of responses to hazardous materials incidents (70.136 RCW). Hazardous materials incidents are defined as incidents creating a danger to person, property, or the environment from actual or possible spillage, seepage, fire, explosion, or release of hazardous materials.

Current law requires any person transporting hazardous materials to clean up any hazardous materials incident that occurs during transportation. A person responsible for causing the incident, other than an employee of a transportation company, is also liable to the state or local government for any "extraordinary costs" in protecting the public from actual or threatened harm. "Extraordinary costs" are defined as those that exceed the normal and usual expenses anticipated for police and fire protection, such as overtime pay, damage to equipment, and the cost of any special equipment or services.

The law is unclear as to whether state or local governmental entities may obtain reimbursement for extraordinary costs arising out of non–transportation incidents—as, for example, with a leak of hazardous materials from a storage facility—and as to the obligations arising out of a potential release.

Summary: The obligation of a transporting company is made applicable to any "hazardous materials incident" as defined in RCW 70.136.020, which includes possible releases. The limitation to releases only during transportation is modified and any person, other than the operating employees of a company, causing the release or potential release of hazardous materials is made liable for extraordinary costs incurred by any municipal fire department or fire district until the Department of Ecology assumes oversight of the incident.

Votes on Final Passage:

Senate	45	2	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 23, 1989

SSB 5812

C 264 L 89

By Committee on Governmental Operations (originally sponsored by Senators McCaslin, Warnke, Lee and Johnson)

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

Senate Committee on Governmental Operations
House Committee on Transportation

Background: All motor freight common carriers operating in intrastate commerce are required to file and maintain liability insurance with the Utilities and Transportation Commission. The levels of insurance are the same as those used by the U.S. Department of Transportation for interstate carriers.

Cities and counties may also impose liability insurance requirements on common carriers. For example, Pierce County by practice requires mobile home, trailer home, construction and farm equipment operators to obtain an annual over–dimensional permit and file proof of liability insurance before transporting over–dimensional loads on county roads.

It has been suggested that an unreasonable financial and administrative burden would be placed on motor vehicle common carriers if each city and/or county applied its own separate regulation for liability insurance requirements.

Summary: State government shall have exclusive authority over liability insurance requirements for common and contract carriers.

Votes on Final Passage:

Senate	44	2	
House	92	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: July 23, 1989

SSB 5819

C 314 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen, Rasmussen and Bauer)

Increasing the penalties for poaching, including seizure and forfeiture of certain personal property.

Senate Committee on Environment & Natural Resources
House Committee on Judiciary

Background: Wildlife poachers utilize a variety of vehicles and equipment to assist them in their poaching activities. Seizure and forfeiture of articles utilized in poaching activities can be useful in providing a suitable punishment to poachers and to create a deterrent effect to prevent poaching.

Summary: Wildlife agents may seize without warrant boats, vehicles, motorized implements, gear, appliances or other articles which they have reason to believe are held with intent to violate or were used in violation of wildlife statutes or rules of the Wildlife Commission involving endangered species, deer, elk, black bear, cougar, mountain caribou, grizzly bear, moose, antelope, mountain goat, mountain sheep and steelhead trout. The seizing authority shall provide notice of seizure to the owner of the property within 15 days. Forfeiture of articles used in poaching is accomplished by conviction, plea of guilty, or bail forfeiture.

Persons may appeal a seizure action to an appropriate court regardless of the value of the articles seized. Provisions are made for administrative hearings to consider rights of claimants of seized property. Proceeds from seized property are placed in the wildlife fund.

Wildlife enforcement officers and other department officials are subject to civil liability for willful misconduct or gross negligence in the performance of their duties. Wildlife agents may not seize any item, other than evidence, from a violator if the violation was determined to be inadvertent.

Votes on Final Passage:

Senate	41	6	
Senate	45	0	(Senate amended on reconsideration)
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 23, 1989

SB 5824

C 122 L 89

By Senators Johnson and McMullen

Revising the provision for payment of certain health care services.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Health care service contractors (HCSC) may issue benefit payments directly to physicians and other health care providers who have contracted to provide services to subscribers. When a subscriber uses the services of a physician who has not contracted with the HCSC, benefit payments must be issued jointly to the subscriber and the physician unless the subscriber proves the physician has been paid. The order in which the provider and insured appear on the check is not specified.

This has created situations where the insured deposits the check and does not reimburse the provider.

Summary: Checks for the payment of claims made by an insurance company for services provided by a licensed health care provider must be issued with the provider's name appearing first.

Pharmacists and providers of emergency medical care and transportation services are added to the list of licensed providers to whom benefit payments must be issued jointly.

Votes on Final Passage:

Senate	44	1
House	94	2

Effective: July 23, 1989

SB 5826

C 253 L 89

By Senators Bauer, Bailey, West, Rinehart, Saling, Barr, Patterson, Gaspard, Murray, Anderson, Fleming and Bender

Extending the student teaching pilot projects until December 1990.

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

Background: In 1987, as part of an omnibus education measure, the Legislature directed the State Board of

Education to establish a two–year pilot program to support innovative ways to expand student teaching opportunities throughout the state. Four pilot projects are in operation but did not begin until the 1988–89 school year. Extending the program one year would allow a full two–year test of the projects.

Summary: The pilot program for student teaching projects is extended to December 31, 1990. The State Board of Education will submit to the Legislature a preliminary report on the program by December 1, 1989 and a final report by December 1, 1990.

The State Board of Education is to establish or use an existing professional education advisory group to assist the board and the pilot projects. Issues to be addressed are the roles and responsibilities of entities involved in implementing the projects, and the roles of the common school system and higher education in the preparation of prospective teachers.

The bill is contingent on funding in the budget.

Votes on Final Passage:

Senate	45	0
House	92	0

Effective: May 5, 1989

SSB 5827

C 359 L 89

By Committee on Agriculture (originally sponsored by Senators Barr and Moore)

Providing pet identification and certification procedures to minimize theft.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: Existing state law provides that the theft or killing of a dog with the intent to deprive the owner of it is a gross misdemeanor subject to up to one year's confinement in the county jail and a fine of no more than $1,000. There is no similar criminal penalty for other domestic pets. There have been recent accounts of persons stealing pets, particularly dogs, and selling them to biomedical research institutions or to dealers who sell them to such institutions. Although federal law provides some regulation of such dealers and procedures with regard to biomedical research on animals, there is little state or federal law that specifically addresses measures to prevent or penalize theft of pets for this purpose.

Summary: Pet animal, research institutions, and USDA licensed dealers are defined. Existing criminal statutes with regard to theft and killing of dogs are expanded to all pet animals, and the $1,000 limit on the criminal fine is deleted. The receiving with intent to sell, sale, or transfer of stolen or fraudulently obtained pet animals to research institutions by a USDA licensed dealer is a class C felony with a minimum fine of $1,000 for each animal. A person other than a USDA licensed dealer who commits the same offense is guilty of a gross misdemeanor with a minimum fine of $500 for the first offense, and a class C felony with a minimum $1,000 fine for second and subsequent offenses. An individual other than a USDA licensed dealer who receives with intent to sell, sells, or transfers a stolen or fraudulently obtained pet animal to a person known to have sold such animals to research institutions is guilty of a class C felony with a minimum fine of $1,000 for each animal.

The lawful activities of humane societies, animal control agencies, or animal shelters are exempt.

A new section is added to the RCW chapter on cruelty to animals. All persons who sell animals to research institutions must sign certifications, under penalty of perjury, as to their ownership of the animal or their legal right to sell or transfer them. Such certifications are not required for animals obtained from sources outside the United States. All research institutions are required to maintain for two years files on dogs and cats sold or transferred to them, with specific information including source and identifying characteristics, and with photographs. Such files are to be made available to inquiring citizens. Institutions must adopt written policies as to the nonuse of pet animals in research, and must assure their rapid return to their true owners under those policies.

Violations of the act are an unfair or deceptive practice under the Consumer Protection Act (CPA). Penalties imposed against research institutions under the CPA are limited to monetary penalties not to exceed $2,500. The provisions of the act are not intended to otherwise interfere with the operation of statutes pertaining to cruelty to animals, higher education or biomedical research, or other theft statutes.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	97	0
Senate	45	0

Effective: May 12, 1989

SB 5833

C 407 L 89

By Senators Pullen, Talmadge, Madsen, Thorsness, Niemi and Nelson

Amending the disposition and sentencing standards for juvenile offenders.

Senate Committee on Law & Justice
House Committee on Judiciary
House Committee on Appropriations

Background: Under current law the Juvenile Disposition Standards Commission has the responsibility of reviewing disposition standards for all juvenile offenses. The commission submits revised standards to the Legislature on a biannual basis. The Legislature may adopt the proposed standards or refer them to the commission for modification. If the Legislature fails to adopt or refer the proposed standards, they become law without legislative approval. It has been suggested that this process is cumbersome and makes it extremely difficult for the Legislature to have any control over juvenile punishment.

The juvenile sentencing guidelines are not incorporated into the Juvenile Justice Act and cannot be revised or modified by the Legislature. It is proposed that the guidelines be incorporated into the RCW.

Prosecutors have unlimited discretion to divert certain charges against a juvenile.

Summary: The Juvenile Disposition Standards Commission reviews juvenile dispositions standards and makes recommendations to the Legislature on an annual basis. The juvenile sentencing guidelines are modified and incorporated into the Juvenile Justice Act so the Legislature may revise or modify the guidelines at any time.

Manslaughter in the second degree is excluded from the "minor or first offender" category. The offense categories for the sale of narcotics and the sale of controlled substances are increased to "B+" and "C+" respectively.

The offense category for the attempt, bailjump, conspiracy or solicitation to illegally obtain a legend drug is reduced from "C" to "D." The offense category for the attempt, bailjump, conspiracy or solicitation for the sale, delivery or possession of a legend drug with the intent to sell is reduced from "C" to "D+."

A prosecutor must file a charge against a juvenile if the juvenile has been referred for diversion three or more times in the past 18 months.

Votes on Final Passage:

Senate	43	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	97	0	
Senate	46	0	

Effective: July 23, 1989

SSB 5838

C 67 L 89

By Committee on Agriculture (originally sponsored by Senators Hansen, Benitz and Barr)

Revising agricultural livestock liens.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: Livestock feedlots may feed cattle owned by others on a custom basis. These cattle are fed, removed from the feedlot and are often sold prior to payment to the feedlot operator for the cost of feeding and associated costs.

The current lien covers only the time the livestock are in the possession of the lienholder. Once the animals leave possession of the person providing feed or care, the lien expires.

The federal Food Security Act of 1985 requires that holders of security interests file direct notice of the existence of liens with buyers.

Summary: A lien is created upon the proceeds or accounts receivable from the sale of livestock.

A person who holds a lien is required to provide written notice to the buyer, or in the case of commission sales, to the seller, of the existence of a lien.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: July 23, 1989

SSB 5850

C 390 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Senators Johnson, Smitherman, von Reichbauer, Owen, Moore, Sellar, McCaslin, Madsen, Metcalf, Bailey, Thorsness and West)

SSB 5850

Modifying the contract transactions of funeral establishments.

Senate Committee on Financial Institutions & Insurance
House Committee on Health Care

Background: Under state law, individuals may purchase funeral services in advance of death from licensed funeral homes offering "pre–need" or "prearrangement" funeral service contracts. The purchaser generally pays cash up front or pledges the proceeds of an insurance policy. If cash is paid, the funeral home must place at least 85 percent of the money into a trust account in a qualified public depositary. The remaining funds may be retained by the funeral home.

Pre–need funeral expense contracts are revocable. Any purchaser or beneficiary of such a contract may receive a full refund of the amount of the contract including interest and earnings of the trust. In order to offer such agreements, a funeral home must receive a certificate of registration from the state Board of Funeral Directors and Embalmers. All pre–need contract forms must be approved by the board.

Public assistance programs permit individuals to set aside funds for funeral expenses without these funds being included in the assessment of an individual's need for public assistance. Pre–need contracts do not qualify for this funeral expense allowance because of the potential revocation.

No provisions exist allowing: Two or more funeral homes to pool trust funds into a single trust account; funeral homes to collect administration costs of the trust; the use of irrevocable pre–need funeral expense contracts; and the transfer of a pre–need funeral expense agreement from a bankrupt establishment to another funeral home with the approval of the beneficiary.

A violation of the chapter concerning funeral directors is a gross misdemeanor.

Summary: Various modifications are made to the statutes concerning funeral home operations.

Funeral homes are required to place at least 90 percent of the cash purchase price of a pre–need contract in a trust account. Funeral homes also are required to make a full refund to a consumer cancelling a revocable pre–need contract within 30 calendar days from which the contract was signed. If the contract is cancelled after 30 days, the funeral home is allowed to retain up to 10 percent of the contract. A pre–need contract trust may be made irrevocable for beneficiaries who qualify or attempt to qualify for public assistance.

A funeral home is allowed to charge for administration costs associated with the trust fund. Any charge for administrative costs may not exceed 1 percent of the face amount of a pre–need contract per annum. The administrative changes may not reduce the value of the trust so that the services or merchandise provided under the contract are lessened. Trust funds may be invested in instruments issued or insured by an agency of the federal government if such instruments may be purchased by a public depositary. The board is directed to examine pre–need funeral service trusts at least once every three years. The examination expense must be paid by the funeral home.

The definition of a prearrangement funeral service contract is expanded to include those contracts funded through insurance. Certain disclosures are to be made regarding contracts funded by insurance and the disclosure requirements are increased for contracts funded through a trust. Additional information concerning pre–need contracts must be included in applications for certificates of registration and annual reports submitted to the board.

If a funeral home goes bankrupt, a pre–need contract may be transferred to another funeral home, in lieu of refund, with the consent of the contract's beneficiary. For any sale of a funeral home, a report showing status of pre–need contracts shall be submitted to the Department of Licensing.

Any trust which is abandoned reverts back to the state pursuant to statute.

Two or more funeral homes may commingle trust funds into a "master" trust.

A violation of this chapter is a class C felony.

Votes on Final Passage:

Senate	38	5	
House	94	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 23, 1989

SB 5853

C 231 L 89

By Senators Pullen, Talmadge, McCaslin, Rasmussen, Thorsness, Hayner, Nelson and Cantu

Penalizing use of a machine gun in a felony.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: A person who violates any of the provisions regulating the manufacture, purchase, transport or possession of machine guns is guilty of an unranked

felony. Machine guns are now being found in the possession of drug dealers, gang members, and other dangerous criminals with increasing frequency. Many law enforcement agencies feel that the present unranked felony does not sufficiently deter dangerous criminals from using machine guns in furtherance of their criminal activities. It is suggested that a person who, while committing a felony (other than the above unranked felony), discharges a machine gun, or threatens or menaces a person with a machine gun, should be guilty of a felony in addition to the underlying crime.

Summary: A person who, in committing or furthering a felony other than the unranked felony for possession of a machine gun, discharges, menaces, or threatens a person with a machine gun, is guilty of a class A felony.

Votes on Final Passage:

Senate	42	0
House	97	0

Effective: July 23, 1989

SSB 5857

C 265 L 89

By Committee on Governmental Operations (originally sponsored by Senators Bailey, DeJarnatt, McCaslin, Bender, Matson, Bauer and Lee)

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

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

Background: In 1979, the handicap facilities bond issue was authorized by the voters. This measure provided for a system of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps. The measure lacked any guidelines which established what a public body could do when it was in possession of a fixed asset it no longer needed.

It has been suggested that fixed assets in the possession of a public body servicing persons with sensory, physical, or mental handicaps should be transferred to other public bodies when no longer needed.

Summary: The Department of Social and Health Services may permit public bodies to transfer fixed assets to other public bodies, either in the same county or in another county, when they can no longer be used in programs for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps.

Programs for the care, training and rehabilitation of persons with sensory, physical or mental handicaps shall have first priority in obtaining the surplus fixed assets.

Votes on Final Passage:

Senate	46	0
House	92	0

Effective: July 23, 1989

SB 5858

C 232 L 89

By Senators McCaslin, Murray and Bailey

Regarding meetings of school directors.

Senate Committee on Education
House Committee on Education

Background: The Open Public Meetings Act of 1971 provides that meetings of public governing bodies may be attended by all persons and that the actions and deliberations of a governing body shall be taken openly. The law requires that notice of the time and place for holding regular meetings be provided in accordance with agency ordinance, resolution or bylaws.

Current law applicable to first class school districts requires that the district board of directors maintain an office where all regular meetings of the district must be held. Many school districts prefer to conduct meetings throughout the school district to provide an opportunity for broader public participation.

Summary: Directors of first class school districts are not required to hold all regular meetings of the board in the office where all records, vouchers and other important papers may be preserved. Regular meetings are held within the district boundaries.

Votes on Final Passage:

Senate	44	0	
House	97	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: May 3, 1989

SSB 5859

C 325 L 89

By Committee on Education (originally sponsored by Senators Gaspard, Lee, Murray and Bailey)

Regarding the school directors' association.

Senate Committee on Education

SSB 5859

House Committee on Education

Background: The Washington State School Directors' Association (WSSDA) is an "agency of the state" that provides services to the 296 school boards in Washington. Membership in the association is mandatory. Dues are paid by school district boards of directors.

The major purpose of the association is to coordinate the policymaking, control and management of the school districts of the state. The association is required to make reports and recommendations at least annually to the Superintendent of Public Instruction. Other powers of the association include purchasing liability insurance for school directors and providing special services, research and consultants to school districts on a cost reimbursable contract basis.

The association was founded as a private association in the 1920s. It became an "agency of the state" in 1947. It was subject to sunset review in 1982. The second sunset review has been conducted by the Legislative Budget Committee in 1988. The Legislative Budget Committee recommends that the association continue to exist.

Summary: The existence of the Washington School Directors' Association is continued. The requirement that the Washington Association of School Directors' service contracts with local school directors be filed with the Office of Financial Management and the Legislative Budget Committee is eliminated.

The association is given the authority to lease property and to borrow money for the acquisition of sites for office facilities. The duties of the association are expanded to include providing advice and assistance to local boards to promote their primary duty of representing the public interest.

The association is subject to the sunset review process and is scheduled to terminate June 30, 1998.

Votes on Final Passage:

Senate	48	0	
House	90	4	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 30, 1989

SSB 5866

C 378 L 89

By Committee on Governmental Operations (originally sponsored by Senators Rasmussen, Pullen and Talmadge)

Permitting the use of credit cards to pay certain taxes.

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

Background: Detailed procedures are specified for tax valuations, changes in assessment, notices of refunds, approval of exemptions and waivers, and the appeal of administrative determinations.

Taxpayers may prepay the county portion of property tax levies if the county legislative body authorizes prepayment. There is no similar option to prepay the state portion of property tax levies. Prepayment of property taxes is required when a plat for a new subdivision is filed after May 31 of any year but prior to the next due date for property taxes.

Cities and counties may impose a maximum processing fee of $30 upon applications for open space designation for property tax assessment purposes. If an application is not approved, the processing fee must be returned to the applicant.

In certain circumstances, public institutions, courts and state agencies are authorized to accept payment of fees and fines by credit card and are authorized to use credit cards for purchases. Credit cards may not be used for paying property taxes, interest or penalties.

Summary: Numerous provisions concerning tax valuations, changes in assessment, notices of refunds, approval of exemptions and waivers and the appeal of administrative determinations are revised. Time periods for completing administrative actions, providing notices and initiating appeals are modified or clarified. Generally, "date of receipt" is replaced by "date of mailing." Statutory cross-references, gender references, and outdated terminology are corrected. "Legal description" for property tax purposes is defined as the parcel number of the property in question. No fee may be charged for appeals of decisions of county boards of equalization to the state Board of Tax Appeals. In determining the current use valuation of farmland by capitalizing the earning capacity of the farmland, the county assessor must use a rate of interest published by the Department of Revenue by rule. The county assessor or treasurer must inform the county board of equalization of all publicly owned property exempt from taxation upon which there remains, according to the tax roll, any unpaid taxes. Interest on refunded property tax payments is altered from 6 percent to a varying rate determined by the sale of U.S. Treasury bills. The county treasurer must annually provide to the county legislative authority a list of all property tax refunds.

The $30 limitation upon the processing fee that may be imposed by a city or county upon applications for

open space designation for property tax assessment purposes is deleted. Also deleted is the requirement that the application fee be returned to an unsuccessful applicant.

County treasurers are given the option of accepting payment of taxes, interest and penalties by credit card, provided that the financial institution issuing the card guarantees full payment, without discount or other cost or charge.

Taxpayers may prepay the state portion of property tax levies if the county legislative authority authorizes prepayment. Requirements for the prepayment of property taxes for plats filed after May 31 but prior to the next tax due date are extended to replats, altered plats, binding site plans, and condominium plans.

Votes on Final Passage:

Senate	46	0	
House	93	4	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 23, 1989
January 1, 1990 (Section 13)

SSB 5868

C 153 L 89

By Committee on Environment & Natural Resources (originally sponsored by Senator Kreidler)

Allowing hunters to use big game permits in January following the year of issuance.

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

Background: Hunters who purchase hunting licenses and big game tags and apply for and receive a department permit to participate in special big game hunts must purchase an additional hunting license if the permit is valid in January following the year of issuance.

Hunters do not wish to buy two hunting licenses in order to utilize one special hunt permit.

Summary: Hunters are not required to purchase a second hunting license if they have a special hunting permit which is valid during any period following the year of issuance.

Votes on Final Passage:

Senate	47	0
House	95	0

Effective: July 23, 1989

SB 5871

C 149 L 89

By Senators Lee and Benitz

Regarding wine retailer's licenses.

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

Background: The class P liquor license was created by Section 10, Chapter 85, Laws of 1982, allowing those engaged in the business of delivering gifts at retail to include sales of wine in unopened original containers. Those who sell gift items, such as some florists, but do not deliver, are excluded.

Summary: Language is modified to include all businesses which sell or sell and deliver wine with gifts at retail.

Votes on Final Passage:

Senate	45	1	
House	97	0	(House amended)
Senate	45	1	(Senate concurred)

Effective: July 23, 1989

SB 5874

PARTIAL VETO

C 82 L 89

By Senators Wojahn, von Reichbauer, Johnson, Madsen, Rasmussen, Gaspard, Smitherman, McCaslin, DeJarnatt, Owen, Thorsness and Sutherland

Providing for a maritime commemorative observance.

Senate Committee on Governmental Operations
House Committee on State Government

Background: 1992 will mark the bicentennial year of Robert Gray's discovery of the Columbia River and Grays Harbor, of George Vancouver's exploration of Puget Sound, and of the foundation of the Spanish/Mexican outpost at Neah Bay. A combined commemorative of these events has been suggested as a fitting recognition of the foundation for American claims to the Oregon Country, to the contributions to world geography, and the first European settlement in the state of Washington.

Summary: The Washington State Historical Society must plan and implement a bicentennial celebration of the maritime accomplishments in 1792 of Robert Gray and George Vancouver, and the establishment of the

Spanish outpost at Neah Bay. To accomplish this purpose, the society is directed to coordinate its activities with the Grays Harbor Tall Ships program; organize museum exhibitions which include traveling exhibits throughout the state; and conduct a maritime heritage markers program along the Pacific Coast, Puget Sound and waterways of the Columbia River Basin; as well as other appropriate activities.

The society will cooperate with organizations planning similar celebrations in Oregon and British Columbia. An advisory committee is created by the society to review and comment upon the plan and implementation. The committee has nine members, five of whom are citizens from areas with a special affinity for the commemoration, and four legislators. The President of the Senate and the Speaker of the House of Representatives shall each name one member from the respective caucuses.

The termination date of the Washington Centennial Commission is moved from December 31, 1993 to June 30, 1990. The "Return of the Tall Ships" program, which was incorporated into the Centennial statute, is repealed.

Votes on Final Passage:

Senate	47	0	
House	91	6	

Effective: July 23, 1989

Partial Veto Summary: The Governor vetoed the emergency clause. (See VETO MESSAGE)

SSB 5886

C 123 L 89

By Committee on Health Care & Corrections (originally sponsored by Senator West)

Modifying confidentiality standards for information regarding sexually transmitted diseases.

Senate Committee on Health Care & Corrections
House Committee on Health Care

Background: Current law contains prohibitions against the transfer of any information regarding requests for, the receipt of or the results of any test for a sexually transmitted disease (STD), with limited exceptions. Some health care professionals are concerned that such "confidentiality statutes" are so encompassing that the normal and necessary exchange of medical information may be jeopardized. Child care workers are similarly concerned.

Summary: Information identifying a person who: (a) has received an STD test, (b) has an STD diagnosis, or (c) is receiving treatment for an STD may be disclosed unless the tests are for HIV or the test results are positive, with certain exceptions.

The Department of Social and Health Services (DSHS) workers and persons making recommendations to the court are exempt from prohibitions against disclosure of protected STD information. Children's residential care providers may be exempt as well if DSHS determines their access to the information is necessary for the provision of services.

Prohibitions against disclosure of protected STD information do not apply to the customary methods used for the exchange of medical information among health care providers in order to provide health care services to the patient, nor within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.

No written statement must be given when disclosure of protected STD information is made to (a) a subject's legal representative, (b) health care providers, or (c) within health care settings as needed to fulfill professional duties.

Votes on Final Passage:

Senate	43	0	
House	96	0	(House amended)
Senate	44	2	(Senate concurred)

Effective: July 23, 1989

SB 5887

C 150 L 89

By Senators DeJarnatt and Smith

Allowing boards of county commissioners to appoint representatives to air pollution control authorities.

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

Background: The State Clean Air Act, RCW 70.94, gives specific responsibilities to local (regional) air pollution control boards to protect air quality within their political jurisdictions.

A board of directors, representing local government entities, is the governing body.

An Attorney General's informal opinion states the practice of some counties to appoint a full time alternate for an appointed county commissioner to attend the air board meetings was not legal.

A permanently designated representative will enable the counties to have technically qualified persons with time to serve local air boards.

Summary: The board of county commissioners shall appoint two representatives to the governing body of the local air pollution control authority when the authority covers one county.

When the local air pollution control authority covers more than one county, the board of county commissioners shall appoint one representative to the air board.

Votes on Final Passage:

Senate	46	0	
House	97	0	

Effective: July 23, 1989

SSB 5889

PARTIAL VETO

C 421 L 89

By Committee on Agriculture (originally sponsored by Senators Barr, Talmadge, Benitz, Madsen and Hansen)

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

Senate Committee on Agriculture
House Committee on Natural Resources & Parks

Background: Public utilities which distribute electricity can administer electric energy conservation programs to reduce consumption by existing energy users. The authority to conduct these programs is derived from a constitutional amendment and enabling legislation.

Currently, a constitutional amendment, SJR 8210, is proposed to expand the authority for public utilities which distribute water to engage in a similar water conservation program.

Summary: Contingent upon passage of a constitutional amendment, municipal entities, public utility districts and water districts engaged in the sale and distribution of water are provided authority to establish programs that will conserve water. Cities, public utility districts, and water districts may develop a program, for compensation or otherwise, to assist the owners of structures in financing the acquisition and installation of fixtures, systems and equipment which will conserve water. Pursuant to a conservation plan, the program can be offered if the costs per unit of water saved is less than the cost of water supplied by the next least costly source.

The kinds of assistance that can be offered to owners of structures include: (1) conducting water conservation audits; (2) providing a list of businesses that sell and install efficient fixtures, systems or equipment; (3) arranging to have approved conservation fixtures, systems and equipment installed by a private contractor; (4) arranging or providing the financing of the purchase and installation of such fixtures and equipment.

The payback period for loans is not to exceed 120 months and would be made through additions in the utility bill.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: Upon voter approval of SJR 8210 in November 1989

Partial Veto Summary: A provision stating that the Joint Select Committee on Water Resource Policy would define the terms "water use efficiency" and "conservation" was vetoed. The removal of the language has no effect on the substance of the bill. (See VETO MESSAGE)

SSB 5891

FULL VETO

By Committee on Agriculture (originally sponsored by Senators Barr, Williams, Benitz, Lee, Madsen and Bauer)

Revising provisions on water resource policy.

Senate Committee on Agriculture
House Committee on Natural Resources & Parks

Background: The Legislature in 1988 established the Joint Select Committee on Water Resource Policy. Its principal purpose was to examine the fundamentals of water resource policy for the state. The Department of Ecology was to contract with an independent fact–finding service to survey interest groups throughout the state to identify the major policy issues that should be reviewed by the Joint Select Committee. The committee was required to review the report of the independent fact–finding service, conduct hearings, and issue a report to the Legislature by the beginning of the 1989 session. It was authorized to continue functioning until July 1, 1991. Limitations were imposed on the authority of the Department of Ecology with regard to certain water resource policy decisions until July 1, 1989, or until the Legislature acted on the Joint Select Committee's recommendations.

The Joint Select Committee issued its report to the Legislature in January, 1989. In the report, the committee outlined the process it intended to follow in reviewing water policies and making recommendations

to the Legislature by July 1, 1991. It recommended that the restrictions on the Department of Ecology be removed except with regard to water reservations, provided that the Joint Select Committee was given the ability to review decisions of the department that may affect the committee's actions on state water policies.

Summary: The Joint Select Committee is to report periodically to the Legislature as to its recommendations in certain water resource areas. A process for review is established, including authorization for the committee to establish a public advisory group and a technical advisory group to assist it, and to hire specialized consultants.

The Department of Ecology is prevented from adopting any new water reservations unless they are conditioned on legislation or regulations developed as a result of work of the Joint Select Committee. The department, through a process to be agreed on, is required to consult with the committee on decisions that may affect the water policy areas to be reviewed until 1991.

Certain provisions regarding the independent fact-finder services are deleted. Specific provisions limiting the authority of the Department of Ecology in certain water resource management areas are eliminated.

Votes on Final Passage:

Senate	47	0
House	96	0

FULL VETO: (See VETO MESSAGE)

SSB 5897

C 18 L 89 E1

By Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and McDonald)

Regarding alcohol and drug treatment.

Senate Committee on Health Care & Corrections
House Committee on Appropriations

Background: In 1987, the Legislature enacted the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) to provide treatment or shelter services for low income disabled alcoholics and drug addicts. The size of the program was limited by appropriated funds. Under the original design, program participants would be offered a continuum of residential and outpatient treatment. Those not entering treatment would receive room and board through contracted housing. The state general assistance program (GAU) was revised to remove persons disabled solely because of drug or alcohol abuse.

Legal actions have expanded clients' options. As a result, clients may now receive cash grants through a protective payee rather than room and board. They may also enter into outpatient treatment without first receiving inpatient care. The result has been rapid expansion of the program, particularly in outpatient treatment (which includes shelter).

In order to bring projected expenditures within budget, the Governor proposed, effective February 1, eliminating outpatient programs and limiting shelter to those already in the ADATSA program. A superior court restraining order prohibited the limit on shelter, while allowing the elimination of treatment. This decision was recently overruled by the state Supreme Court.

Summary: Eligibility for shelter services includes documented incapacity from gainful employment due to active addiction to alcohol or drugs which has either manifested itself by physiological or organic damage resulting in functional limitations or impairment of cognitive abilities which will not dissipate with sobriety or detoxification.

Eligibility for treatment services includes financial eligibility and incapacity from gainful employment. Priority for treatment is given to pregnant women and parents of young children.

The Department of Social and Health Services may adopt rules pertaining to caseload ceilings and additional eligibility criteria as long as they are consistent with conditions and limitations set forth within any appropriation for treatment services.

The department is instructed to collect and maintain relevant demographic data on treatment services and utilization data on inpatient and outpatient treatment, shelter and medical services. A report to the Legislature on the results of the data collection and monitoring of the program is required by the department by December 1, 1989 and December 1, 1990.

Votes on Final Passage:

Senate	47	0	
House	80	17	(House amended)
Senate			(Senate refused to concur)
First Special Session			
Senate	44	0	
House	92	3	

Effective: July 1, 1989

SSB 5903

C 183 L 89

By Committee on Health Care & Corrections (originally sponsored by Senators Kreidler and Bauer)

Providing nursing home care for medically fragile children.

Senate Committee on Health Care & Corrections
House Committee on Health Care

Background: Recent advances in medical technology have resulted in an ability to preserve the life of children with severe traumatic brain injuries or severe birth defects. Some of these children are often medically fragile and require constant and intensive care beyond the level parents can provide. Some are so profoundly impaired that they will probably never respond to rehabilitative treatment.

The Department of Social and Health Services (DSHS) provides services to medically fragile children and their families through the Division of Children, Youth and Family Services. The department has the philosophy that medically fragile children should be retained in the home whenever possible. Department services to these children and their families have focused on in-home services.

Placement of medically fragile children in inpatient skilled nursing care facilities occurs on a very limited basis and through an exception policy only. The state's nursing homes and hospitals currently do not have special care units for these children so children needing this level of care must leave the state. Since the number of placements are low, it is unlikely given current department policies that special units will be developed.

Summary: Intent language states that inpatient skilled nursing care placements for children with severe physical and mental disabilities should be part of the state's long-term care continuum.

The Department of Social and Health Services is directed to develop a plan for providing inpatient skilled nursing care placements for medically fragile children. The plan shall identify children in need of this level of care, facilities capable or willing to provide the care, proposed standards for the facilities, and federal funds available. The department shall develop an implementation plan and schedule for providing such care. A report with recommendations for legislation is due to the appropriate legislative committees by December 1, 1989.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 23, 1989

SSB 5905

C 266 L 89

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Bender, Amondson, Smitherman, Owen and Anderson)

Modifying building code council authority.

Senate Committee on Energy & Utilities
House Committee on Housing

Background: The State Building Code Council exercises rulemaking authority to adopt and revise the State Building Code. The State Building Code includes uniform codes setting building, mechanical, fire protection and plumbing standards, the rules for barrier-free design, and the State Energy Code.

Summary: By November 1, 1989 the State Building Code Council is required to define, study and report on stand-alone ordinances adopted by counties and cities that add or alter construction requirements for buildings. As part of the study, local governments are required to submit fire suppression ordinances to the State Building Code Council.

Within one year of the effective date, the State Building Code Council is required to adopt a process for the review of proposed statewide amendments and proposed or enacted local amendments to the State Building Code.

The ability to set snow load and wind load requirements related to building codes is reserved to local jurisdictions.

References to the 1982 editions of certain building code standards are deleted.

Votes on Final Passage:

Senate	40	7	
House	97	0	(House amended)
Senate	31	12	(Senate concurred)

Effective: July 23, 1989

SB 5907

C 267 L 89

By Senators Hansen, Barr and Benitz

Changing provisions relating to annexations and incorporations involving a portion of a fire protection district.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: When a city or town annexes territory within a fire protection district, the district must often transfer some of its assets to the annexing city or town. The same is true when a new city incorporates into fire protection district territory. The transfer of assets reflects the new or increased fire suppression responsibilities the city or town has assumed. The percentage of district assets that are transferred is dictated by a formula specified in statute.

A transfer of assets is not required in some circumstances. The standards vary for annexations or incorporations of district territory by cities that have adopted the optional municipal code and annexations or incorporations of district territory by other classes of cities or towns. No transfer of assets is required when less than 5 percent of the area of a district is annexed or incorporated by a city that has adopted the optional municipal code. For other classes of cities and towns, no transfer is required when less than 5 percent of the assessed value of the real property of a district is annexed or incorporated.

Summary: If any city or town annexes or incorporates into less than 5 percent of the area of a fire protection district, no transfer of district assets to the city or town is required, except in a specified circumstance. A transfer of assets will occur if the city or town adopts a resolution within 60 days of the annexation or incorporation finding that it will incur a significant increase in fire suppression responsibilities, with a corresponding reduction of district responsibilities, and the district concurs in the finding. An agreement for the transfer of assets must be entered into within 90 days of the district's concurrence. The agreement will take the increase and decrease of responsibilities into account, and will consider the impact of any debt obligation of the annexed or incorporated area. If the district does not concur in the city or town's finding, or if an agreement is not reached within 90 days of the district's concurrence in the finding, the matter will be decided in arbitration. The arbitrators will decide whether a significant increase and decrease in responsibilities occurred and, if so, the percentage of district assets that will be transferred to the city or town.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	43	1	(Senate concurred)

Effective: July 23, 1989

SSB 5911

PARTIAL VETO

C 424 L 89

By Committee on Ways & Means (originally sponsored by Senators Amondson, Stratton, Hayner, Owen, McDonald, Newhouse, Anderson, Matson, Johnson, Smith, Lee, Bailey, Cantu, Thorsness, Patterson, Benitz, Nelson, Saling, Sellar, Craswell, Barr, McCaslin, Conner, Rasmussen, DeJarnatt and Bauer)

Providing for the sale of state timber.

Senate Committee on Ways & Means
House Committee on Natural Resources & Parks
House Committee on Appropriations

Background: The national forest supervisors in Washington have been preparing a new forest management plan for each forest. Lower timber sale levels are part of several of these plans. During December 1988, the Forest Service determined that to protect habitat for spotted owls there is a need to withdraw certain timberlands from further harvest. This decision affects the entire state, and particularly the Olympic Peninsula. It is estimated that 1,655 jobs directly relating to the timber industry may be lost by 1990 due to the decline in timber sales.

The state, through the Department of Natural Resources (DNR), manages approximately 69,000 acres of old growth in the Hoh–Clearwater drainage of the Olympia Peninsula. Most of these lands are held in trust for the common schools, with the proceeds from timber sales going to school construction. Approximately 6,305 acres containing timber worth $87 million have been deferred from sale on these lands. DNR manages approximately 541,000 acres of Forest Board transfer land for the benefit of the counties. The nature of the trust relationship between the state and the counties is prescribed by the Legislature. This is different from the seven state trust land categories, such as the agricultural school grant lands and the normal school grant lands which are governed by the Enabling Act of 1889, which requires a more limited fiduciary responsibility.

Some of these lands had been scheduled to be cut in 1988 and 1989 and the harvest is now delayed. The Commissioner of Public Lands has appointed an "Old

Growth Alternatives Commission" to study the matter, make recommendations and prepare a report in June 1989.

Summary: In response to emerging timber management concerns, the Legislature finds that additional information is needed to anticipate issues and support a process that encourages counties and the state to develop a joint decision–making process affecting timber sales from Forest Board transfer lands. The Legislature therefore establishes programs which: (1) allow counties to sell timber to certain eligible firms; (2) require several reports from the Department of Natural Resources; and (3) offer economic development assistance.

Counties with Forest Board transfer lands may petition the Board of Natural Resources to have a portion of the Forest Board transfer timber sold to firms that meet the following criteria: (a) at least 50 percent of its volume of timber was bought from state and federal lands during the past three years; (b) 85 percent of the volume of timber purchased during the last year was processed in Washington into lumber, veneer, plywood, shakes, shingles, ports, poles or pilings. Participating firms must prepare annual reports to the Department of Natural Resources (DNR) regarding timber purchased under this program. The DNR shall report annually to the House and Senate on the accomplishments of the program. This program expires June 30, 1994.

The Department of Trade and Economic Development will contract with the Northwest Policy Center. The Northwest Policy Center will report to the Legislature on: (a) the present economy of areas of the state impacted by federal timber sale reductions; (b) the economic losses associated with reductions in federal timber sales; and (c) potential methods for increasing economic development in these areas. A $200,000 appropriation is made from the general fund to the Department of Trade and Economic Development to contract for these services.

The Department of Community Development will provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance will include the formation and implementation of community economic development plans. The Department of Community Development will utilize existing state technical and financial programs, and aid communities in seeking private and federal financial assistance.

The Department of Natural Resources will conduct a study of state–owned hardwood forests, emphasizing management policies to increase the supply of commercially harvestable hardwoods on state lands.

An Olympic Institute for Old Growth Forest and Ocean Research is established to demonstrate innovative forest management methods which integrate environmental and economic interests into pragmatic management. It will be jointly administered by the College of Forest Resources and the College of Ocean and Fishery Science at the University of Washington. A $150,000 appropriation is made to the University of Washington to prepare the Institute's development plan. Recommendations of the Old Growth Commission appointed by the Commissioner of Public Lands shall guide the development.

The Board of Natural Resources will maintain a sustainable harvest sale level. Should the proposed harvest be decreased by nondepartment actions, the department shall offer additional timber sales from state–managed lands.

The Commissioner of Public Lands and the Governor will report quarterly to the Senate and House concerning any state responses to federal government decisions, court decisions, or other developments which would affect the availability of timber for harvest or for processing in Washington State. By August 1, 1989, the Governor and the Commissioner of Public Lands will jointly develop an official state position for all federal forest management plans and shall report these to the House and Senate.

A joint select committee is formed with six members: three from the Senate appointed by the President of the Senate, and three from the House appointed by the Speaker of the House. Two members shall be from the majority and one from the minority caucuses.

The committee will: (1) review other states' legislative actions on domestic processing and log exports; (2) develop recommendations in response to federal legislation on log exports; (3) review mill closures or reduction in production due to lack of timber; (4) work with Washington State congressional delegation in developing domestic processing laws and programs; (5) review state and private log export policy on the state's economy and citizens; (6) review present federal policy that permits the substitution of state logs for private logs; (7) analyze the impact of log exports on timber supply as well as all aspects of finished wood products and wood chips; (8) request DNR to provide information relating to all aspects of timber harvesting and sales procedures; (9) study all aspects of domestic timber processing; (10) analyze the effect of domestic processing on the timber supply; (11) analyze the effect of domestic processing on the economy; (12) recommend methods to encourage more domestic processing; and (13) prepare relevant legislation for the 1990 legislative session.

The committee will prepare a report for the appropriate legislative committees by January 1, 1990, and will terminate June 30, 1991.

Appropriation: $800,000 from the general fund consisting of the following: (1) $150,000 to the University of Washington for a development plan for the proposed Olympic Institute for Old Growth Forest and Ocean Research; (2) $200,000 to the Department of Trade and Economic Development to contract with the Northwest Policy Center at the University of Washington for economic studies; and (3) $450,000 to the Department of Community Development for technical and financial assistance to communities adversely affected by timber harvest reductions.

Votes on Final Passage:

Senate	30	15	
House	77	19	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	94	0	
Senate	46	0	

Effective: July 1, 1989

Partial Veto Summary: The sections requiring the Governor and Land Commissioner to report to the Legislature on responses to federal timber decisions and to prepare a specific response by August 1, 1989, are removed. (See VETO MESSAGE)

SB 5916

FULL VETO

By Senators Barr, Newhouse, Hansen, Madsen, Bailey, Anderson and Gaspard

Revising provisions on labeling meat.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: The inspection and labeling of meat is regulated under the federal Wholesome Meat Inspection Act. The United States Department of Agriculture is responsible for providing inspection services in most states, including Washington.

Federal law allows meat ground for retail sale to be labeled as to the larger cut from which it came (e.g. ground round or ground chuck).

Currently, the Washington Meat Inspection Act does not allow labeling distinctions on ground meats.

Summary: Any licensed retail meat dealer who merely grinds or further grinds into smaller units meat that was inspected and packaged under federal inspection, shall be allowed to display on the label information from the label of the larger unit of meat.

Votes on Final Passage:

Senate	47	0	
House	80	15	(House amended)
Senate	42	0	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

SB 5926

PARTIAL VETO

C 418 L 89

By Senators Benitz, Williams and Stratton

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

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

Background: Washington is one of three states which host commercial disposal sites for low-level radioactive waste. In an attempt to force other regions to develop disposal sites, Congress passed legislation in 1985 creating a series of milestones for developing additional sites.

States may join regional compacts to develop disposal sites. Washington is the host state of a compact which includes Alaska, Hawaii, Idaho, Montana, Oregon and Utah. States with disposal sites, such as Washington, are empowered to deny disposal access to waste generated outside the compact after 1992. The disposal site at Hanford is located on land leased by the state from the federal government and subleased to the commercial operator. In 1988, just over 400,000 cubic feet of waste was disposed at the facility, of which approximately 125,000 cubic feet was generated in the compact region. The disposal site generated approximately $9 million in revenue for the state of Washington in 1988.

A compact committee, consisting of one member from each member state, exists for compact administration. The location of the compact committee meetings has rotated between member states. Costs for administration of the compact are reimbursed by permit fees charged by the state to those entities which are approved to dispose waste at the site.

A perpetual maintenance account related to the disposal site exists in the state treasury. A perpetual maintenance fee is charged on each cubic foot of waste disposed at the site. Funds in the account are to be used exclusively for the perpetual surveillance and

maintenance costs related to the site. Funds have been collected in the past which are earmarked for reimbursing costs incurred in the eventual closure of the site.

Summary: The Department of Ecology is directed to develop contingency plans for the department and other state agencies related to the low-level radioactive waste disposal facility. Plans are to be based on various projections of waste volume and are to include an analysis of expected revenue changes based on different disposal volumes. The initial set of plans is due October 1, 1989 and is to be updated annually.

A perpetual maintenance fund is created in the state treasury to provide a mechanism to pay for future costs related to the low-level radioactive waste disposal facility. The fund is to consist of a site closure account and a perpetual surveillance and maintenance account.

All moneys currently administered by the Department of Ecology for closure of the site are transferred to the site closure account. All moneys currently in the perpetual maintenance account are transferred to the perpetual surveillance and maintenance account. Until December 31, 1992, moneys contributed to the perpetual maintenance fund shall be directed to the site closure account. Thereafter receipts may be directed to either account as specified by the department.

The state is prohibited from reimbursing costs of compact meetings held outside the state of Washington.

Votes on Final Passage:

Senate	46	0	
House	92	2	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	97	0	
Senate	45	0	

Effective: July 23, 1989

Partial Veto Summary: The intent section, which states that the site generates significant revenue and that a proper analysis of losing this revenue has not been conducted, is vetoed. The section which prohibits the state from reimbursing the costs of out-of-state compact meetings is also vetoed. (See VETO MESSAGE)

SSB 5933

C 93 L 89

By Committee on Economic Development & Labor (originally sponsored by Senators Williams and Murray)

Establishing an annual leave sharing program for state employees.

Senate Committee on Economic Development & Labor
House Committee on State Government

Background: In some cases, state employees who suffer from, or who have family members suffering from, a serious, long-term illness use all of their available sick and annual leave. Such employees then either take leave without pay or terminate their employment, further adding to the economic hardship and emotional distress.

Summary: A leave contribution program is established for state employees including agencies, school districts, educational service districts, colleges and universities, and the Legislature. The program is to permit employees, at no significant increase in the cost of providing annual leave, to transfer annual leave to another employee. The recipient employee must: have an extraordinary or severe illness or injury, or have a family member with such a problem; have depleted or shortly will deplete all leave reserves; have diligently attempted to accrue sick leave; and not be eligible for industrial insurance benefits.

Agency heads determine if the need is justified, if recipients have met stated criteria, as well as the amount of leave transferred, not to exceed 261 days.

The donating employee may not request a transferred amount that would result in his or her annual leave balance falling below 10 days.

The value of leave transferred is to be based on the recipient's annual leave value. Unused leave is returned to donating employees on a pro rata basis.

The State Personnel Board, Higher Education Personnel Board and Superintendent of Public Instruction are directed to provide for administration of the program, and to make rules defining program parameters. Information sufficient to allow the Legislature to review the program must be collected and maintained. Local school district authority is clarified, and employees may only transfer leave to other employees of the same school district.

The Director of the Office of Financial Management shall have final authority when questions of transfer of leave and related funds arise.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: April 20, 1989

SSB 5947

C 408 L 89

By Committee on Law & Justice (originally sponsored by Senators McMullen, Pullen, Niemi, Talmadge, Murray and Anderson)

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

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Sentencing Reform Act established a list of mitigating factors which the court may consider in exercising its discretion to impose an exceptional sentence below the standard range. Current factors include circumstances where the defendant: was the aggressor; before detection attempted to compensate the victim; committed the crime under threat or compulsion; was induced by others to commit the crime; and had an impaired capacity to understand wrongfulness of the act.

It is suggested that the court be permitted to consider a pattern of abuse suffered by the defendant as a mitigating factor in imposing an exceptional sentence below the standard sentencing range.

Summary: The court may consider as a mitigating factor the fact that the defendant or the children of the defendant suffered a continuing pattern of physical or sexual abuse perpetrated by the victim of the offense, where the offense was a response to the abuse, and may impose an exceptional sentence below the standard range.

Votes on Final Passage:

Senate	45	0	
House	92	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 23, 1989

SB 5950

C 317 L 89

By Senators Talmadge, Bailey and Bauer

Extending the statute of limitations in child sexual abuse cases.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1988 the Legislature created a civil statute of limitations for childhood sexual abuse cases. It provides that child sexual abuse actions must be commenced within three years of the alleged act or three years of the time the victim discovered or reasonably should have discovered the injury or condition caused by the act.

Concern exists that some child victims of abuse may for a variety of reasons be unable to communicate the occurrence of abuse to those who could bring an action on their behalf. Application of the present statute of limitations for those children would preclude an action if they could not communicate the occurrence within the required time.

It is suggested that the statute of limitations should not begin to operate until the child reaches the age of 18.

Prior to July 1, 1988, statutory rape in the first and second degree, and indecent liberties committed against a child under 14 years of age, were the crimes governing sexual abuse against children. Those crimes had a seven-year statute of limitations.

In the 1988 legislative session, those crimes were repealed and replaced with the crimes of rape of a child in the first and second degree and child molestation in the first and second degree. The statute of limitations was also amended, adding the newly created crimes to the seven-year statute of limitations and deleting the repealed crimes from the seven-year statute of limitations.

The state must charge a person under the prior law if the crime occurred when the prior law was in effect, even if prosecuted after enactment of the new law. Some courts have been interpreting the deletion of the prior crimes from the seven-year statute of limitations as legislative intent to reduce the statute of limitations from seven to three years. As a result, some sexual abuse cases have been dismissed upon a motion that the statute of limitations has expired.

It is suggested that the three deleted crimes be restored to the seven-year statute of limitations and a section added stating that the Legislature did not, in the 1988 changes, intend to shorten the statute of limitations for those offenses.

Summary: The special statute of limitations for civil causes of action for childhood sexual abuse cases is amended to add that the statute of limitations is tolled until the child reaches age 18.

The criminal statute of limitations is amended to extend the statute of limitations for sexual abuse cases, restore the crimes of statutory rape in the first and second degree and indecent liberties if the child is under 14, and, extend the statute's application to rape in the first and second degree and incest if the child is under 14.

The criminal statute of limitations is seven years after the act or three years after the victim turns 18, whichever is later, for the following crimes: rape of a child in the first and second degree; child molestation in the first and second degree; statutory rape in the first and second degree; and, when the victim is under 14, rape in the first and second degree, incest and indecent liberties.

Intent sections for both the civil and criminal statute of limitations changes are added.

Votes on Final Passage:

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

Effective: May 11, 1989

2SSB 5960

C 409 L 89

By Committee on Ways & Means (originally sponsored by Senators Nelson, Talmadge and Niemi)

Defining and providing indigent defense services.

Senate Committee on Law & Justice and Committee on Ways & Means
House Committee on Judiciary

Background: The system in Washington for providing legal representation to people who cannot otherwise afford attorneys varies from county to county. In some counties both trial and appellate counsel are appointed by the court from a list of attorneys who have indicated their willingness to represent indigent defendants. These attorneys are paid on a per case or per hour basis. Some counties enter into contracts with private law offices or nonprofit organizations to handle all of the indigent trial defense needs. The attorneys are paid a set amount for each case depending upon whether it is a misdemeanor or a felony. In divisions II and III, indigent appellate defense work is performed by either private attorneys who have communicated their availability for such work or by trial counsel. These attorneys are paid a set amount by the Supreme Court for each case. In division I, all indigent appellate defense work is performed by a nonprofit organization that has contracted with the Supreme Court. That organization is paid a set amount for each case and aggravated murder is the only felony case for which there is greater compensation.

During the 1988 legislative session a study was mandated to review the state's current system of providing representation for indigent persons. The legislation created a special committee, the Indigent Defense Task Force, to review the system of providing counsel for indigent persons at both the trial and appellate levels and to report its findings to the Legislature.

Summary: A court or its designee is required to make a determination of indigency for all persons who request the appointment of counsel at public expense. A person is indigent if he or she: (1) receives specified types of public assistance; or (2) has an income that is 125 percent or less of the federal poverty level; or (3) is committed to a public mental health facility; or (4) is unable to pay for counsel because his or her available funds are insufficient to pay any amount to retain counsel.

In making a determination of indigency, the court is also to consider the length and complexity of the proceedings and the usual and customary fees of attorneys in the community. A person who is indigent but still able to make a contribution toward payment of the cost of counsel is required to execute a promissory note at the time counsel is appointed.

Cities and counties are required to adopt standards, based on various specified criteria, for the delivery of public defense services.

The Indigent Defense Task Force created in 1988 is to continue through June 1990. The task force is to examine current methods of delivering appellate indigent defense services in the state and make recommendations to the Legislature. In addition, the task force is to review the proposed system for providing for public defense services for indigent persons and make recommendations to the Legislature regarding the existing programs. The task force is also to review the administration of public defense funds and advise the Legislature on the need for creating an independent office to oversee and administer reimbursement and contract guidelines.

Votes on Final Passage:

Senate	41	4
House	94	0

Effective: May 13, 1989

SB 5983

C 80 L 89

By Senator Newhouse

Authorizing the superior court to retain for hearing water rights cases involving more than one thousand named defendants that would otherwise be referred to a referee.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: Water rights adjudications are statutory procedures that may be initiated by either an individual seeking a determination of rights or by the Department of Ecology when it is in the public interest. The process entails the filing of a statement and proposed plan by the department with the superior court, which then serves a summons on all parties. After the parties have responded, the court must refer the matter to a department referee to conduct hearings and take evidence. The referee files a report with the court, and any party objecting to it must follow a specified procedure.

When there are adjudications on large rivers in the state, such as the Yakima, where there are over 40,000 parties to the proceeding, the referee's role can become very difficult. Such large adjudications may have substantial legal issues to be resolved by the referee, as well as a large volume of fact–finding testimony, and can result in a complicated and cumbersome procedure.

Summary: The superior court is given the discretionary authority in complex adjudications where there are more than 1,000 named defendants, including the United States, to retain certain portions of the case for processing. The portions retained must pertain to a discrete class or classes of defendants or claims. In order to retain these portions of the adjudication, the court must determine that (1) resolution of the claims or classes involve significant procedural or substantive legal issues, and (2) the retention will expedite the conclusion of the case and reduce the costs of the parties and the court.

Votes on Final Passage:

Senate	47	0
House	93	0

Effective: July 23, 1989

SSB 5984

C 429 L 89

By Committee on Agriculture (originally sponsored by Senators Newhouse and Barr)

Modifying water conservation procedures in the Yakima river basin.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: In 1979, the State Legislature, and in 1980, Congress authorized the Yakima River Basin Water Enhancement Project study to augment supplies of water in the Yakima Basin for instream flows and for irrigation. The study has been conducted jointly by the Federal Bureau of Reclamation and the Department of Ecology. Several elements of the project have been authorized and constructed, such as rehabilitation of several fish ladders and fish screens in the basin.

In 1985, legislation was developed which was aimed at improving the ability to manage and conserve basin waters. There were proposals to authorize funding of improvements to existing irrigation systems designed to save water. A major impediment to passage of this proposal was the inability to resolve how the saved water could be transferred to the state, and make it available for allocation to other uses.

Currently, there is congressional interest in formulating legislation to authorize water conserving improvements to existing irrigation systems. In order to implement federal legislation, procedures need to be established to allow for the measure and transfer of the saved water within principles of western water law.

One such principle is waters can be transferred from one use to another as long as such change can be made without detriment or injury to existing water rights. The Bureau of Reclamation has developed a computerized hydrologic model which can determine the amount of net water savings for projects in various locations in the basin and under varying water supply conditions.

Summary: The Department of Ecology is authorized to acquire water rights by purchase, gift, or means other than condemnation or through providing funds to assist in financing water conservation projects. The department may utilize funds including those provided by the federal government to assist in financing water conservation projects. In return, the water user is required to convey the net water saved by the conservation project to the state. Only funds provided for the purposes of this act will trigger the requirement that

the Department of Ecology contract with entities to obtain the water saved as a result of a project.

Net water savings are defined as the amount of water that, through hydrologic analysis, is determined to be conserved and is usable for other purposes without reducing the supply of water that would have been available to other water users.

The amount determined to be a net water saving retains the same priority as the original right. A schedule of the amount of net saved water is to be developed annually to reflect the change in quantity that occurs as water supply conditions change from year to year. This schedule is to serve as the basis for distribution and management of the trust water.

The net water savings resulting from various conservation projects is to be placed in the Yakima River Basin trust water program and managed by the Department of Ecology. Trust water rights may be held for instream flows and/or for irrigation purposes.

A new chapter is created which applies only to waters of the Yakima River Basin.

Votes on Final Passage:

Senate	47	0	
House	94	1	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 23, 1989

SB 5987

C 113 L 89

By Senators Benitz and Williams

Allowing use of alternative fuels.

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

Background: The state of Washington motor pool currently maintains approximately 1000 vehicles. The use of alternative fuels in some of these vehicles may decrease the emissions of harmful compounds and so contribute to a clean environment and the mitigation of global warming effects. The purpose of this action would be to test the use of nontraditional fuels under actual driving conditions and to set an example for the citizens of Washington.

Summary: RCW 43.19.570 is amended to require the Department of General Administration to consider the use of alternative fuels in state motor pool vehicles.

The Department of General Administration and other state agencies, when purchasing alternative fuel vehicles, are required to consult with other entities in an attempt to obtain a group discount.

Votes on Final Passage:

Senate	47	0	
House	90	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 23, 1989

SB 5990

C 103 L 89

By Senators Johnson, Moore and McCaslin

Limiting taxes on resale of network telephone service.

Senate Committee on Governmental Operations
House Committee on Revenue

Background: Cities may impose telephone utility taxes on telecommunications companies. With the AT&T divestiture separate local and long distance companies emerged. One arrangement of the divestiture was that long distance companies would pay an access charge to the local company to make interconnections. Cities impose utility taxes on both local and long distance companies for calls within the state. Both companies pay taxes on the same access charges. The access charge receipts are part of the local company's taxable income, and the long distance company's taxable income includes long distance call tolls, which are priced so as to include the access charge.

Under statutory law telecommunications companies are taxed based upon their classification. Companies engaged in "telephone business" are subject to a gross receipts tax. Companies within the "competitive telephone service" exception to the definition of "telephone business" are subject to a retail B&O tax. It has been suggested that companies engaged in the business of reselling network telephone services are within the competitive telephone service definition and should be taxed at the retail B&O tax level.

Summary: Cities, code cities and towns may impose tax on 100 percent of the total gross revenue derived from intrastate toll service, but they may not impose a fee or tax upon that portion of network telephone service which represents a charge to another telephone company.

Votes on Final Passage:

Senate	42	0
House	97	0

Effective: July 23, 1989

SB 5991

C 410 L 89

By Senators Pullen, Talmadge, Amondson and Rasmussen

Protecting state employees from assaults by juvenile offenders.

Senate Committee on Law & Justice
House Committee on Judiciary
House Committee on Appropriations

Background: Increasing concern exists surrounding the number and severity of assaults committed by juveniles in juvenile corrections institutions.

If a juvenile offender in a juvenile corrections institution presents a continuing and serious threat to the safety of others, the juvenile offender can be transferred to the Department of Corrections by the Secretary of the Department of Social and Health Services. The juvenile may be transferred only with the consent of the Secretary of the Department of Corrections and if it is established at a hearing before a review board that continued placement of the juvenile presents a continuing and serious threat to the safety of others in the institution.

Summary: A hearing is to be held by the Department of Social and Health Services review board when an assault against a staff member is reported to a local law enforcement agency. The purpose of the hearing is to determine whether the accused juvenile offender represents a continuing and serious threat to the safety of others in the institution and whether the juvenile should be transferred to an adult institution.

If the juvenile offender is convicted of custodial assault, a second hearing shall be conducted to recommend that the juvenile be transferred to an adult correctional facility if the review board determines that the offender represents a continuing and serious threat to the safety of others in the institution. At this hearing, the juvenile has the burden to show why transfer should not occur.

Votes on Final Passage:

Senate	43	0	
House	94	2	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 23, 1989

SSB 6003

C 69 L 89

By Committee on Education (originally sponsored by Senators Bailey, Rinehart, Gaspard, Murray, Warnke, Bauer, Patterson and Craswell)

Permitting school and educational service districts to provide employees with postretirement medical benefits for unused sick leave.

Senate Committee on Education
House Committee on Education

Background: School district and educational service district boards of directors are required to establish attendance incentive programs for certificated and noncertificated employees. Under attendance incentive programs, employees may choose to receive money for unused sick leave at a rate equal to one day's salary for every four days of sick leave in excess of 60 days. When an employee retires, the employee is entitled to remuneration at a rate equivalent to one day's salary for each four days of accrued sick leave.

Approximately 55 school districts give employees the choice of receiving cash for their unused sick leave or receiving postretirement benefits. A number of other school districts are reluctant to provide employees with this option without specific legislative authority.

Summary: School district and educational service district boards of directors may provide employees at retirement with the option of receiving cash for their unused sick leave at the current rate of one day's salary for every four days earned or, with equivalent funds, with the option of receiving postretirement medical benefits.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 23, 1989

SB 6005

C 411 L 89

By Senators Pullen and Talmadge

Protecting the victims of domestic violence.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Under current law a victim of domestic violence may obtain a temporary order of protection against any party. The court may enter an order to

exclude a party from a residence or shared dwelling, to restrain a party from committing acts of domestic violence, or to restrain a party from interfering with the custody of minor children. The temporary order may be for up to 14 days and may be renewed. After a hearing, the court may enter the order for up to one year. The statute does not specifically provide for a no contact provision in the temporary order.

It is suggested that the statute be amended to specify the victim's right to obtain a temporary no contact order. The availability of a no contact provision gives the court broader discretion in preventing contact between parties.

The compromise of misdemeanor statute may be used by a judge to dismiss criminal charges against a person when the injured party appears in court and acknowledges, in writing, that he or she has received satisfaction for the injury.

Summary: The statutes dealing with domestic violence protection orders are amended. The court may enter a temporary no contact order against any party. The court is granted the power to prohibit contact with the victim's children and the victim's household members.

The compromise of misdemeanor statute is amended to prohibit the compromise of domestic violence cases.

Votes on Final Passage:

Senate	45	0	
House	94	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 23, 1989

SSB 6009

C 318 L 89

By Committee on Law & Justice (originally sponsored by Senators Owen, Nelson, Warnke, Moore and Smith)

Pertaining to custodial interference.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Under the dissolution of marriage act, the court must approve a parenting plan which includes residential provisions for children of the marriage.

Courts have inherent and statutory authority to enforce their orders. This authority may be used to coerce a person into compliance with the court's order or to punish a person for failure to comply with the order. Coercive contempt must be designed to obtain compliance only. As soon as the person complies with the order, the court's sanction must be lifted. Punitive contempt is not subject to this limitation.

The requirements of the crime of custodial interference in the second degree are met when a relative of a person takes, entices, retains, detains or conceals that person with the intent to deny access to such person by a parent, guardian, institution, agency or other person who has a lawful right to physical custody.

Summary: A motion may be filed in superior court to enforce the residential provisions contained in a court order. If the court finds reasonable cause to believe that a parent is not complying with its order, it may schedule a hearing regarding why the parent is not in compliance. If the court determines at the hearing that the parent has not complied with the residential provisions, the court may find the parent in contempt.

Upon a finding of contempt the court shall order the parent to provide additional time with the child to the person filing the motion. The court may also award court costs, attorney's fees, and reasonable expenses incurred in locating or returning the child.

A parent who is found in contempt is required to pay a civil penalty of not less than $100. On a second finding of contempt within three years, the penalty shall not be less than $250 and the moving party is given double the time with the child as missed due to the other parent's actions.

If the parent is able but unwilling to comply with the residential provisions, the court may order the parent imprisoned until the parent agrees to comply.

If the court finds the motion for contempt was brought without a reasonable basis, the court shall require the moving party to pay all costs, reasonable attorney's fees incurred, and a civil penalty of not less than $100.

A parent may be charged with custodial interference in the second degree if he or she fails to comply with the residential provisions after the second finding of contempt. The parent may also be charged with custodial interference without a prior finding of contempt.

In deciding motions to modify the residential schedule, the court shall retain the current schedule, unless the nonmoving party has been found in contempt twice within three years for failing to comply. A parent's conviction of custodial interference in the second degree shall constitute a substantial change of circumstances for the purposes of modifying a parenting plan residential provision.

A warning provision is added to court orders containing parenting plans. Additional defenses are added to the criminal offense of custodial interference.

Votes on Final Passage:

Senate	34	13	
House	96	1	(House amended)
Senate	34	8	(Senate concurred)

Effective: July 23, 1989

SB 6012

PARTIAL VETO

C 86 L 89

By Senator Lee

Permitting the leasing of surplus school property.

Senate Committee on Education
House Committee on Education

Background: School district boards of directors are authorized to permit the lease, rental or occasional use of surplus school property. Boards of directors are also authorized to sell real property. Net proceeds from the rental or sale of surplus school property are deposited in the school district's capital projects fund.

Some school districts have entered into long–term leases of surplus school property with the property being used for condominiums or office buildings. Other school district boards of directors would like to be able to manage their property profitably and in the best interests of the school districts but are concerned about whether the statutes clearly grant authority to enter into long–term leases.

Summary: The authority of school district boards of directors to enter into long–term leases of school district property is clarified. Leases need not contain a provision permitting the recapture of the leased or rented surplus property should such property be needed for school purposes in the future.

School districts are authorized to deposit money from the lease, rental, or occasional use of surplus school property in the debt service fund and/or the capital project fund if it was not used to cover the general maintenance, utility, insurance, or other costs associated with the lease or rental.

Votes on Final Passage:

Senate	40	6	
House	92	4	(House amended)
Senate	41	2	(Senate concurred)

Effective: July 23, 1989

Partial Veto Summary: The provision was deleted that authorized school districts to enter into leases that did not require the recapture of school property. (See VETO MESSAGE)

SSB 6013

C 389 L 89

By Committee on Governmental Operations
(originally sponsored by Senators Bluechel, Talmadge, Fleming, Conner and McDonald)

Regulating capacity charges imposed by a metropolitan municipal corporation.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: There is currently only one operating metropolitan municipal corporation in the state, the Municipality of Metropolitan Seattle (METRO). METRO operates sewage collection and treatment facilities under its statutory water pollution abatement authority. METRO does not have the authority to impose connection charges upon new users of its sewage facilities in addition to the uniform rates that all customers pay. Other entities of local government—cities, counties, sewer districts and water districts—have such authority. Connection charges are imposed to ensure that new customers pay a proportionate share of the capital costs of facilities to match the sum already paid by existing customers through regularly imposed rates. The charges are usually used to retire debt incurred to finance construction.

Sewer districts have the authority to impose liens against real property to enforce collection of delinquent connection and sewage disposal charges. If charges are delinquent for more than 60 days, a lien may be foreclosed.

Sewer and water district connection charges may include the costs of connection and an equitable share of the cost of the entire system. This latter charge is required to be reasonable; there are no other specified standards.

Sewer and water districts have the option to enter into "latecomer contracts" with property owners who finance the construction of sewer and water facilities. The contracts provide for reimbursement to property owners by other owners who later connect to the facilities. Reimbursement payments consist of a pro rata share of the cost of construction.

Summary: A metropolitan municipal corporation engaged in the transmission, treatment, and disposal of sewage may impose a capacity charge when a user connects, reconnects or establishes a new service. The charge will be based upon excess capacity built into capital projects identified in the metropolitan municipal corporation's comprehensive water pollution abatement plan from January 1, 1982 to the effective date of the act.

The capacity charge must be approved by the metropolitan municipal corporation's governing council and reviewed and reapproved annually. It cannot exceed $7.00 per month collected over 15 years for connections and reconnections occurring prior to January 1, 1996. For connections and reconnections occurring after January 1, 1996 and prior to January 1, 2001, the monthly capacity charge cannot exceed $10.50 per month collected over 15 years. For connections and reconnections occurring after January 1, 2001, the capacity charge collected over 15 years cannot exceed 50 percent of the basic sewer rate established at the time of the connection or reconnection.

The capacity charge for a building other than a single–family residence will be based on the projected number of residential customer equivalents represented by the building, considering its intended use.

Collection of the capacity charge will be enforced in the same manner provided for enforcement of sewer district charges. The metropolitan municipal corporation must notify a mortgage or deed of trust holder prior to foreclosing a lien for delinquent charge payments.

A sewer or water district board of commissioners must base charges for connection to a district's sewer or water system on a pro rata share of specified costs. These costs include the cost of existing facilities, the cost of facilities planned for construction within the next ten years according to a district's adopted comprehensive plan, and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the sewer or water system. A connection charge can include accrued interest applied from the date of the construction of the sewer or water system until the connection or ten years, whichever is shorter. The accrued interest will be based upon the rate applicable to the district at the time of the construction or major rehabilitation of the sewer or water system, or at the time of installation of the sewer or water lines to which the property owner is seeking to connect.

Revenue from connection charges (excluding permit fees) are to be considered payments in aid of construction as defined by Department of Revenue administrative rule.

In some circumstances, sewer and water districts must prepare a long–term plan for financing additions to and betterments of sewer and water systems.

If a sewer or water district approves sewer or water system extensions that will be financed by property owners, the district must, upon an owner's request, enter into latecomer contracts for reimbursement of the owners. Construction of an owner–financed extension is contingent upon comprehensive plan approval. Connection of the owner–financed extension is conditioned upon construction according to plans approved by the district and adherence to other district requirements. Property owners who paid for the original construction costs are relieved of any further charges if they connect other property to the facilities. Districts may finance a project and be reimbursed in the same manner, if the district board of commissioners specifies the conditions of district participation in the project in a resolution. Latecomer contracts must be recorded in the county auditor's office.

Votes on Final Passage:

Senate	36	11	
House	94	1	(House amended)
Senate	37	6	(Senate concurred)

Effective: July 23, 1989

SSB 6033

C 322 L 89

By Committee on Energy & Utilities (originally sponsored by Senators Benitz and Stratton)

Terminating the powers and duties of the nuclear waste board and the nuclear waste advisory board.

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

Background: In response to consideration of the Hanford site as the nation's first repository for high–level nuclear waste, the Legislature created the Nuclear Waste Board in 1983. Membership of the Nuclear Waste Board consists of the directors of several state agencies or their designees, a citizen chairman, and eight nonvoting legislator members. Also in 1983, an advisory council was created for the purpose of maximizing public involvement in the nuclear waste program. The advisory council consists of not less than 15 citizen members.

Legislation which passed Congress in 1987 eliminated Hanford as a candidate for the first high–level waste repository.

Defense materials production at Hanford has resulted in an accumulation of a large volume of stored radioactive waste. Large scale efforts to restore the site can begin once an agreement is signed by the Environmental Protection Agency, the United States Department of Energy, and the Department of Ecology. The state will then be in the position of asking Congress to appropriate funds for the cleanup of these wastes.

Summary: The membership of the advisory council is changed to consist of 19 members, 11 citizen members and eight legislator members. The council will advise the Department of Ecology on all aspects of the radioactive waste management program, and is directed to hold its meetings at various locations throughout the state. The advisory council is scheduled to terminate June 30, 1994.

The Nuclear Waste Board is scheduled to terminate June 30, 1990, or the date when the tri–party agreement related to defense waste cleanup is signed by the state, the Environmental Protection Agency, and the Department of Energy, whichever date is earliest.

Obsolete references to the federal nuclear waste repository program and the Nuclear Waste Board are deleted.

Votes on Final Passage:

Senate	45	2	
House	95	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 23, 1989

SSB 6048

C 387 L 89

By Committee on Financial Institutions & Insurance (originally sponsored by Senator von Reichbauer)

Regarding HIV testing under Title 48 RCW.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: During the 1988 session, the Legislature adopted the omnibus AIDS bill. Pursuant to rule–making authority granted under this bill, the Board of Health has adopted regulations which, in part, require a health care practitioner to provide or refer pre–test HIV counseling for those receiving an HIV test. Some concern has been expressed that this pre–test counseling requirement may not be necessary for those receiving the test as part of an application for insurance coverage.

Summary: If an HIV test is administered as a condition for obtaining or renewing insurance coverage, the insured or subscriber must receive certain written information explaining the test and related issues.

The insurer, health care contractor, or health maintenance organization (HMO) must have an informed written consent to obtain the results of an HIV test. Such consent shall contain an explanation of the confidentiality of the test results.

Moreover, the insurer, health care contractor or HMO must inform an applicant of additional information concerning post–test counseling. The applicant may designate a health care provider or health care agency to interpret positive or indeterminate results and provide post–test counseling. If the applicant fails to make such designation and the applicant's test results are either positive or indeterminate, test results must be provided to the local health department for interpretation and post–test counseling. Positive or indeterminate HIV test results may not be sent directly to the applicant.

Votes on Final Passage:

Senate	44	4	
House	97	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: May 13, 1989

2SSB 6051

C 430 L 89

By Committee on Ways & Means (originally sponsored by Senators Anderson, Cantu, Stratton, Smith, Thorsness, McMullen, Wojahn, Lee and Bailey)

Promoting employer involvement in the development of child care services and facilities.

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

Background: As the role of women in the workforce continues to grow dramatically, the availability of quality, affordable child care is viewed more and more as crucial to the stability of the family and the economic health of businesses in the state. There are not enough child care services to meet the needs of working parents, and those which do exist are often prohibitively expensive or inconveniently located.

In 1987, the Legislature created a Coordinator for Child Care Resources in the Department of Social and Health Services, and directed the office to help encourage employer provided assistance for child care. This legislation expires in June, 1989.

In 1988, the Legislature established a Child Care Coordinating Committee to help coordinate state agencies in this area and to provide recommendations

to the Legislature regarding child care subsidy programs. Currently, the major child care subsidy programs are: (1) assistance provided through AFDC; (2) assistance to low income, employed, and non-AFDC persons; (3) assistance to teenage parents completing their high school education or GED; (4) care for low income seasonal workers; and (5) care associated with Child Protective Services.

The Legislature created but did not fund a child care expansion grant fund to provide one-time start-up grants to persons, organizations, or schools for new child care facilities, or to expand existing facilities to handle children with special needs.

Summary: The Business Assistance Center in the Department of Trade and Economic Development is directed to prepare and disseminate information on child care options for employers, and to facilitate employer access to technical assistance which will enable the employers to provide child care services to their employees.

The child care facility fund is established, to be administered by a committee within the Business Assistance Center. Public and private money may be deposited into the fund.

The committee will consist of five business and child care experts, and will make one-time grants, loans or loan guarantees of up to $25,000 to individuals, businesses and other organizations to start or improve a licensed child care facility. Applicants for funds must describe in detail the child care needs of their particular area, why they need financial assistance from the state, how the assistance will be used to meet the described need, and their financial status, including other resources available to assure continued provision of the intended services.

Grant, loan, or loan guarantee recipients must report to the committee each year for two years on the status of their facility and program.

The development loan fund committee is directed to give higher priority to economic development projects that contain provisions for child care.

Votes on Final Passage:

Senate	45	2	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	97	0
Senate	46	0

Effective: May 15, 1989

SB 6057

C 118 L 89

By Senators Murray, Bender, Warnke, Owen, McMullen, Williams, Smitherman, Kreidler, Sutherland, Talmadge, Niemi, Fleming, Moore, Lee, Vognild, Rasmussen, Conner, Stratton, Bailey, Gaspard, Hansen, Wojahn, Bauer, Madsen, Metcalf, Rinehart and Johnson

Providing for school services for homeless children.

Senate Committee on Education
House Committee on Education

Background: The number of persons without homes in the state of Washington is increasing. Homelessness can pose a problem for children's education. One barrier to homeless children attending school is the residency requirement imposed by some local school districts. While some families can list a shelter as a residence, a survey indicates that only 45 percent of the state's homeless were able to find shelter last year.

Summary: School districts are prohibited from requiring proof of residency for any child who does not have a legal residence and is eligible by reason of age, for the services of the school district. A school district shall enroll a child without a legal residence at the request of the child or the parent or guardian of the child.

Votes on Final Passage:

Senate	48	0
House	52	45

Effective: July 23, 1989

SSB 6074

C 8 L 89 E1

By Committee on Ways & Means (originally sponsored by Senators West, Stratton, McCaslin and Saling)

Revising provisions on public facilities districts.

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

Background: In 1988, the Legislature enacted Chapter 36.100 RCW, authorizing the creation, by public vote, of public facility districts to acquire or construct and operate convention, sports, entertainment, trade, and related parking facilities. Methods of financing the facilities include a hotel/motel tax on premises exceeding 40 units, an admissions tax on publicly

owned assembly facilities, a property tax, and general obligation bonds.

Summary: A public vote to create a public facility district is not required. The district may be formed by resolution of the county legislative authority and the city council of the largest city. However, no taxes may be levied without a public vote validating the creation of the district. The district board of directors must include at least one representative of the lodging industry. The public facility to be constructed is limited to sports and entertainment facilities with contiguous parking facilities.

Votes on Final Passage:

Senate	41	4	
First Special Session			
Senate	35	2	
House	91	3	(House amended)
Senate	44	1	(Senate concurred)

Effective: August 9, 1989

SB 6076

PARTIAL VETO

C 203 L 89

By Senators Thorsness, Murray, Barr, Stratton, Metcalf, Saling, McCaslin, Madsen, Warnke, Anderson, Amondson and West

Creating motorcycle public awareness program.

Senate Committee on Transportation
House Committee on Transportation

Background: The eleven states currently using a motorcycle public awareness program and media campaign feel that they have dramatically reduced their motorcycle-related accident rates.

These public awareness programs contain public service announcements for TV, radio and newspapers which provide safety advice, helping the drivers of both motorcycles and vehicles realize the potential hazards of sharing the roadway.

Present law requires anyone under age 18 applying for a motorcycle endorsement to complete a safety education course that meets the standards established by the Department of Licensing. A majority of the adult motorcycle riders, however, have never taken a motorcycle safety education class. If an incentive were offered, as some local jurisdictions have already done for drivers committing their first traffic infraction, to allow motorcycle operators the option of having one traffic infraction cancelled if they complete a motorcycle safety education class, more adult riders would be retrained with safer driving habits.

Current law requires that every person applying for a special endorsement or a new category of endorsement of a license to drive a motorcycle must pay a nonrefundable motorcycle examination fee of $7, with a renewal fee of $5. A total of $5 from each applicant is deposited in the motorcycle safety education account of the highway safety fund. The motorcycle safety education account provides funding for a statewide voluntary motorcycle operator training and education program.

In 1987 the Legislature created a Motorcycle Safety Education Advisory Board to assist the director in the development of the education and training program. Their mandated priorities were motorcycle safety education programs; classroom and on-cycle training; improved motorcycle operator testing; and public awareness programs of motorcycle safety.

Summary: Beginning July 1, 1989, the director of the Department of Licensing shall develop a motorcycle public awareness program, provided funds are appropriated. The director may contract with public and private entities to implement the program.

A Motorcycle Public Awareness Advisory Board is created to assist the director in program development. The board shall consist of nine members, one to be appointed chairperson by the director. Three of the board members shall represent nonprofit motorcycle organizations which actively support and promote motorcycle safety education. The remainder of the board will be composed of a representative from a motorcycle dealership or related shop; a State Patrol motorcycle officer with five years experience and at least one year cumulative experience as a motorcycle officer; a member of the public; a motorcycle safety instructor with at least two years teaching experience; the director of Licensing; and a member of the Legislative Transportation Committee. The term of appointment shall be two years.

The Motorcycle Public Awareness Advisory Board shall meet at the call of the director, at least three times annually. The board receives no compensation for services but shall be reimbursed for travel expenses in accordance with state law.

The board shall submit a proposed public awareness program of motorcycle safety to the director and to the Legislative Transportation Committee for review and approval prior to January 1, 1990.

The $2 motorcycle examination fee is separated from the total motorcycle endorsement fees for purposes of clarification. The initial motorcycle endorsement fee and the new category fee is increased from $5.50 to $6 and the renewal endorsement fee is increased from $4.50 to $7.50.

Votes on Final Passage:

Senate	46	1	
House	96	0	(House amended)
Senate	46	1	(Senate concurred)

Effective: May 3, 1989

Partial Veto Summary: References to the creation and duties of a Motorcycle Public Awareness Advisory Board have been deleted on the basis that its duties would overlap that of the statutory Motorcycle Safety Education Advisory Board. (See VETO MESSAGE)

SB 6095

C 7 L 89 E1

By Senators Benitz, Saling, Bluechel, Cantu, Smitherman, Stratton, Gaspard, Patterson, Bauer, von Reichbauer, Hayner, Smith, Rasmussen, West, Thorsness, Bailey, Johnson and Nelson

Providing for branch campuses.

Senate Committee on Higher Education
House Committee on Higher Education

Background: The Washington State master plan for higher education, adopted by the Higher Education Coordinating Board and endorsed by the Legislature in 1988, recommends the creation of two branch campuses of the University of Washington and three branch campuses of Washington State University.

The master plan recommends the branch campuses of the University of Washington be located in the Tacoma area and in the Bothell–Woodinville area.

The master plan recommends the branch campuses of Washington State University be located in the Spokane area, the southwest Washington area, and in the Tri–cities area.

The master plan also recommends that Central Washington University provide increased upper division service to the Yakima area.

Summary: The Legislature endorses the assignments of responsibility to provide upper–division and graduate programs that the Higher Education Coordinating Board has made to various institutions of higher education. The Legislature also endorses the creation of branch campuses for the University of Washington and Washington State University.

It is legislative intent that, at the same time funding is approved, enrollment lids at existing baccalaureate institutions should be raised at the upper–division level, to increase participation rates in underserved areas of the state.

The University of Washington is directed to ensure the expansion of upper–division and graduate programs in the central Puget Sound area. The University will operate at least two branch campuses: one campus to be located in the Bothell–Woodinville area, and one campus to be located in the Tacoma area.

Washington State University is directed to provide upper–division and graduate programs to the citizens of the Tri–Cities and southwest Washington areas. The University will operate a branch campus located in each of those areas. The Tri–cities branch campus shall replace and supersede the Tri–cities University Center. All land, facilities, equipment, and personnel of the Tri–cities University Center shall be transferred from the University of Washington to Washington State University.

The Spokane Intercollegiate Research and Technology Institute is created. The institute will be operated as a multi–institutional education and research center, housing appropriate programs conducted in Spokane under the authority of Washington State University, Eastern Washington University and the community colleges of Spokane. Gonzaga University and Whitworth College may participate as full partners in any academic and research activities of the institute.

The Higher Education Coordinating Board will administer a demonstration project to provide educational opportunity grants to permit students in areas served by branch campuses to complete their upper–division coursework at any accredited independent baccalaureate institution of higher education. Each participating student may receive up to $2,500 per academic year. In order to be eligible for this program, students must be needy placebound residents of the state of Washington and have completed the associate of arts degree or its equivalent.

Washington State University and Eastern Washington University are jointly responsible for providing upper–division and graduate programs to the Spokane area. Washington State University is directed to operate a branch campus in the Spokane area. Eastern Washington University will meet its responsibility through co–located programs and facilities in Spokane.

Central Washington University is responsible for providing upper–division and graduate programs to the citizens of the Yakima area.

Each of these universities shall carry out their responsibilities under rules or guidelines adopted by the Higher Education Coordinating Board. Through its rules and guidelines, the board must ensure a collaborative partnership between the community colleges and four-year institutions. In addition, before approving an institutional request to acquire facilities in one of the assigned areas, the board must explore a variety of creative and cost-effective ways to serve the educational needs of that area.

Authorization for the programs, increases, and facilities in this act are subject to legislative appropriation.

A statute creating the Southwest Joint Center for Education is repealed.

Votes on Final Passage:

Senate	29	17
House	68	29 (House amended)
First Special Session		
Senate	33	12
House	67	27

Effective: August 9, 1989

SB 6150

C 1 L 89 E1

By Senator Johnson

Changing dates for initial application of supplemental rates for pension systems.

Senate Committee on Ways & Means
House Committee on Rules

Background: Substitute Senate Bill No. 5418 of 1989 revised the funding for the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF), Public Employees' Retirement System (PERS), and Teachers' Retirement System (TRS). Not only was the amortization period changed to a uniform 35 years, but the rates for contributions by employers and/or the state were made statutory. Moreover, the intent to require a supplemental contribution rate for any benefit established after a specified date was included.

The effective date in SSB 5418 was July 1, 1990. Other dates within the bill were based on this July date. Subsequently, the effective date was amended to September 1, 1990, but two of the internal dates were misstated.

Summary: Technical changes are made to the enacted SSB 5418 correcting certain internal dates.

Votes on Final Passage:

Senate	40	0
House	89	0

Effective: August 9, 1989

SB 6152

PARTIAL VETO

C 9 L 89 E1

By Senators Wojahn, Barr, Gaspard, West, Stratton, Johnson, Rasmussen, Bluechel, Vognild, von Reichbauer, Warnke, Smitherman, Bailey, Craswell, Thorsness, Bender, Bauer, Amondson, Lee, Metcalf, Cantu and Sutherland

Creating the department of health.

Senate Committee on Rules
House Committee on Rules

Background: A Department of Health was first created in Washington in 1921 by transferring the administrative responsibilities of the state Board of Health. The Department of Health continued until 1970 when it was merged into the Department of Social and Health Services (DSHS). The new umbrella agency was formed to integrate and decentralize services. Repeated efforts to realize the goals for DSHS met with only limited success. Many now claim that services are not adequately integrated, that programs are not adequately decentralized, and accountability is hampered by an unnecessarily complex organization. Advocates for the traditional purposes of public health (i.e. disease and illness prevention, control of epidemics, etc.) state that DSHS places a low priority on public health purposes within the umbrella agency.

In 1986, the Legislature considered a proposal by the Joint Select Committee on Public Health to create a separate state department of public health and environment, by removing traditional public health functions from DSHS and merging them with health related functions housed in the Department of Ecology. Enabling legislation passed the Senate, but has failed in the House for several years.

The Washington State Hospital Commission was established in 1973 and reauthorized in 1984 with a mandate to contain hospital costs. The commission is scheduled to terminate on June 30, 1989 under the provisions of the Washington Sunset Act.

The Legislative Budget Committee (LBC) sunset review found that between 1981 and 1986, the rate of growth of hospital costs in Washington exceeded average increases nationally and in five other regulated states.

The LBC recommended that hospital rate setting and the Hospital Commission be replaced by a health care commission or a department of health that would monitor hospital costs and conduct research and policy analysis on how best to control health care costs.

The certificate of need process (CON) regulates the construction or establishment of new health care facilities, substantial changes in health services, changes in bed capacity, acquisitions of major medical equipment, and capital expenditures of health care facilities in excess of $1,111,000. Types of facilities subject to CON include: hospitals; psychiatric hospitals; nursing homes; kidney disease treatment facilities; ambulatory surgical facilities; home health care; hospices; and certain rehabilitation facilities. Since its creation in 1974, the CON process has been criticized as burdensome, costly and ineffective at controlling costs.

Changes in the demand for health care services, in the reimbursement policies of public and private payers, as well as changes in economic conditions, threaten access to affordable basic health care services to rural citizens. The Washington Rural Health Care Commission was authorized by the Legislature to identify current problems associated with assuring continued access to health care in rural areas and to make recommendations for changes in state policy.

The commission identified many factors that inhibit needed changes in the delivery of rural health care services. They include outdated or rural–inappropriate regulatory laws, aging and inefficient health care facilities, ineffective local planning and coordination of services and a lack of state health policy objectives.

The commission recommended that a partnership be established between the state and rural communities where the state provides general health policy direction and rural communities take an active role in reorganizing the delivery of health care services.

Summary: A Department of Health is created to provide leadership in assuring the quality of health care, protect the general population's health, monitor the cost of personal health care services, and develop state health policies.

The Governor must appoint a secretary of health with the consent of the Senate. A state health officer must be appointed by the secretary with the consent of the Senate, and must serve as the deputy secretary. The state health officer must be a physician and have a masters degree in public health or equivalent training or experience in public health.

Organizational principles are established as a guide for the department in its efficient and effective operation. The secretary is directed to consider the principles as he or she establishes the department's structure.

He or she may appoint such deputy secretaries, assistant secretaries and other personnel as required to head the divisions, bureaus, offices and programs within the department and an additional five persons, all of whom shall be exempt from civil service protections.

The Legislature intends that the department promote, assess and assure quality in health care. The department is designated as the primary agency to collect data related to illness and injury prevention, health promotion, and the quality of health care. Safeguards against improper use of data are established. The department must develop a state research agenda as part of the biennial state health report. Research and other studies may be undertaken only in accordance with the research agenda and procedures established for study approval and funding. The secretary must use study results as appropriate to improve health quality.

A data evaluation program is established to analyze health care practices, outcomes, the need for changes in health care delivery, and bioethical issues, and to provide data to consumers, providers and purchasers of health care. The department may, within available resources, conduct several studies specified in the act by July 1, 1991, including studies on health care rationing, medical liability issues, cost containment and prudent purchasing strategies.

An Office of Health Consumer Assistance is created which must contain a hotline to receive complaints.

The secretary must enter into written operating agreements with each professional licensing and disciplinary board to provide a process for consultation on administrative matters.

The new department merges the Board of Pharmacy, the hospital data collection duties of the State Hospital Commission, the health professional licensure functions of the Department of Licensing, and the traditional public health functions, the mandated health benefit review, new health professional credentialing review, health planning and certificate of need functions of the Department of Social and Health Services.

Traditional public health functions transferred from DSHS include:

Environmental health protection programs including radiation, drinking water, toxic substances, on–site sewage, recreational

water contact facilities, food service sanitation, and shellfish;

Personal health protection programs including immunizations, tuberculosis, sexually transmitted diseases, AIDS, diabetes control, primary health care, hypertension, kidney disease, regional genetic services, newborn metabolic screening, sentinel birth defects, communicable disease epidemiology, and chronic disease epidemiology;

On January 1, 1991, Parent and Child Health Services;

The public health laboratory;

Public health support services, including vital records, health data, and health education and information;

Selected health facilities licensure authority including hospitals, maternity homes, boarding homes, abortion facility approval, emergency medical services, transient accommodations, home health and hospice care, and private establishments.

The State Health Coordinating Council, regional health planning councils and related health planning duties as authorized under Chapter 70.38 RCW are abolished.

The Board of Health is transferred to the Department of Health, designated as the primary entity for state health policy development and required to produce a biennial state health report which sets forth the state's health priorities. Mechanisms for public involvement are authorized through local health departments and ad hoc advisory groups. Two staff in addition to an executive director and a secretary must be employed by the Board of Health.

The duty to designate nursing shortage areas under the nursing scholarship program is transferred from the State Health Coordinating Council (SHCC) to the Secretary of Health.

All administrative duties and the duty to enforce drug laws are transferred from the Board of Pharmacy to the new department.

Funeral directors and embalmers regulation is retained within the Department of Licensing (DOL), and DOL must recommend legislation by 1990 to eliminate any statutory barriers to this retention.

The department must establish a hospital data collection system to monitor costs and access to hospital services. The Health Care Access and Cost Control Council is established to advise on the data collection system, to advise on certain departmental health cost, and access studies, to suggest means of increasing the effectiveness and efficiency of health care and to suggest changes in health care services to the Governor and the Legislature. The council is composed of the Secretaries of Health, and Social and Health Services, the Director of Labor and Industries, the administrators of the Health Care Authority and the basic health plan, a representative of the Governor's office, and a consumer of health care.

The certificate of need (CON) program is transferred to the department of health. CON requirements are eliminated except on new hospitals and nursing homes or new beds, tertiary services, bed redistributions between broad categories of care, and increased kidney dialysis stations. The current CON requirement that nursing home capital expenditures in excess of established minimums remains.

Hospitals are prohibited from adopting admissions practices that reduce the proportion of their patients who can pay none or only a part of the cost of their care. In addition, hospitals are required to treat all emergency admissions, including women in active labor, unless the hospital does not have the needed skills or facilities. In these cases, hospitals must stabilize and transfer patients to appropriate alternative facilities.

Each hospital must adopt a sliding fee schedule that will include care without charge for persons with incomes less than 100 percent of the federal poverty level.

Hospitals that do not comply with these requirements may be found guilty of a misdemeanor and fined up to $1,000 a day for first violations. Following an initial conviction, additional violations may be punished in the following manner: (1) up to $3,000 a day for a violation following an initial conviction within five years; (2) denial of access to the Washington Health Care Facilities Authority's bonding privilege and any certificate of need for up to three years for a violation within five years of a second conviction; (3) for a violation following a third conviction within five years, denial of participation in the Medicaid program for up to one year.

The rural health system delivery project is created in the new Department of Health. The project provides technical assistance and limited financial assistance to six rural participant communities and technical assistance to another six participant communities. Participants are required to evaluate local health care needs, determine appropriate health care objectives and design strategies to assure continued access to affordable basic health care services.

The Department of Health in consultation with representatives from rural health care providers, purchasers, consumers and others is to develop rules for an alternative health care facility licensure model. The department is to negotiate with the federal government to seek Medicare approval for the facility so that government reimbursement for services provided can be authorized.

The health professional loan repayment program is established and designed to meet federal guidelines for matching funds. The Higher Education Coordinating Board is directed to implement the program. Student loan repayment is available to physicians, physician assistants, nurses and dentists who serve in a federally designated health professional shortage area.

The Higher Education Coordinating Board, in consultation with the State Board of Community Colleges, the Superintendent of Public Instruction and training programs in medicine and nursing, is directed to develop a plan for providing students in nursing and medical training programs with rural training opportunities. The board shall report to the standing Senate and House health care committees by December 1, 1989 with its recommendations.

The Department of Health, in consultation with the State Board of Pharmacy, the Higher Education Coordinating Board, representatives of rural health care providers and others, is directed to investigate the feasibility of the use of limited cross–credentialed health professionals in rural areas of the state. A report of its findings and recommendations shall be submitted to the standing House and Senate health care committees by December 1, 1990.

The Higher Education Coordinating Board, in consultation with the State Board for Community College Education, the Superintendent of Public Instruction, the State Board of Nursing, the State Board of Practical Nursing and representatives from nurse training programs and others, is directed to develop a plan providing for geographic availability of training and education programs, curriculum standards, procedures to facilitate transfer or granting of credit and the use of evaluation processes to maximize opportunities for receiving credit for knowledge and clinical skills. The plan is to be implemented in institutions of higher education by January 1, 1992. It is to be submitted to the standing Senate and House health care committees as required by December 1, 1990, with a progress report due by December 1, 1989.

Adult family homes are declared to be residential uses for purposes of local zoning.

The University of Washington and DSHS are required to monitor and evaluate drug and alcohol treatment programs under the Alcohol and Drug Abuse Treatment and Shelter Act (ADATSA).

Restitution payments, income or assets received under state and federal internment restitution acts are exempt for purposes of eligibility under the public assistance and medical assistance programs.

Appropriation: $650,000 is appropriated from the general fund–state for the health system project and loan forgiveness program. $45,493 is appropriated from the health professions account to the Department of Health for the cross–credentialing study.

Votes on Final Passage:

Senate	39	5
House	94	1

Effective: July 1, 1989

Partial Veto Summary: The Governor vetoed the following requirements: (1) a deputy secretary must serve as the state health officer; (2) two persons must staff the State Board of Health; (3) a plan be developed to enhance rural training opportunities for doctors and nurses; and (4) several studies be completed. (See VETO MESSAGE)

SB 6155

C 3 L 89 E2

By Senator Anderson

Clarifying that an appropriation is to be deposited in the child care facility fund.

Senate Committee on Rules
House Committee on Rules

Background: The 1989–91 operating budget (ESSB 5352) appropriated $1,175,000 to promote employer involvement in the development of child care services and facilities as provided in Chapter 430, Laws of 1989 (2SSB 6051). However, the budget bill incorrectly specified the fund into which the appropriation is to be deposited.

Summary: Section 235 of ESSB 5352 is amended to specify that the appropriation to implement employer day care under 2SSB 6051 is to be deposited in the child care facility fund, which is established by 2SSB 6051.

Votes on Final Passage:

Senate	29	8
House	81	0

Effective: July 1, 1989

SSJM 8001

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Rasmussen, DeJarnatt, Sutherland, Amondson and McMullen)

Requesting that sanctions be brought against foreign nations which harvest Washington state salmon.

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

Background: Foreign owned high seas squid fishing vessels use up to 25 miles of small opening monofilament gill nets to target juvenile and adult steelhead and salmon for capture, rather than squid. This depletes the salmon and steelhead runs in Washington State. Serious economic and conservation impacts are being felt.

Summary: The interception by foreign high seas squid fisheries of juvenile and adult steelhead and salmon, which originated in Washington State runs, are to be curtailed. This memorial requests Congress to instruct the Secretary of State to pursue sanctions against the abusing foreign fishing nations, instruct the National Marine Fisheries Services and Coast Guard to enforce applicable fisheries regulations, encourage full funding of the Coast Guard enforcement operations, and review increased manpower needs for continued enforcement.

The Secretary of State is instructed to pursue "no fishing zones" in the world's oceans so that juvenile fish returning to waters of origin may safely collect and return.

Votes on Final Passage:

Senate	47	0
House	96	0

SJM 8002

By Senators Metcalf, Sutherland and Benitz

Requesting a Western States Recycling Coalition.

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

Background: Solid waste management is a national priority. Reduction of the waste stream through recycling is one of the major elements of any solid waste management plan.

State and local governments face increasing disposal costs due, in part, to the widespread use of materials and products with no readily available and environmentally acceptable means of disposal. Individual states have formed coalitions and are successfully exploring and resolving solid waste issues on a broader, more comprehensive, regional perspective.

A regional coalition may encourage and enhance regional approaches to increase recycling and reuse of containers and packaging. Such a coalition can seek uniformity of regulations and some "pooling" of markets for greater economic returns to the industry as well as the individual recycler.

Summary: The memorial requests the states of Alaska, Oregon, California, Idaho and Washington to send delegates to the National Conference of State Legislatures in August at Tulsa, Oklahoma, for the purpose of forming a Western States Recycling Coalition.

Votes on Final Passage:

Senate	43	0
House	94	0

SJM 8010

By Senators West, Smitherman, Warnke, Anderson, Lee, Saling, Matson and Smith

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

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

Background: The three Pacific Northwest states, Washington, Idaho, and Oregon, represent a large consumer and producer population with many common areas of interest regarding international trade. Those three (and several other states) are served by the Northwest Area Foundation and several bilateral agreements to cooperate exist for a wide range of issues.

Representatives of the three states have had several discussions on ways to further cooperate on mutually beneficial projects.

The Legislature has before it Senate Bill No. 5631 which ratifies Washington's participation in a Pacific Northwest Interstate Compact on International Trade.

Summary: The governors and legislatures of Idaho and Oregon are petitioned to join Washington in ratifying a Pacific Northwest Interstate Compact on International Trade. Further, petition is made for all three states to form committees and meet to discuss implementation of the compact.

Votes on Final Passage:

Senate	47	0
House	97	0

SJM 8011

By Senators Metcalf and Owen

Requesting that Congress continue to support federal and international greenhouse and sea level rise funding.

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

Background: A direct impact on Washington State from the global warming due to the "greenhouse effect" is the rise of sea levels on our coastal and inland marine waters. The rise of sea levels will cause major environmental and economic problems.

Sea level rise will affect the state's major centers of commerce and population. The impacts include coastal floods, shoreline erosion, and changes in tidal currents and patterns as well as water quality degradation and property damages.

The Department of Ecology has formed a task force to study the potential impacts, bringing together both public and private interests under its federally delegated coastal zone management authority and the state Shoreline Management Act.

Summary: Due to the major impacts of sea level rise in Washington State, the memorial requests the President and Congress to continue support of state and local activities through technical and funding assistance through appropriate federal entities.

Votes on Final Passage:

Senate	42	4
House	95	1

SJR 8200

By Senators Pullen, Talmadge, Thorsness, Newhouse, Madsen, Rasmussen, Benitz and Nelson; by request of Attorney General

Amending the state Constitution to provide for rights of crime victims.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: There is a perception that the public has lost confidence in the criminal justice system. Many crime victims and witnesses express regret at having become involved in the criminal justice system because they perceive that the system gives greater protection to the rights of the defendant than the victim or witness. A means of encouraging victims and witnesses to cooperate in the prosecution of crime is sought.

Summary: At the next general election held in this state, there shall be submitted to the voters an amendment to Article I of the Constitution of the State of Washington adding a new section which enumerates the rights of crime victims.

The victim of a crime charged as a felony has the right to:

(a) be informed of trial and all other court proceedings the defendant has the right to attend;
(b) attend trial and all other court proceedings the defendant has the right to attend, subject to the discretion of the individual presiding over the trial or court proceedings; and
(c) make a statement at sentencing and at any proceeding where the defendant's release is considered.

If the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to exercise the victim's rights.

Neither the victim nor the victim's representative shall be provided with a court appointed counsel. The amendment shall not constitute a basis for error in a criminal proceeding.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	43	0	(Senate concurred)

SSJR 8202

By Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, McCaslin, Thorsness, Rasmussen and Benitz)

Amending the Constitution to change provisions relating to the commission on judicial conduct.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: During the legislative interim, several hearings were held to review the procedures used by the Commission on Judicial Conduct when it investigates complaints that a judge has violated a rule of judicial conduct. The hearings were held in response to numerous media reports of instances where the commission allegedly failed properly to investigate misconduct by a judge. In addition, several persons who filed

complaints with the commission testified that the commission was not responsive to their complaints and that the commission operated in a manner which was overly protective of judges.

The authority of the commission to recommend, and the Supreme Court to impose, disciplinary action against a judge for misconduct, and the manner in which such proceedings are conducted are substantially governed by Article IV, Section 31 of the Washington Constitution. A constitutional amendment would allow the commission to impose formal public disciplinary sanctions against judges and change the manner in which the commission conducts disciplinary hearings.

Summary: The Commission on Judicial Conduct is reestablished as an independent agency of the judicial branch of government. The non–attorney membership of the commission is increased by two members.

The commission is directed to investigate judicial misconduct in response to complaints received, or on the basis of other information that may come to the attention of the commission. The investigation and initial proceedings are to be conducted in private for the purpose of determining whether probable cause exists to believe that a judge has violated a rule of judicial conduct or is suffering from a disability. Upon the beginning of an initial proceeding, a judge is to be notified of the basis of the proceeding.

Once a determination of probable cause has been made, all subsequent commission proceedings and all information forming the basis of the probable cause determination are open to the public. If the commission determines that there is no probable cause, it must notify the judge of its determination.

The commission is given express authority to admonish, reprimand or censure a judge, as well as authority to recommend that the Supreme Court suspend, remove or retire a judge. If the commission recommends action by the court, it must also censure the judge.

A judge may appeal to the Supreme Court any disciplinary action imposed by the commission. The appeal must be taken within 30 days after the action.

The commission and a judge may sign an agreement as a way of disposing of a disciplinary action. The agreement may impose conditions on the judge and must set forth all material facts relating to the reasons for the discipline.

The commission is to employ appropriately trained investigative personnel, who report directly to the commission.

Except as to the confidentiality requirements of investigations and initial probable cause proceedings, the commission is subject to laws of general applicability to state agencies with respect to rule–making and open meetings.

Votes on Final Passage:

Senate	46	1	
House	93	3	(House amended)
Senate	40	3	(Senate concurred)

Effective: Upon vote of the people

SJR 8210

By Senators Barr, Talmadge, Hansen, Benitz and Williams

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

Senate Committee on Agriculture
House Committee on Natural Resources & Parks

Background: Article VIII, Section 7 of the State Constitution prohibits any county, city, town, or other municipal corporation from giving money or property, or loaning money or credit, to any private individual or organization. In November 1979, the voters approved Amendment 70 to the Constitution permitting public entities, and any political subdivision of the state engaged in sale or distribution of energy, to assist in the financing of energy conservation measures. The question has arisen as to whether public utilities that want to engage in the financing of water conservation and efficiency programs would be precluded from doing so by Section 7 without a similar constitutional amendment.

Summary: An amendment to add water conservation and efficiency measures to the provisions of Article VIII, Section 10, will be submitted for the approval of voters at the next general election. Section 10 will permit any county, city, town, quasi–municipal corporation, municipal corporation, or political subdivision of the state engaged in the sale or distribution of water, as approved by the Legislature, to use public money or credit from operating revenues. The money or credit will be used to finance the acquisition and installation of materials and equipment for conservation or more efficient use of water in structures or equipment. Such loans or credit are to be charged back and become a lien against the structure or a security interest in the equipment.

Votes on Final Passage:

Senate	46	1
House	97	0

SCR 8403

By Senators West, Smitherman, Lee, Warnke, McMullen and Fleming

Providing for a joint select committee on employer–employee relations.

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

Background: The Public Employees' Collective Bargaining Act covers all municipal and county employees, with some specified exceptions. The act is administered by the Public Employment Relations Commission (PERC) under the Public Employment Labor Relations Act.

In 1969, an interim Committee on Public Employee Collective Bargaining was created by the Legislature. The committee met from 1969 to 1973, and published a formal report and recommendations to the Legislature. The Legislature adopted some of these recommendations. The committee ceased to function in 1973 and was allowed to sunset in 1986.

Summary: A legislative task force on public employee collective bargaining is established. Members include senators, representatives and public employers and employees. The task force will study the operation of the Public Employees' Collective Bargaining Act except as the act applies to uniform personnel, and its administration by the Public Employment Relations Commission. It will report its findings and recommendations to the Legislature in 1991.

Votes on Final Passage:

Senate	47	0	
House			(House adopted as amended)
Senate			(Senate concurred)

SCR 8412

By Senators Hayner, Sellar, Vognild and Warnke

Creating a committee on the Spanish Quincentennial.

Senate Committee on Rules
House Committee on Rules

Background: The year 1992 will mark the 500th anniversary of the first voyage of Christopher Columbus to the Americas, and the bicentennial of the founding of a Spanish–American outpost at Neah Bay, which was the first European settlement in the state of Washington. It has been suggested that these events be celebrated appropriately.

Summary: Intent is declared that the Legislature should assume a leading role in developing the resources necessary to recognize these events in partnership with the business, cultural and educational communities of the state. The history of Spanish–Mexican exploration and development of the Pacific Northwest is chronicled.

A select committee known as the 1992 Washington Spanish Quincentennial Committee is created. Its membership includes four members of the Senate, two from each caucus, to be named by the President of the Senate, and four from the House of Representatives, to be named by the Speaker. The permanent chair is selected by vote of committee members.

The committee will request Governor Booth Gardner to serve as Honorary Chair, and both Lieutenant Governor Joel Pritchard and Secretary of State Ralph Munro, to serve as Honorary Vice Chairs.

The committee is directed to encourage citizen participation in cultural events within the context of the Christopher Columbus Quincentennial; seek citizen assistance in achieving these goals by appointing appropriate advisory or other committees; and plan a series of public events to further the purposes of the Resolution.

Staff for the committee is provided by the Senate Economic Development and Labor Committee and the House Committee on Trade and Economic Development. The committee will cease to exist on December 31, 1992.

Votes on Final Passage:

Senate	41	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

SCR 8415

By Senators Hayner, Vognild and Rasmussen

Creating a tax and spending reform task force.

Senate Committee on Rules
House Committee on Rules

Background: The Governor submitted a proposal for modification and reform of the state's tax system, along with certain controls over spending growth and changes in tax rates, to the 1989 session of the Legislature. The Governor, the House of Representatives, and the Senate were unable to come to agreement on a measure to be submitted to the voters in the November 1989 general election.

Summary: A tax and spending reform task force is formed. It consists of two members from each of the

caucuses of the Senate and the House of Representatives, plus two additional members appointed by the Governor. The task force is to begin meeting the week following the 1989 Regular Session, and is to meet at least once a week thereafter. Should the task force reach agreement on a tax and spending reform proposal, it shall report its findings to the Governor and the leadership of both houses of the Legislature. These findings may be considered in a special legislative session to determine if a tax and spending reform proposal should be placed on the 1989 general election ballot. The task force will terminate no later than July 1, 1989.

Votes on Final Passage:

Senate	35	10
House	60	37

LEAP OFFICE

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
JUDICIAL			
SUPREME COURT			
Indigent Appeals	600	600	Additional indigent appeals.
LAW LIBRARY			
Increased Book Budget	43	43	Unforeseen publishing costs and price increases.
JUDICIAL CONDUCT COMMISSION			
Judge Little Impact	95	95	Increased workload associated with Judge Little case. Publicity has also caused an increase in complaints filed.
TOTAL JUDICIAL	738	738	
GENERAL GOVERNMENT			
LIEUTENANT GOVERNOR			
New Position	28	28	Administrative manager for the remainder of the biennium.
SECRETARY OF STATE			
Productivity Board	20	20	Pay two rewards resulting in revenue enhancements.
Handicapped Access Notices	44	44	Federal requirement. Appropriation not included in 87-89 budget.
Voter Services	888	888	Ballot measure activity exceeds level anticipated in 87-89 budget.
Redistricting - Census Data	19	19	Provides for pre-census redistricting data program.
SECRETARY OF STATE TOTAL	971	971	
TAX APPEALS BOARD			
Fire Damage	39	39	Agency moved due to fire. Costs for moving and increased rent.
DEPARTMENT OF REVENUE			
Reauthorize Toxics (Superfund) Appropriation	0	106	Initiative 97B expired Feb. 28, 1989. The supplemental budget re-establishes appropriations for revenue collections under Initiative 97.
TOTAL GENERAL GOVERNMENT	1,038	1,144	

1987-89 FINAL SUPPLEMENTAL BUDGET (ESHB 1479)

LEAP OFFICE

HUMAN RESOURCES

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Proviso Language--to authorize transfer between programs.			Transfer language is the same approach used for last two biennia. Program containing ADATSA is not included in transfers.
Children and Family Services			
Foster Care/Receiving Homes	9,890	10,451	Revised estimate.
Day Care	1,300	1,300	Increased CPS and CWS daycare workload.
Seasonal Day Care Offset	(300)	(300)	Savings.
Interim Adoption Support	300	300	Additional costs and workload.
Child Welfare Staff	500	2,000	Staff for additional CPS and foster care workload.
Accounting Adjustment	1,311	505	Adds to zero agency wide. GAAP adjustment necessary to close the biennium; appears throughout the agency.
Additional Federal Revenue	0	421	Revised estimate.
Immigration Reform and Control Act	0	366	Federal funds for legalized aliens.
Theraupeutic Child Care Training	30	30	Continues training program terminated 3-89.
CHILDREN & FAMILY SERVICES TOTAL	13,031	15,073	
Juvenile Rehabilitation			
RN and Psychiatrist Pay Increase	107	107	Pay increase as a result of Mental Hospital pay raise.
Accounting Adjustment	143	121	Adds to zero agency wide.
JUVENILE REHABILITATION TOTAL	250	228	

LEAP OFFICE

HUMAN RESOURCES -- continued

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
Mental Health			
Western State Staffing	3,100	3,200	Staffing to meet certification.
Eastern State Hospital Certification and JCAH Accreditation	1,167	1,231	Staffing to meet certification.
RN & Psychiatrist Pay Increase	2,090	2,212	Pay increase to address recruitment and retention problems.
Lower ITA Caseloads	(2,500)	(2,500)	Revised estimates.
Inst./HQ Revisions	2,400	2,400	Revised estimates.
Increased Federal & Private Local Funds	0	14,600	Revised estimate of community mental health center funds.
Omnibus Budget Reconciliation Act (OBRA)	141	593	Funds assessment only and expands community alternatives below.
Increased Community Alternative	697	1,000	Expands community residential, tenant support, and independent living options.
Immigration Reform and Control Act	0	682	Federal funds for legalized aliens.
Community Mental Health Centers Overmatch	(2,400)	(4,800)	State Title XIX funds paid for ineligble services.
Unemployment Comp.	(300)	(300)	Revised estimate.
Local Costs of Harper Decision	300	300	Funds for local administrative costs.
Accounting Adjustment	(815)	290	Adds to zero agency-wide.
MENTAL HEALTH TOTAL	3,880	18,908	
Developmental Disabilities			
Omnibus Budget Reconciliation Act (OBRA)	205	535	Funds assessment only and expands community alternatives below.
Increased Community Alternatives	420	895	Expands community residential, tenant support, and independent living options.
Increased Federal Funds	(10,900)	0	Revised federal funds estimate offsets GF-S, therefore total is " 0 ".
Fircrest Revenue Loss	2,600	0	GF-S replacement of lost federal revenue. Based on recent federal-state agreement, assumes restoration of federal funds for last two months of the biennium.
Fircrest Certification Costs	1,700	1,700	Additional staff hired to meet federal standards.
DD Community Beds Saving	(1,900)	(1,900)	Actual number of beds are below original estimate.
Medically Intensive Savings	(1,500)	(1,500)	Revised estimate.
RN & Psychiatrist Pay Increases	399	832	Pay increases for certain developmental disabilities staff.
Accounting Adjustment	(572)	(761)	Adds to zero agency-wide.
DEVELOPMENTAL DISABILITIES TOTAL	(9,548)	(199)	

1987-89 FINAL SUPPLEMENTAL BUDGET (ESHB 1479)

LEAP OFFICE

HUMAN RESOURCES -- continued

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
Long-Term Care			
Nursing Homes/Chore/Copes/Residential	8,100	21,400	Additional workload.
Omnibus Budget Reconciliation Act (OBRA)	(367)	(764)	Decreased nursing home placements for DD and mental health clients.
Survey Workload	100	400	New federal requirements.
Accounting Adjustment	1,286	1,590	Adds to zero agency-wide.
LONG-TERM CARE TOTAL	9,119	22,626	
Income Assistance			
Revised Forecasts	12,200	11,797	Revised estimate for caseload and recoveries.
FIP Employment and Daycare Expenses	1,200	4,400	Revised estimates for FIP employment daycare expenses.
INCOME ASSISTANCE TOTAL	13,400	16,197	
Community Social Svcs Payments			
Immigration Reform and Control Act	0	453	Federal funds for legalized aliens.
Detoxification Workload	600	600	Revised estimate.
Accounting Adjustment	(857)	(538)	Adds to zero agency-wide.
Increased Federal Revenue	0	3,200	Revised estimate. Increased federal abuse dollars.
COMMUNITY SOCIAL SVCS PAYMENTS TOTAL	(257)	3,715	
Medical Assistance			
Revised Forecast	17,219	53,810	Revised estimate for caseload and utilization of medical services.
Accounting Adjustment	(1,621)	1,968	Adds to zero agency-wide.
MEDICAL ASSISTANCE TOTAL	15,598	55,778	

LEAP OFFICE

HUMAN RESOURCES -- continued

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
Public Health			
Immigration Reform and Control Act	0	740	Federal funds for legalized aliens.
Accounting Adjustment	159	114	Adds to zero agency-wide.
Initiative 97 Funding	0	710	Initiative 97B expired Feb. 28, 1989. The supplemental budget re-establishes the appropriation from the Toxics Accounts to continue public health funding under Initiative 97.
Increased Federal Revenue	0	1,536	Revised estimate.
PUBLIC HEALTH TOTAL	159	3,100	
Vocational Rehabilitation			
Accounting Adjustment	(254)	(574)	Adds to zero agency-wide.
Administration & Supporting Services			
Accounting Adjustment	(803)	(1,338)	Adds to zero agency-wide.
Community Service Administration			
Immigration Reform and Control Act	0	9,895	Federal funds for newly legalized aliens.
Aging & Adult Services Staff	1,000	1,000	Maintain Adult Protective Service staffing ratio and other aging and adult services.
FIP Employment and Training Expenses	2,300	2,300	Increased cost for FIP employment and training activities.
COSMOS Delay	(3,100)	(3,100)	Latest estimate.
Cost Pool Savings	(2,000)	(2,000)	Revised estimate.
Medical Assistance Workload	1,500	3,000	Staff to process increased billing volume.
Accounting Adjustment	3,261	82	Adds to zero agency-wide.
Increased Revenue	0	215	Revised estimate.
Income & Eligibility Verification System	800	800	Cost of federal sanction for delayed implementation of wage cross check activities.
Expand SSI Referral Project	172	172	Begins program to convert GAU clients to SSI early; assumes early start would accelerate GF-S savings in 1989-91.
Welfare Fraud Complaint Backlog	55	100	Reduce backlog of welfare fraud complaints per LBC recommendation.
COMMUNITY SVCS ADMINISTRATION TOTAL	3,988	12,464	

1987-89 FINAL SUPPLEMENTAL BUDGET (ESHB 1479)

LEAP OFFICE

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
HUMAN RESOURCES -- continued			
Revenue Collections			
Lower Recoveries	(600)	(1,800)	Delayed hiring of staff.
Accounting Adjustment	(169)	(595)	Adds to zero agency-wide.
REVENUE COLLECTIONS TOTAL	(769)	(2,395)	
Payments to Other Agencies			
Attorney General Tort Administration	600	600	Increased activity. Includes $100,000 for Health Care Financing Administration litigation preparation.
Service Center Rates & Utilization	(200)	(200)	Latest estimates.
Accounting Adjustment	(1,069)	(864)	Adds to zero agency-wide.
PAYMENTS TO OTHER AGENCIES TOTAL	(669)	(464)	
DEPT OF SOCIAL & HEALTH SVCS TOTAL	47,125	143,119	This line is included in Human Services total.
DEPARTMENT OF COMMUNITY DEVELOPMENT			
Federal Emergency Management Act (FEMA)	512	512	Replaces local government share of lost FEMA funds intended for emergency planning.
Reauthorize Toxics (Superfund) Appropriation	0	384	Initiative 97B expired Feb. 28, 1989. The supplemental budget re-establishes the appropriation from the Toxics Accounts to continue hazardous materials training program under Initiative 97.
DEPT COMMUNITY DEVELOPMENT TOTAL	512	896	
HUMAN RIGHTS COMMISSION			
Replace Federal Funds	140	140	GF-S replaces reduced federal funds for a net change of " 0 ".
DEPARTMENT OF LABOR AND INDUSTRIES			
Electrical Inspections	0	87	

LEAP OFFICE

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
HUMAN RESOURCES -- continued			
DEPARTMENT OF CORRECTIONS Proviso Language--to authorize transfer between programs.			DOC running close to expenditure specifics of appropriations bill; expenditure patterns in institutional industries and community corrections may create need for minimal room to shift expenditures; approval by OFM and 10 day legislative notification required on specifics.
TOTAL HUMAN RESOURCES	47,777	144,242	

LEAP OFFICE

NATURAL RESOURCES

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
CENTENNIAL COMMISSION			
Revenue Below Projections	0	(120)	Adjusts the Centennial Commission's dedicated account to equal revenu
Proviso Adjustment Deletion			Lanuguage requiring transfer of $50,000 to DCD for growth planning is deleted. DCD has not spent the money.
DEPARTMENT OF ECOLOGY			
Reauthorize Toxics (Superfund) Appropriations	0	30,096	Initiative 97B expired Feb 28, 1989. The supplemental budget re-establishes the appropriation from the Toxics Accounts to continue Ecology programs under Initiative 97. Further, the appropriation is adjusted to remain within revised revenue estimates.
Adjust to available Woodstove Acct revenue	0	(90)	Reduction to remain within revised revenue estimates for Woodstove Account.
Reauthorize Water Quality Appropriations	0	3,600	Reauthorizes Water Quality Permit Account appropriations that were originally included in Initiative 97B, and now need to be reauthorized under Initiative 97.
DEPT OF ECOLOGY TOTAL	0	33,606	
DEPARTMENT OF NATURAL RESOURCES			
Forest Fire Suppression	15,156	17,401	Pays for unbudgeted suppression costs for 87-89 biennium.
Slash Disposal, Cost and Opportunities	30	130	Assessment of costs necessary for developing policy options to manage slash disposal.
DEPT OF NATURAL RESOURCES TOTAL	15,186	17,531	
DEPARTMENT OF AGRICULTURE			
Dairy and Food Inspection Equipment	56	56	Increased lab services & equipment repair costs associated with agricultural chemical misuse investigations.
Agriculture Chemical and Plant Services	279	279	Unanticipated cost of investigating chemical drift problems in the Tri-Cities area.
Reauthorize Toxics (Superfund) Appropriation	0	234	Initiative 97B expired Feb. 28, 1989. The supplemental budget re-establishes the appropriations under Initiative 97 to continue pesticide collection programs.
DEPT OF AGRICULTURE TOTAL	335	569	

LEAP OFFICE

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
NATURAL RESOURCES -- continued			
CONVENTION AND TRADE CENTER			
Unanticipated Convention Operating costs	0	1,828	Unanticipated costs include: parking garage operations, client requested services, client caused facilities damages, and additional events. Expenditures offset by projected revenues of $1,980,700.
TOTAL NATURAL RESOURCES	15,521	53,414	
TRANSPORTATION			
DEPARTMENT OF LICENSING			
SB 6221--AIDS Training	142	142	Unbudgeted costs associated with SSB 6221 (1988) requiring AIDS training for 110 health licensees. Proviso for payback by professions.
TOTAL TRANSPORTATION	142	142	

1987-89 FINAL SUPPLEMENTAL BUDGET (ESHB 1479)

LEAP OFFICE

PUBLIC SCHOOLS

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
SUPERINTENDENT OF PUBLIC INSTRUCTION			
Basic Education Enrollment	4,606	4,606	Total K-12 enrollment for 1988-89 is 748,305 FTE students, versus 746,720 budgeted. Legislature adjusts voc enrollments for recent data.
Special Staff Allocations (Small School etc.)	3,256	3,256	Entitlements for small schools, enrollment decline factor, etc.
Federal Forest Funds / Local deducts	(5,649)	(5,649)	Revised revenue data and assumes state will win appeal of Skamania County Lawsuit.
Substitute Payments	865	865	Fully funds budgeted rate of $275 per classroom teacher.
Fire Payments	(18)	(18)	Based on actual expenditures for 1987-88.
Staff mix / average salary adjustments	1,816	1,816	Experience and education of instructional staff were higher than the original budget projection; salary and HLD increases are updated to reflect actual data.
July / August 1987	(5)	(5)	Based on actual expenditures.
DRS Administrative Rate Increase	870	870	Impact of retirement increase on basic education costs and other entitlements and for impact of March enrollment revision.
Special Education Enrollment	5,734	5,734	Handicapped enrollment for 1988-89 is projected to be 76,015 students, versus 73,950 budgeted.
Transitional Bilingual Enrollment	652	652	Bilingual enrollment for 1988-89 is projected to be 16,650, versus 14,646 budgeted.
School for the 21st Century	660	660	Board approved projects in excess of appropriation in anticipation of supplemental.
Pupil Transportation Workload	1,615	1,615	Based on actual entitlement costs for 1988-89. Revised data on payments for passenger car mileage and adds $37,000 for increased cos of transportation of day students for the School for the Deaf and the School for the Blind.
Bus Depreciation	(210)	(210)	
SPI TOTAL	14,192	14,192	

LEAP OFFICE

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
PUBLIC SCHOOLS -- continued			
SCHOOL FOR THE BLIND			
Asbestos Inspection	15	15	Required by federal law.
Administrator Salary Increase	2	2	To conform to norm of Vancouver School District per 72.05.140(2).
SCHOOL FOR THE BLIND TOTAL	17	17	
SCHOOL FOR THE DEAF			
USDA Revenue Shortfall	29	(61)	Replaces lost federal support for breakfast and lunch program.
Asbestos Inspection	21	21	Required by federal law.
Administrator Salary Increase	10	10	To conform to norm of Vancouver School District per 72.05.140(2).
SCHOOL FOR THE DEAF TOTAL	60	(30)	
TOTAL PUBLIC SCHOOLS	14,269	14,179	
HIGHER EDUCATION			
UNIVERSITY OF WASHINGTON			
Harborview Medical Center	5,400	5,400	Revenue shortfall due to Medically Indigent / GAU rates.
WASHINGTON STATE UNIVERSITY			
Intercollegiate Center for Nursing Education	37	37	ICNE Employees were left out of OFM salary model - 1987-89
HIGHER EDUCATION TOTAL	5,437	5,437	

LEAP OFFICE

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
SPECIAL APPROPRIATIONS			
STATE REVENUES FOR DISTRIBUTION			
Fire Insurance Premium Tax	(1,626)	(1,626)	
Public Uitlity District Excise Tax	(259)	(259)	
Motor Vehicle Excise Tax	(1,512)	(1,512)	
Mass Transit Assistance	(1,735)	(1,735)	
Travel Trailer & Camper Excise	12	12	
Liquor Excise Tax Distributions	0	33	
Motor Vehicle Fuel Tax	0	10,042	
Liquor Control Board Profits	0	(120)	
Timber Tax Distributions	0	2,106	
Municipal Sales and Use Tax Equalization	0	(815)	
County Sales and Use Tax Equalization Account	0	(274)	
Autopsy Reimbursements	0	25	
STATE REVS FOR DISTRIBUTION TOTAL	(5,120)	5,877	
FEDERAL REVENUES FOR DISTRIBUTION			
Federal Forest Receipts	0	17,500	
Flood Control	0	50	
Geothermal	0	(50)	
Public Law 97-99	0	100	
FEDERAL REVS FOR DISTRIBUTION TOTAL	0	17,600	
BOND RETIREMENT AND INTEREST			
Fisheries Bond Redemption Fund	0	80	
Waste Disposal Facilities Redemption Fund	0	(7,724)	
Emergency Water Projects Bond Retirement Fund	0	(1)	
Higher Education Bond Redemption Fund	0	(3,093)	
Indian Culture Center			

LEAP OFFICE

SPECIAL APPROPRIATIONS -- continued

AGENCY	$'s in (000's) GF-STATE	TOTAL	NOTES
BOND RETIREMENT AND INTEREST -- continued			
Bond Redemption	0	(26)	
Water Supply Facilities			
Bond Redemption	0	(202)	
Salmon Enhancement			
Redemption Fund	0	(1,153)	
Fire Service Training Bond			
Redemption Fund	0	(291)	
State General Obligation Bond			
Retirement Fund	0	(11,244)	
Higher Education Bond			
Retirement Fund	0	(378)	
Social and Health Services			
Bond Redemption Fund	0	0	
Community College Capital			
Bond Redemption Fund	0	(665)	
Washington State University			
Bond Redemption Fund	0	(27)	
Highway Bond Retirement Fund	0	(11,531)	
Ferry Bond Retirement Fund	0	(944)	
State Convention and Trade Center	0	1,389	
BOND RETIREMENT AND INTEREST TOTAL	0	(35,810)	
BELATED CLAIMS			
Department of Social and Health Services	133	133	Necessary for the payment of a prior biennium claim.
SUNDRY CLAIMS			
WPPSS Settlement	10,000	10,000	State contribution to WPPSS lawsuit settlement.
TOTAL SPECIAL APPROPRIATIONS	**5,013**	**(2,200)**	
TOTAL SUPPLEMENTAL BUDGET	**89,935**	**217,096**	

1987-89 FINAL SUPPLEMENTAL CAPITAL BUDGET (HB1512)

LEAP OFFICE

AGENCY	$'s in (000's) GF-STATE	TOTAL
STATE PARKS AND RECREATION COMMISSION		
Iron Horse State Park/John Wayne Pioneer Trail	0	200
MILITARY DEPARTMENT		
Minor works--Heating and ventilation renovations	0	548
TOTAL FINAL SUPPLEMENTAL CAPITAL BUDGET	0	748

1987–89
GENERAL FUND–STATE
ESTIMATED REVENUES AND EXPENDITURES
($ IN MILLIONS)

REVENUE

Beginning balance		$1.6
March 1989 Forecast Total	$11,193.6	
Less 1987–89 Debt Service	($418.2)	
March 1989 Forecast Revenue Available		$10,775.4
Reserved for Loans		($14.0)
TOTAL REVENUE AVAILABLE		$10,763.0

EXPENDITURES

Total Spending Authority	$10,300.0
Alcoholism/drug addition (HB 1599)	$5.4
Reversions	($72.0)
Supplemental (ESHB 1479)	$89.9
TOTAL EXPENDITURES	$10,323.3
Unreserved Ending Balance	$439.7

1989–91
GENERAL FUND–STATE
ESTIMATED REVENUES AND EXPENDITURES
($ IN MILLIONS)

REVENUE

Unreserved Beginning Balance		$439.7
March 1989 Forecast Total	$12,569.5	
Less 1989–91 Debt Service	($508.9)	
March 1989 Forecast Revenue Available		$12,060.6
Reserved for Loans		($23.7)
Budget Driven Revenue *		$131.5
Revenue Legislation *		$4.8
Deaconess et al v. State of Wash.		$2.2
TOTAL REVENUE AVAILABLE		$12,615.1

EXPENDITURES

Omnibus Budget (ESSB 5352)	$12,468.8
Motor pool efficiency HB 1355	($3.2)
Master licenses recoveries	($2.0)
1989 Legislation *	$46.4
TOTAL EXPENDITURES	$12,510.0
Budget Stabilization Account	$60.0
Unreserved Ending Balance	$45.1
TOTAL RESERVE	$105.1

* See detail in following pages

1989-91
BUDGET DRIVEN REVENUE
($ IN MILLIONS)

Higher Ed. Tuition	$9.3
Goodwill Games	$7.8
DNR Fire Investigators	$1.7
Gambling Commission fund transfer	$2.0
Public Safety Education Account Transfer	$2.0
Interest earnings from reserves	$2.8
DOR Revenue Enhancement Package	$103.3
UCC fee increases	$1.0
Energy office loan repay	$0.2
Real Estate Appraiser Loan repayment	$0.4
VOCS backlog revenue	$1.0
TOTAL	$131.5

1989-91
OTHER GENERAL FUND-STATE REVENUE LEGISLATION
($ IN THOUSANDS)

SB	5085	Financial planner regulation	$153
ESHB	5088	Telemarketing regulation	$63
SB	5154	Sanitary control of shellfish	$5
SSB	5372	Recreational Boating	($1,072)
SSB	5686	Agricultural statutes	$2
HB	1025	Fishing licenses/ commercial	($45)
HB	1028	Recreational fishing	$171
SHB	1056	Herring spawn	$33
SHB	1097	Home for aged/tax exemptn	$32
HB	1104	Auto emissions	$2,209
SHB	1305	Public utility taxation	$2,245
ESHB	1542	Offender financial obligations	($201)
SHB	1574	Natural gas/city tax	($815)
ESB	1793	Alcohol/controlled substance	($390)
EHB	1917	Real estate appraisers	$450
SHB	2011	Commercial fishing fees	$775
EHB	2222	Pesticides/ag. workers	$1,224
TOTAL			$4,839

1989-91
OTHER GENERAL FUND-STATE APPROPRIATIONS
($ IN THOUSANDS)

SSB	5241	Small business growth	$115
SSB	5265	Regulating charter boats	$48
SSB	5289	Fisheries enhancement groups	$64
SSB	5375	DNA Identification system	$610
SSB	5686	Agricultural statutes	$40
ESSB	5911	State timber sales	$800
EHB	1189	Korean conflict memorial	$25
SHB	1208	Court reporter certification	$48
HB	1444	Students at risk programs	$30
SHB	1457	Indeterminate sentencing board	$316
EHB	1480	Productivity board changes	$50
SHB	1858	SBA loan guaranty progs	$25
ESHB	1968	Long term health care	$150
ESHB	2000	Dept of Agriculture	$25
HB	2242	Ocean Natural Resources	$280
HB	2244	Maternity care/ low income	$42,778
ESB	5373	Transportation Budget	$1,033
TOTAL			**$46,437**

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
STATEWIDE TOTAL								
LEGISLATIVE	102,238	89,474	12,764	14.3	103,904	90,012	13,892	15.4
JUDICIAL	57,233	50,971	6,262	12.3	80,083	72,119	7,964	11.0
GENERAL GOVERNMENT	154,746	135,046	19,700	14.6	1,084,350	952,221	132,129	13.9
HUMAN RESOURCES	3,483,230	2,913,454	569,776	19.6	6,769,086	5,548,419	1,220,667	22.0
DSHS	2,956,152	2,452,868	503,284	20.5	5,437,354	4,399,797	1,037,557	23.6
NATURAL RESOURCES	338,651	244,665	93,986	38.4	776,639	606,729	169,910	28.0
TRANSPORTATION	45,067	41,037	4,030	9.8	70,171	60,757	9,414	15.5
EDUCATION	7,762,371	6,518,569	1,243,802	19.1	9,453,221	8,046,011	1,407,210	17.5
PUBLIC SCHOOLS	5,779,306	4,817,927	961,379	20.0	6,144,830	5,176,386	968,444	18.7
HIGHER EDUCATION	1,903,439	1,630,460	272,979	16.7	3,201,653	2,773,327	428,326	15.4
OTHER EDUCATION	79,626	70,182	9,444	13.5	106,738	96,298	10,440	10.8
SPECIAL APPROPRIATIONS	525,312	288,151	237,161	82.3	1,992,713	1,624,570	368,143	22.7
STATEWIDE TOTAL	12,468,848	10,281,367	2,187,481	21.3	20,330,167	17,000,838	3,329,329	19.6

UNLESS OTHERWISE NOTED, AMOUNTS IDENTIFIED IN COMMENTS FOR EACH AGENCY ARE GENERAL FUND-STATE

1987-89 ESTIMATE DOES NOT INCLUDE APPROPRIATIONS FROM THE 1989 SUPPLEMENTAL BUDGET.
SEE SECTION ON 1987-89 FINAL SUPPLEMENTAL BUDGET (ESHB 1479) FOR DETAILS ON 1989 SUPPLEMENTAL BUDGET.

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
LEGISLATIVE								
HOUSE OF REPRESENTATIVES	49,300	44,406	4,894	11.0	49,300	44,406	4,894	11.0
Provides funds for analysis of census statistics to facilitate eventual redistricting requirements.								
SENATE	36,751	29,851	6,900	23.1	36,751	29,861	6,890	23.1
Provides funds for analysis of census statistics to facilitate eventual redistricting requirements.								
LEG BUDGET COMMITTEE	1,864	1,674	190	11.4	1,864	1,674	190	11.4
L.E.A.P. COMMITTEE	2,712	2,391	321	13.4	2,712	2,391	321	13.4
STATE ACTUARY	-	-	-	-	1,098	-	1,098	-
JOINT LEG SYSTEMS CMTE	5,628	5,653	(25)	-0.4	5,628	5,653	(25)	-0.4
STATUTE LAW COMMITTEE	5,983	5,499	484	8.8	6,551	6,027	524	8.7
LEGISLATIVE TOTAL	102,238	89,474	12,764	14.3	103,904	90,012	13,892	15.4

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
JUDICIAL								
SUPREME COURT	13,404	11,088	2,316	20.9	13,404	11,088	2,316	20.9
LAW LIBRARY	2,989	2,608	381	14.6	2,989	2,608	381	14.6
COURT OF APPEALS	13,765	12,722	1,043	8.2	13,765	12,722	1,043	8.2
	Provides $429k for one additional judge, and support staff, in Division I of the Court of Appeals (HB 1802).							
JUDICIAL CONDUCT	594	484	110	22.7	594	484	110	22.7
ADMIN FOR THE COURTS	26,481	24,069	2,412	10.0	49,331	45,217	4,114	9.1
	Allocates $237k to Alternatives to Street Crime program in Yakima for one additional case manager and enhancement of client urinalysis program. Provides $200k for court interpreters (SHB 1208). Provides $500k for Foster Care/Citizen's Review Boards pilots (E2SSB 5065).							
JUDICIAL TOTAL	57,233	50,971	6,262	12.3	80,083	72,119	7,964	11.0

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
GENERAL GOVERNMENT								
OFFICE OF THE GOVERNOR	11,894	9,055	2,839	31.4	39,706	35,167	4,539	12.9
Establishes African-American Commission, expands Executive Fellows and Intern program, and provides additional staffing.								
LIEUTENANT GOVERNOR	492	340	152	44.7	492	340	152	44.7
Funds are provided for a new Administrative Assistant position.								
PUBLIC DISCLOSURE CMSN	1,289	1,210	79	6.5	1,289	1,210	79	6.5
SECRETARY OF STATE	8,042	6,803	1,239	18.2	11,502	9,761	1,741	17.8
Provides for analysis of census statistics to facilitate eventual redistricting requirements and for expansion of the oral history program.								
GOV'S INDIAN ADVISORY CNCL	290	282	8	2.8	290	282	8	2.8
ASIAN AMERICAN AFFAIRS	312	282	30	10.6	312	282	30	10.6
STATE TREASURER	-	1	(1)	-100.0	10,344	9,995	349	3.5
Includes enhancements of $350k to improve the investment accounting system, $300k for a computer upgrade, and $88k for cash flow analysis and legal support.								
STATE AUDITOR	902	865	37	4.3	27,727	26,309	1,418	5.4
SALS FOR ELECTED OFFICIALS	76	65	11	16.9	76	65	11	16.9
ATTORNEY GENERAL	6,188	5,365	823	15.3	81,599	54,198	27,401	50.6
Continues ongoing consolidation of all legal services personnel from other state agencies.								
OFFICE OF FINANCIAL MGMNT	22,519	18,748	3,771	20.1	28,634	22,822	5,812	25.5
Provides $300k for the Efficiency Commission and $500k for additional staff, as well as $150k for a K-12 Handicapped study.								
ECONOMIC DEVELOPMENT BD	-	681	(681)	-100.0	-	728	(728)	-100.0
ADMINISTRATIVE HEARINGS	-	-	-	-	10,031	8,990	1,041	11.6
DEPT OF PERSONNEL	-	6	(6)	-100.0	22,573	20,024	2,549	12.7
Provides, from dedicated funds, $670k to enhance the Career Executive Program.								

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
GENERAL GOVERNMENT -- continued								
DEFERRED COMPENSATION CMTE	529	305	224	73.4	1,752	1,484	268	18.1
STATE LOTTERY COMMISSION	-	-	-	-	298,177	257,532	40,645	15.8
GAMBLING COMMISSION	-	-	-	-	9,007	8,516	491	5.8
WA CMSN HISPANIC AFFAIRS	343	288	55	19.1	343	288	55	19.1
PERSONNEL APPEALS BD	-	-	-	-	831	807	24	3.0
DEPT OF RETIREMENT SYSTEMS	-	3	(3)	-100.0	22,381	21,103	1,278	6.1
	Provides, from dedicated funds, $908k for increased data processing service center costs, $677k to eliminate backlogs, $50k for preparation of membership information on disability benefits, $194k to off-set increased workload, and $194k to correct audit exception problems.							
INVESTMENT BOARD	-	-	-	-	2,015	1,831	184	10.0
DEPT OF REVENUE	75,729	65,867	9,862	15.0	80,906	70,356	10,550	15.0
	$4.8m is provided for additional auditors, compliance tax discovery officers and support staff. The additional personnel are expected to generate $32.0m additional revenue in the 1989-91 biennium.							
TAX APPEALS BOARD	1,329	1,227	102	8.3	1,329	1,227	102	8.3
MUNICIPAL RESEARCH CNCL	2,212	2,104	108	5.1	2,212	2,104	108	5.1
UNIFORM LEGISLATION CMSN	37	34	3	8.8	37	34	3	8.8
	Provides for the full participation of all three Washington delegates to this national conference of legal experts.							
MINORITY & WOMEN'S BUSINESS	2,076	1,887	189	10.0	2,076	1,887	189	10.0
DEPT OF GENERAL ADMIN	8,576	8,055	521	6.5	95,629	85,661	9,968	11.6
	Adds $942k to establish an office of motor vehicle services and $148k to coordinate state travel expenditures.							
DEPT OF INFORMATION SERVICES	-	-	-	-	175,430	161,924	13,506	8.3
PRESIDENTIAL ELECTORS	-	1	(1)	-100.0	-	1	(1)	-100.0
INSURANCE COMMISSIONER	-	2	(2)	-100.0	12,126	10,508	1,618	15.4
	Adds $275k for a senior citizen education program to prevent improper insurance sales practices, $517k to handle increased consumer insurance complaints and investigate improper sales practices, $110k to increase examination of insurance agent financial records, $184k to increase legal review of policy forms, and $116k to develop new consumer protection regulations.							

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
GENERAL GOVERNMENT -- continued								
ACCOUNTANCY BOARD	443	426	17	4.0	1,098	1,004	94	9.4
DEATH INVESTIGATION CNCL	-	-	-	-	11	5	6	120.0
BOXING COMMISSION	139	104	35	33.7	139	104	35	33.7
HORSE RACING COMMISSION	-	-	-	-	4,544	4,299	245	5.7
LIQUOR CONTROL BOARD	-	15	(15)	-100.0	95,098	89,072	6,026	6.8
BOARD OF PHARMACY	1,423	1,382	41	3.0	1,423	1,520	(97)	-6.4
UTILITIES & TRANSPO CMSN	-	7	(7)	-100.0	26,565	24,898	1,667	6.7
VOLUNTEER FIREMEN	-	-	-	-	315	239	76	31.8
MILITARY DEPARTMENT	8,087	7,869	218	2.8	14,512	13,877	635	4.6
PUBLIC EMP RELATIONS CMTE	1,819	1,767	52	2.9	1,819	1,767	52	2.9
GENERAL GOVERNMENT TOTAL	154,746	135,046	19,700	14.6	1,084,350	952,221	132,129	13.9

LEAP OFFICE

	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
HUMAN RESOURCES								
D S H S	2,956,152	2,452,868	503,284	20.5	5,437,354	4,399,797	1,037,557	23.6
HEALTH CARE AUTHORITY	-	-	-	-	6,203	3,544	2,659	75.0
	Provides, from dedicated funds, $500k to off-set increased workload and $500k to conduct school district survey and data collection, and to report on the state's provision of health care.							
DEPT OF COMMUNITY DEV	58,487	35,164	23,323	66.3	198,512	178,519	19,993	11.2
	Includes $13.9m enhancement for the Early Childhood Education Program, $3.5m for security costs associated with the Goodwill Games, $400k for a state-wide stabilization grant program for arts organizations, and $350k for Growth Strategies Commission. Provides $120k for timber re-employment centers (ESSB 5911). Adds $250k enhancement for indigent dependency proceedings, $200k for a long term care nursing ombudsman, $150k to continue the children's telecommunications projects at the University of Washington, $200k for a state-wide food stamp outreach program, and $526k for additional support for emergency food assistance. Provides $200k for Okanogan winter sports facility planning, $200k for two rural revitalization pilot projects, and $475k for a Lewis County technology demonstration project. Provides $4m enhancement to the housing trust fund low income housing program for additional emergency shelters and technical support.							
HUMAN RIGHTS CMSN	3,830	3,352	478	14.3	4,694	4,317	377	8.7
BD OF INDUS INS APPEALS	-	3	(3)	-100.0	13,274	12,476	798	6.4
CRIM JUSTICE TRAINING CMSN	-	-	-	-	8,678	8,214	464	5.6
	Includes $230k (appropriated in HB 1793 - Omnibus Drug Bill) to continue the Drug Abuse Resistance Education (DARE) program, and $198k, from PSEA funds, to establish two additional basic law enforcement academies.							
DEPT OF LABOR & INDUSTRIES	9,277	8,705	572	6.6	266,849	207,135	59,714	28.8
	Provides dedicated fund enhancements totalling $26.5m, including $8.0m (PSEA) for crime victims, $1.1m for pesticide control (HB 2222), $2.2m to improve the medical payments system, $7.1m for development of an agency wide computer system, and numerous other enhancements directed at improving systems and increasing staff and consultants to improve service levels.							
INDETERMINATE SNTC REVIEW BD	3,236	3,703	(467)	-12.6	3,236	3,703	(467)	-12.6
	Includes $316k to comply with the provisions of HB 1457 which requires the board to set minimum terms for first degree murder offenders.							

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
HUMAN RESOURCES -- continued								
DEPT OF VETERANS' AFFAIRS	20,229	18,395	1,834	10.0	33,757	30,286	3,471	11.5
Includes $172k for Post Traumatic Syndrome Disorder project, $767k to convert 90 existing beds from intermediate care to full-skill nursing care at Retsil, $458k to pay increased salaries awarded nurses, psychiatrists and clinical directors by the Personnel Board, and $68k to dedicate staff resources full time on the Agent Orange Project.								
DEPT OF CORRECTIONS	400,766	365,600	35,166	9.6	401,098	366,251	34,847	9.5
The overall budget for the Department of Corrections includes $21.3m dedicated revenue (appropriated in HB 1793 - the Omnibus Drug Bill) to construct two new 200-bed institutions and operating costs to house additional offenders resulting from increased penalties in the Omnibus Drug Bill, $1.1m from the drug bill to continue the intensive drug surveillance program in King County, $1.4m from the drug bill for substance abuse detection and treatment in correctional facilities, and $1.3m to provide salary increases for community corrections officers.								
SERVICES FOR THE BLIND	2,472	2,400	72	3.0	10,742	9,443	1,299	13.8
Contains $306k in federal funds to complete office automation of blind services case management begun in the current biennium.								
CORRECTIONS STANDARDS BD	-	185	(185)	-100.0	-	204	(204)	-100.0
HOSPITAL COMMISSION	864	1,943	(1,079)	-55.5	1,685	3,400	(1,715)	-50.4
As a result of sunset legislation, funds are provided only for fiscal year 1990.								
BASIC HEALTH PLAN	27,215	14,610	12,605	86.3	69,195	27,759	41,436	149.3
Provides funding for expansion to additional geographic sites and enrollment increases up to a maximum of 25,000 individuals.								
SENTENCING GUIDELINE CMSN	573	528	45	8.5	573	528	45	8.5
EMPLOYMENT SECURITY	129	5,998	(5,869)	-97.8	313,236	292,843	20,393	7.0
For the ensuing biennium, $5.3m in state general funds will be replaced with administrative contingency funds. Enhancements include the transfer of $1.1 m in administrative contingency funds to the Department of Community Development for expansion of employer sponsored daycare facilities, $300k in administrative contingency funds to investigate the economic implication of raising the minimum wage, and $790k in employment services administration funds to expand claimant placement to nine additional job service centers. $2.1m from the federal interest payment account will be used to administer employment services for the family independence program.								
HUMAN RESOURCES TOTAL	3,483,230	2,913,454	569,776	19.6	6,769,086	5,548,419	1,220,667	22.0

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
DSHS								
CHILDREN & FAMILY	262,488	202,472	60,016	29.6	424,060	331,060	93,000	28.1
Includes $700k for expansion of the Homebuilders program, $9.1m for increased child care, $4.4m for child protective/child welfare reduced caseloads, $2.6m for additional Homemakers in-home services, $3.8m for foster care rate increases, and $5.1m for a general vendor rate increase.								
JUVENILE REHABILITATION	83,787	75,008	8,779	11.7	84,792	75,968	8,824	11.6
Includes enhancements of $554k in response to tougher disposition standards adopted for juvenile drug offenders, $418k to increase vendor rates which impacts consolidated juvenile services providers, $218k to pay increased salaries awarded nurses, psychiatrists and clinical directors by the Personnel Board, and $408k to increase security at the Naselle Youth Camp and the Green Hill School.								
MENTAL HEALTH	378,514	273,944	104,570	38.2	488,580	342,565	146,015	42.6
Includes $36.4m for community and institutional mental health reform as directed by SB 5400, $7.8m for additional residential services for persons diverted from nursing home care as mandated by OBRA 1987, $11.1m for additional staff, salaries and other enhancements for the state hospitals, and $3.5m for a general vendor rate increase.								
DEVELOPMENTAL DISABILITIES	212,897	187,207	25,690	13.7	416,336	355,804	60,532	17.0
Includes $5.9m to comply with federal OBRA requirements related to inappropriate nursing home placement, $5.6m to downsize the Fircrest School, Rainier School, Lakeland Village, and the United Cerebral Palsy Center, $1.0m to implement a new naive offender program, and $2.0m to support four community-based residential programs.								
LONG-TERM CARE SERVICES	445,753	347,997	97,756	28.1	945,234	698,583	246,651	35.3
Includes $31.5m increase in federal funds from the adoption of the Title XIX Personal Care Option, $700k to expand volunteer chore services, $3.2m for statewide expansion of respite care, $2.2m for expansion of the COPES caseload and $1.4m for enhanced pay for nurses employed in nursing homes.								
INCOME ASSISTANCE	450,045	454,342	(4,297)	-0.9	863,878	857,560	6,318	0.7
Includes $12.2m for the Family Independence Program, $10.0m to provide for a two percent welfare grant increase effective January 1, 1990, an $8.0m savings resulting from new requirements that GA-U applicants apply for federal SSI benefits, a $7.9m savings due to support enforcement efficiency commission recommendations and statewide expansion of the "FRED" program, and a $2.0m savings from the elimination of the Consolidated Emergency Assistance Program.								

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
D S H S -- continued								
COMMUNITY SOCIAL SVC PYMNTS	56,627	63,302	(6,675)	-10.5	84,226	85,774	(1,548)	-1.8
Includes $700k for partial continuation of services for refugees, a $10m transfer to the Omnibus Drug Bill (HB 1793), a $3.9m reduction of funds for ADATSA based on changes in SB 5897, and $2.2m for a general vendor rate increase.								
MEDICAL ASSISTANCE	691,600	540,104	151,496	28.0	1,361,850	1,013,606	348,244	34.4
Includes $37m (appropriated in HB 2244) to expand Medicaid eligibility for pregnant women and infants to 185% of federal poverty and children at 100% of poverty to age eight, increase fees for maternity care providers, and to provide case management for certain pregnant women; $12.2m for increased payments to disproportionate share hospitals (including Harborview Medical Center), $9.5m for the Family Independence Program, and a $4.8m savings resulting from elimination of chiropractic benefits under the state medical assistance program.								
PUBLIC HEALTH	60,308	41,851	18,457	44.1	86,755	64,740	22,015	34.0
Increases funding for the statewide AIDS program by $4m, and provides $1m for community health clinics. Replaces Referendum 38 funds with $1.6m state general funds for continuation of the state drinking water program and provides a $200k enhancement for pesticide investigation activities.								
VOCATIONAL REHABILITATION	13,114	11,708	1,406	12.0	64,146	57,662	6,484	11.2
Provides $75k for a rate increase in each fiscal year for vocational rehabilitation service providers.								
ADMIN & SUPPORTING SERVICES	55,295	47,296	7,999	16.9	91,639	80,762	10,877	13.5
Includes $3.4m ($1.7m GF-S) to expand the Fraud Early Detection Project statewide, $436k ($198k GF-S) to investigate backlogged complaints of fraud in public assistance, $440k ($40k GF-S) to improve the licensing and monitoring of child care facilities, $618k to continue the Birth-to-Six Project, and $3.0m (2.7m GF-S) to establish a management information system which will track child protective and child welfare service clients.								
COMMUNITY SERVICE ADMIN	167,937	142,404	25,533	17.9	359,353	303,696	55,657	18.3
Includes $4.8m for the Family Independence Program, $3.2m for additional community service office staff to assist GA-U clients to apply for federal SSI benefits, $1.0m to implement a GA-U quality control program and expand the medical assistance utilization review program, and $700k to process the welfare overpayment backlog.								

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
D S H S -- continued								
REVENUE COLLECTIONS	39,600	26,335	13,265	50.4	111,277	78,042	33,235	42.6
	Includes $2.3m ($1.4m GF-S) for food stamp and public assistance accounts receivable management system improvements, $7.4m ($1.4m GF-S) to improve support enforcement case tracking and collection capabilities, $610k ($207k GF-S) to expand the Employer Reporting Project statewide in an effort to locate absent, delinquent parents, $10.2m ($3.4m GF-S) to implement the mandatory components of federal welfare reform, $7.0m ($2.3m GF-S) to enforce medical insurance coverage provisions of child support orders, $262k ($123k GF-S) to investigate backlogged complaints of fraud in public assistance, and $273k to recover support from responsible parents of children in foster care.							
PAYMENTS TO OTHER AGENCIES	38,187	27,927	10,260	36.7	55,228	43,004	12,224	28.4
SUNDRY CLAIMS	-	10,971	(10,971)	-100.0	-	10,971	(10,971)	-100.0
D S H S TOTAL	2,956,152	2,452,868	503,284	20.5	5,437,354	4,399,797	1,037,557	23.6

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
NATURAL RESOURCES								
STATE ENERGY OFFICE	2,086	1,916	170	8.9	28,721	29,658	(937)	-3.2
Provides $154k for agency portion of the state's hydropower plan (SSB 5174) and $150k from dedicated funds for solid waste (HB 1671).								
WASH CENTENNIAL CMSN	1,044	7,052	(6,008)	-85.2	1,346	9,092	(7,746)	-85.2
COLUMBIA RIVER GORGE	570	411	159	38.7	1,150	797	353	44.3
DEPT OF ECOLOGY	59,767	53,444	6,323	11.8	180,334	143,153	37,181	26.0
Provides $1.0m for water resources program, $354k for lease development of a consolidated facility, $250k for initiating a centralized cost accounting system, $200k for the water policy committee, $250k for planning and preparation for oil spills, $2.1m for reauthorization of auto emissions program (SHB 1104), $200k for carrying out the Nisqually River Committee's action plan, and $70k to complete agency portion of the state's hydropower plan (SSB 5174). Provides, from dedicated funds, $3.0m for vehicle tire recycling, $2.8m for solid waste (HB 1671), $1.8m for underground storage tank enforcement (HB 1086), $3.2m for mixed wastes (HB 2168), and $58k for drought administration.								
ENERGY FAC SITE EVAL CNCL	-	61	(61)	-100.0	4,133	3,860	273	7.1
PARKS & REC COMMISSION	41,132	36,535	4,597	12.6	56,298	49,625	6,673	13.4
Provides $79k for operation of Spokane's Centennial Trail, $68k for additional equipment needs, $36k for computer enhancement, $60k for maintenance and operation of the Marine Science Interpretive Center at Fort Worden, $321k for increased park maintenance, $75k for operation of 25-Mile Creek park and $1.1m for boating safety programs, and for licensing and safety enforcement. Provides, from dedicated funds, $211k for roving general repair teams, $60k for Park Aide staffing expansion, $70k for staffing of park volunteer activities, $50k for replacement of the agency's communication network, $120k for enhancement of the agency's hazardous material data bank program and personnel training, and $230k to restore funding for the agency's youth program.								
OUTDOOR RECREATION	-	-	-	-	1,926	1,702	224	13.2
ENVIRONMENTAL HRNGS OFFICE	901	858	43	5.0	901	858	43	5.0
TRADE AND ECONOMIC DEV	30,068	24,043	6,025	25.1	31,213	25,973	5,240	20.2
Includes $1.6m for Tri-Cities Diversification. Provides $700k enhancement for tourism, $450k for the Development Finance Authority (ESHB 1553), and $550k to implement a business and job retention program. Provides $200k for Washington Village, $367k for a timber assistance program (SB 5911), $350k for the Washington Marketplace Program (SHB 1476), and $400k for the Washington Research Foundation. Includes a $1m enhancement for the Washington Technology Center.								

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
NATURAL RESOURCES -- continued								
CONSERVATION CMSN	1,340	568	772	135.9	1,519	646	873	135.1
WINTER RECREATION CMSN	27	27	-	-	27	27	-	-
PUGET SOUND WATER QUAL AUTH	3,489	2,889	600	20.8	4,791	4,110	681	16.6
DEPT OF FISHERIES	54,022	48,865	5,157	10.6	76,878	67,464	9,414	14.0
	Provides $320k for increased boat registration emphasis, $152k for ghost shrimp fisheries management, $276k for the operation of Simpson hatchery, $250k for the SeaGrant program at the University of Washington, $100k for continued Navy homeport monitoring, and $1.8m for salmon enhancement projects.							
DEPT OF WILDLIFE	9,385	7,986	1,399	17.5	71,056	64,387	6,669	10.4
	Provides $68k for fire protection agreements for habitat areas and $46k for agency portion of the state's hydropower plan (SSB 5174). Provides, from dedicated funds, $1.4m for enhanced inventory upgrading, $90k for action plans regarding threatened or endangered non-game species, $69k for additional winter feeding, $100k for increased fish food costs, $50k for compliance with discharge permitting, $100k for a Blue Mountain Elk study, and $732k for increased aquatic lands activities.							
DEPT OF NATURAL RESOURCES	116,040	46,597	72,443	166.2	233,618	141,961	91,657	64.6
	Provides $71.5m for purchase of trust lands and timber with proceeds going to the Common School Construction Fund. Provides $110k for a fire investigator, $410k for development of an agency revenue and payroll system and relocation expenses, $1.5m for Timber-Fish-Wildlife Agreement studies, and $125k to carry out the marine debris action plan (SB 5364). Provides, from dedicated funds, $643k for additional correctional camp teams, $139k for dredge disposal site management, $1.3m for increased aquatic land management and workload increases, $728k for increased management activity on state lands, $1.5m for increased inventory replacement, $400k for wetlands management, and $2.8 million for intensive land management and employment of areas impacted by reduction in federal timber harvests.							
DEPT OF AGRICULTURE	18,780	16,413	2,367	14.4	60,609	51,460	9,149	17.8
	Provides $2.6m for pesticide enhancement and $1.5m, from dedicated funds, for the initial development of an agriculture information management system (AIM).							
CONVENTION & TRADE CENTER	-	-	-	-	22,119	11,956	10,163	85.0
NATURAL RESOURCES TOTAL	338,651	244,665	93,986	38.4	776,639	606,729	169,910	28.0

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE

TRANSPORTATION

	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
STATE PATROL	25,718	23,404	2,314	9.9	26,267	23,838	2,429	10.2
Adds $525k to replace discontinued federal grant to support multi-jurisdictional drug investigations, $75k for technical assistance to local governments in seizures of clandestine drug labs, and $52k to replace discontinued federal grant for the missing children clearinghouse.								
DEPT OF LICENSING	19,349	17,633	1,716	9.7	43,904	36,919	6,985	18.9
Includes a $1m allocation to be reimbursed by fees pursuant to the LTC cost allocation study recommendation and an $801k allocation to be reimbursed by fees resulting from the passage of HB 1096, EHB 1917 and SSB 5058.								
TRANSPORTATION TOTAL	45,067	41,037	4,030	9.8	70,171	60,757	9,414	15.5

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
EDUCATION								
PUBLIC SCHOOLS	5,779,306	4,817,927	961,379	20.0	6,144,830	5,176,386	968,444	18.7
HIGHER EDUCATION	1,903,439	1,630,460	272,979	16.7	3,201,653	2,773,327	428,326	15.4
COMPACT FOR EDUCATION	92	84	8	9.5	92	84	8	9.5
HIGHER ED COORDINATING BD	58,248	52,396	5,852	11.2	62,440	56,821	5,619	9.9
	Increases financial aid State Need Grant by $9.1m. Provides for two new financial aid programs: $500k is designated for the Educational Opportunity Grant pilot program and $100k for the Community Scholarships program. Increases the Nurses Conditional Scholarship by $250k and the Teacher Conditional Scholarship by $300k. Funds a Writing project program for $50k.							
INSTITUTE OF APPLIED TECH	3,000	2,319	681	29.4	3,604	2,319	1,285	55.4
HIGHER ED PERSONNEL BD	-	-	-	-	2,083	1,893	190	10.0
	Provides, from dedicated funds, $59k to enhance the Affirmative Action program.							
STATE LIBRARY	11,013	9,565	1,448	15.1	29,818	27,640	2,178	7.9
	Provides additional resources for library materials and equipment replacement, and for additional automation of the library. Fully funds the Seattle Public Library contract to provide services to the blind and physically handicapped.							
ARTS COMMISSION	4,557	3,462	1,095	31.6	5,329	4,523	806	17.8
	Provides $458k to enhance the cultural enrichment program which will serve approximately 50% of the K-12 students. Enhances funding by $500k for the Artists in Residence and Institutional Support programs.							
STATE HISTORICAL SOCIETY	1,095	891	204	22.9	1,430	1,294	136	10.5
	Adds $241k for the Maritime Voyages exhibition.							
EASTERN WASH HIST SOCIETY	748	714	34	4.8	950	854	96	11.2
STATE CAPITOL HIST ASSN	873	751	122	16.2	992	870	122	14.0
	Adds $100k for the technical resource center.							
EDUCATION TOTAL	7,762,371	6,518,569	1,243,802	19.1	9,453,221	8,046,011	1,407,210	17.5

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
PUBLIC SCHOOLS								
OFFICE OF THE SPI	19,774	18,051	1,723	9.5	30,040	28,287	1,753	6.2
Provides $200k for innovative curriculum purchases. $25k is provided for the development and field testing of educational outcome measures.								
GENERAL APPORTIONMENT	4,323,885	3,863,132	460,753	11.9	4,323,885	3,918,232	405,653	10.4
Adds $37.8m to improve the K-3 staffing ratio from 49 certificated instructional staff (CIS) per 1,000 FTE students to 51 CIS / 1,000 FTE in the 1989-90 school year. Adds $6m for vocational education equipment purchases and adds $536k to expand summer vocational programs.								
COMPENSATION ADJUSTMENTS	255,969	-	255,969	-	255,969	-	255,969	-
Provides for a 4% salary increase in the first year, and a minimum 3% increase in the second year for certificated instructional staff (CIS) and classified personnel. In addition, provides for a minimum beginning teachers salary of $20,001 in the second year and enhances salaries for teachers with masters degrees, bringing the aggregate average salary increase in the second year to approximately 6.1%. Administrators are provided a salary increase of 2.5% in the first year, and no additional increase in the second year. Also increases health insurance benefit allocations by $15.11 per month per FTE in the 1989-90 school year.								
RETIREMENT CONTRIBUTIONS	33,141	-	33,141	-	33,141	-	33,141	-
Provides $33.1m to fund major retirement reforms: (1) institutes 35 year pension funding requirement to eliminate unfunded liability, beginning July 1990 (ESHB 5418) and (2) provides 3% COLA to PERS I and TRS I retirees and increases minimum retirement benefit under PERS from $13.82 to $14.83 per month per year of service (EHB 1322).								
PUPIL TRANSPORTATION	250,821	227,602	23,219	10.2	250,821	227,602	23,219	10.2
VOC TECH INSTITUTES	82,884	74,349	8,535	11.5	82,884	74,349	8,535	11.5
Provides $3.4m for a 5% increase in enrollments. Restores $3.2m in equipment allocation.								
VOC ED FLOW THRU	-	379	(379)	-100.0	-	379	(379)	-100.0
SCHOOL FOOD SERVICES	6,000	6,000	-	-	91,000	74,154	16,846	22.7
HANDICAPPED EDUCATION	503,593	440,695	62,898	14.3	562,593	486,013	76,580	15.8
Adds $150k for administrative costs associated with HB 2014, and $80k for the Early Childhood Home Instruction of Deaf Infants program.								

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
PUBLIC SCHOOLS -- continued								
TRAFFIC SAFETY EDUCATION	-	-	-	-	14,067	13,391	676	5.0
EDUCATIONAL SVC DISTRICTS	10,654	10,227	427	4.2	10,654	10,227	427	4.2
LEVY EQUALIZATION	82,700	5,000	77,700	1554.0	82,700	5,000	77,700	1554.0
	Fully funds the projected costs of the program.							
ECIA	-	-	-	-	138,000	120,554	17,446	14.5
INDIAN EDUCATION	-	-	-	-	317	290	27	9.3
INSTITUTIONAL EDUCATION	20,566	22,273	(1,707)	-7.7	28,572	29,307	(735)	-2.5
ADULT BASIC EDUCATION	-	-	-	-	3,500	3,022	478	15.8
HIGHLY CAPABLE STUDENTS	7,090	5,426	1,664	30.7	7,090	5,426	1,664	30.7
SCHOOL DISTRICT SUPPORT	5,684	3,116	2,568	82.4	10,815	10,577	238	2.3
	Provides $1.5m for classroom assistant training, $496k to the Pacific Science Center for expanded teacher training opportunities, and $350k for multicultural inservice training.							
SPECIAL & PILOT PROGRAMS	15,991	13,109	2,882	22.0	21,964	16,775	5,189	30.9
	Provides an additional $815k to the Pacific Science Center to expand the travelling van and on-site instruction programs. Fully funds the original 21 projects, and expands by 12 new projects, the Schools for the 21st Century program. Provides $250k to continue the student teacher pilot program.							
FEDERAL ENCUMBRANCES	-	-	-	-	36,216	24,085	12,131	50.4
TRANSITIONAL BILINGUAL	14,772	12,690	2,082	16.4	14,772	12,690	2,082	16.4
LEARNING ASSISTANCE	70,417	51,307	19,110	37.2	70,417	51,307	19,110	37.2
EDUCATIONAL CLINICS	3,584	3,400	184	5.4	3,584	3,400	184	5.4
EDUCATION ENHANCEMENT	54,463	45,017	9,446	21.0	54,463	45,017	9,446	21.0
	Provides for the continuation of the program and allocates a total of $54.5m - $335.26 per FTE student per year.							
SCHOOLS FOR THE BLIND & DEAF	17,318	16,108	1,210	7.5	17,366	16,256	1,110	6.8
	Provides $387k to transport day students to and from school.							
BELATED CLAIMS	-	46	(46)	-100.0	-	46	(46)	-100.0
PUBLIC SCHOOLS TOTAL	5,779,306	4,817,927	961,379	20.0	6,144,830	5,176,386	968,444	18.7

1989-91 OMNIBUS OPERATING BUDGET (ESSB 5352) COMPARISON WITH 1987-89 ESTIMATED EXPENDITURES

LEAP OFFICE	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
HIGHER EDUCATION								
COMMUNITY COLLEGES	629,466	536,764	92,702	17.3	722,629	610,854	111,775	18.3
Includes $19.8m for a 6.2% yearly faculty salary increase and a $27.1m enhancement for instructional support. Increases on-campus enrollment by $6.5m for additional 2,200 FTE's. Provides $50k for child care comparable worth adjustments.								
U OF WASHINGTON	613,671	522,009	91,662	17.6	1,626,212	1,418,951	207,261	14.6
Includes $18.3m for a 6.1% yearly faculty salary increase and a $22.9m enhancement for instructional support. Provides $1.3m for one-time planning and start-up costs of branch campuses and an additional $4.3m for enrollment of 300 FTE students at each branch campus location in FY 1991.								
WASHINGTON STATE U	337,969	290,401	47,568	16.4	485,922	426,509	59,413	13.9
Includes $9.6m for a 6.1% yearly faculty salary increase and a $6.2m enhancement for instructional support. Increases funding for off-campus enrollments by $2m for additional 212 FTE's. Provides $690k for Spokane Intercollegiate Research and Technology Institute.								
EASTERN WASHINGTON U	92,656	82,434	10,222	12.4	103,370	91,079	12,291	13.5
Includes $2.9m for a 6.4% yearly faculty salary increase and a $2.6m enhancement for instructional support. Increases enrollment by $118k for additional 20 FTE's. Provides $436k for Spokane Intercollegiate Research and Technology Institute.								
CENTRAL WASHINGTON U	78,366	69,696	8,670	12.4	93,660	82,293	11,367	13.8
Includes $2.5m for a 6.4% yearly faculty salary increase and a $1.6m enhancement for instructional support. Increases on-campus enrollment by $654k for additional 100 FTE's and off-campus enrollment by $599k for additional 113 FTE's.								
THE EVERGREEN STATE COLLEGE	48,375	40,709	7,666	18.8	51,716	44,420	7,296	16.4
Includes $1.2m for a 6.4% yearly faculty salary increase and a $1.9m enhancement for instructional support. Increases on-campus enrollment by $882k for additional 150 FTE's.								
WESTERN WASHINGTON U	102,936	88,447	14,489	16.4	118,144	99,221	18,923	19.1
Includes $3.4m for a 6.4% yearly faculty salary increase and a $4m enhancement for instructional support. Increases on-campus enrollment by $2.3m for additional 400 FTE's.								
HIGHER EDUCATION TOTAL	1,903,439	1,630,460	272,979	16.7	3,201,653	2,773,327	428,326	15.4

LEAP OFFICE

SPECIAL APPROPRIATIONS

	GENERAL FUND STATE ($ 000)				TOTAL ALL FUNDS ($ 000)			
	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF	ESSB 5352 1989-91	ESTIMATE 1987-89	$ DIFF	% DIFF
STATE REVENUES FOR DISTRIB	309,902	276,751	33,151	12.0	767,801	694,081	73,720	10.6
FEDERAL REVENUES FOR DISTRIB	-	-	-	-	70,860	59,089	11,771	19.9
BOND RETIREMENT AND INTEREST	-	-	-	-	855,736	750,288	105,448	14.1
SPECIAL APPROPS TO THE GOV	9,425	-	9,425	-	10,717	-	10,717	-

Meets the requirements of state participation in the Puyallup Tribal Settlement.

BELATED CLAIMS	1,140	-	1,140	-	1,140	-	1,140	-
SUNDRY CLAIMS	281	-	281	-	302	-	302	-
COMP ADJ - STATE EMPLOYEES	65,080	-	65,080	-	132,733	-	132,733	-

Health Ins - Provides a premium increase from $224.75 to $239.86 per month per FTE and additional $16.21 per month per FTE to operate the Health Care Authority. Provides $10m reserve in both FY90 and FY91.

Salaries - Provides classified and exempt state employees and commissioned officers of the State Patrol a 2.5% across-the-board salary increase on January 1, 1990, and a 6.5% across-the-board salary increase on January 1, 1991. (Additional increase provided commissioned officers of the State Patrol in the Transportation budget.)

RETIREMENT CONTRIBUTIONS	139,484	11,400	128,084	1123.5	153,424	121,112	32,312	26.7

Implements major retirement reforms: (1) Institutes 35 year pension funding requirement to eliminate unfunded liability, beginning July 1990 (ESHB 5418) and (2) provides 3% COLA to PERS I and TRS I retirees and increases minimum retirement benefit under PERS from $13.82 to $14.83 per month per year of service (EHB 1322).

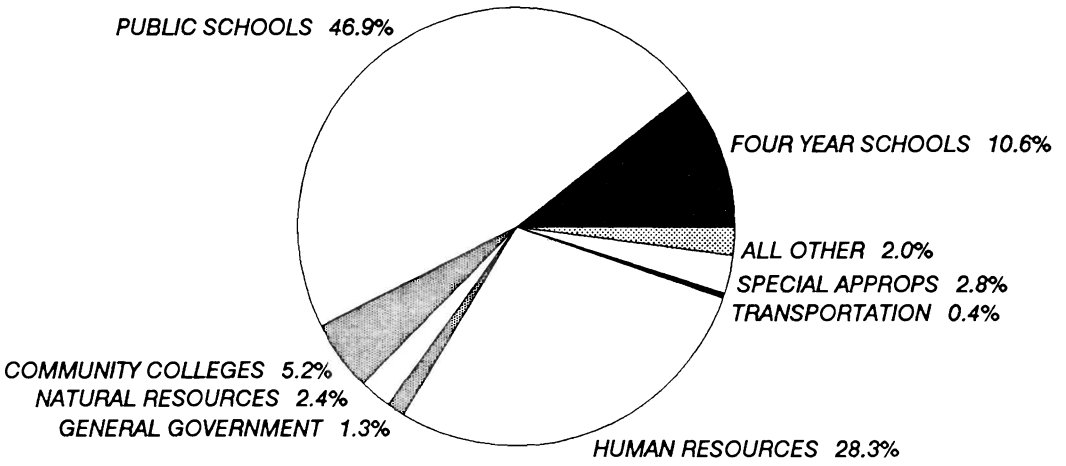
SPECIAL APPROPRIATIONS TOTAL	525,312	288,151	237,161	82.3	1,992,713	1,624,570	368,143	22.7

UNLESS OTHERWISE NOTED, AMOUNTS IDENTIFIED IN COMMENTS FOR EACH AGENCY ARE GENERAL FUND–STATE

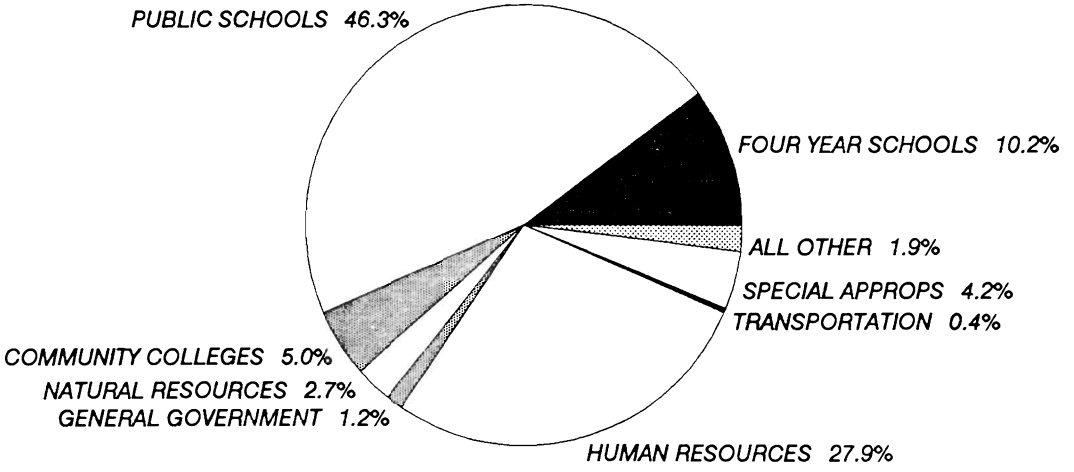
LEAP

WASHINGTON STATE FUNCTIONAL AREAS OF GOVERNMENT
GENERAL FUND-STATE OPERATING BUDGET
(DOLLARS IN MILLIONS)

1987-89 ESTIMATE	
FOUR YEAR SCHOOLS	1,093.7
PUBLIC SCHOOLS	4,817.9
COMMUNITY COLLEGES	536.8
NATURAL RESOURCES	244.7
GENERAL GOVERNMENT	135.0
HUMAN RESOURCES	2,913.5
TRANSPORTATION	41.0
SPECIAL APPROPS	288.2
ALL OTHER	210.6
TOTAL	10,281.4



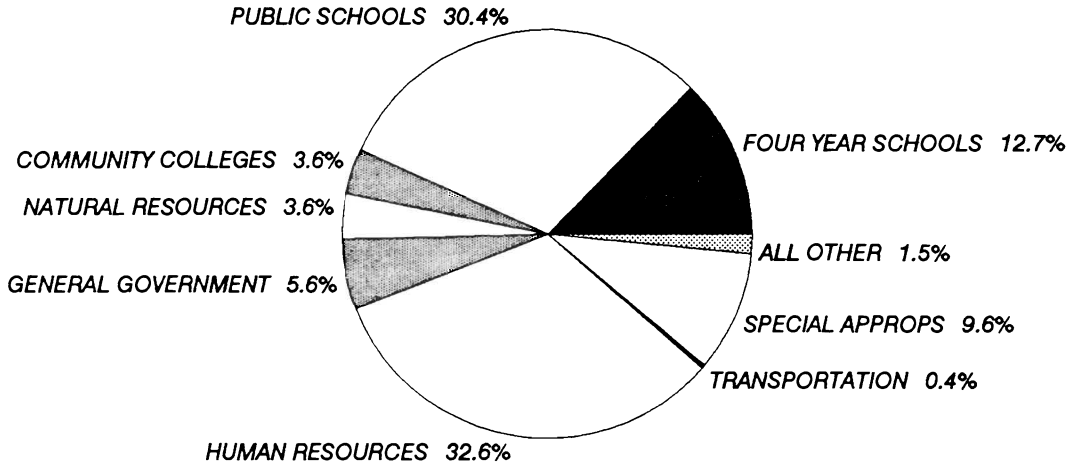
1989-91 APPROPRIATION	
FOUR YEAR SCHOOLS	1,274.0
PUBLIC SCHOOLS	5,779.3
COMMUNITY COLLEGES	629.5
NATURAL RESOURCES	338.7
GENERAL GOVERNMENT	154.7
HUMAN RESOURCES	3,483.2
TRANSPORTATION	45.1
SPECIAL APPROPS	525.3
ALL OTHER	239.1
TOTAL	12,468.8



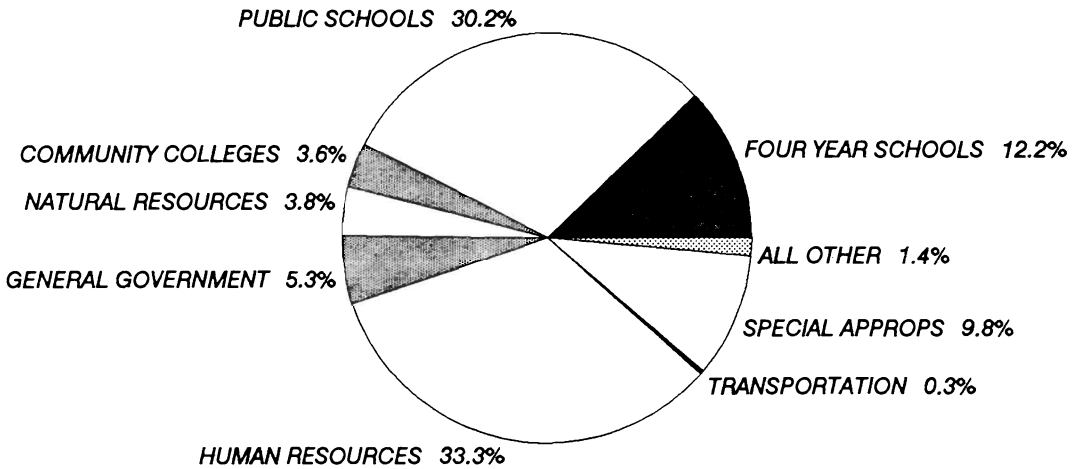
NOTE: 1989-91 INCLUDES ONLY OMNIBUS BUDGET BILL APPROPRIATIONS (ESSB 5352)

WASHINGTON STATE FUNCTIONAL AREAS OF GOVERNMENT
TOTAL FUNDS OPERATING BUDGET
(DOLLARS IN MILLIONS)

1987-89 ESTIMATE	
FOUR YEAR SCHOOLS	2,162.5
PUBLIC SCHOOLS	5,176.4
COMMUNITY COLLEGES	610.9
NATURAL RESOURCES	606.7
GENERAL GOVERNMENT	952.2
HUMAN RESOURCES	5,548.4
TRANSPORTATION	60.8
SPECIAL APPROPS	1,624.6
ALL OTHER	258.4
TOTAL	17,000.8



1989-91 APPROPRIATION	
FOUR YEAR SCHOOLS	2,479.0
PUBLIC SCHOOLS	6,144.8
COMMUNITY COLLEGES	722.6
NATURAL RESOURCES	776.6
GENERAL GOVERNMENT	1,084.4
HUMAN RESOURCES	6,769.1
TRANSPORTATION	70.2
SPECIAL APPROPS	1,992.7
ALL OTHER	290.7
TOTAL	20,330.2

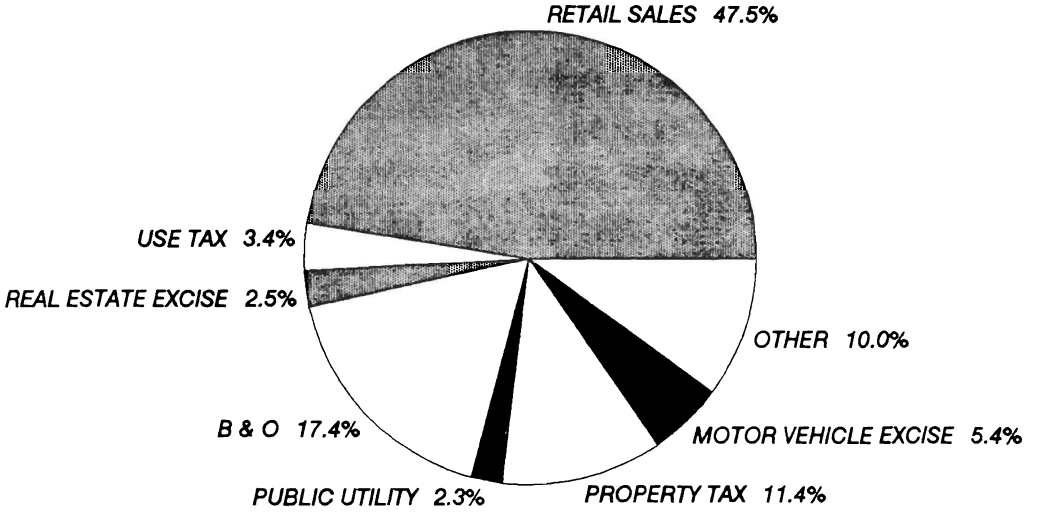


NOTE: 1989-91 INCLUDES ONLY OMNIBUS BUDGET BILL APPROPRIATIONS (ESSB 5352)

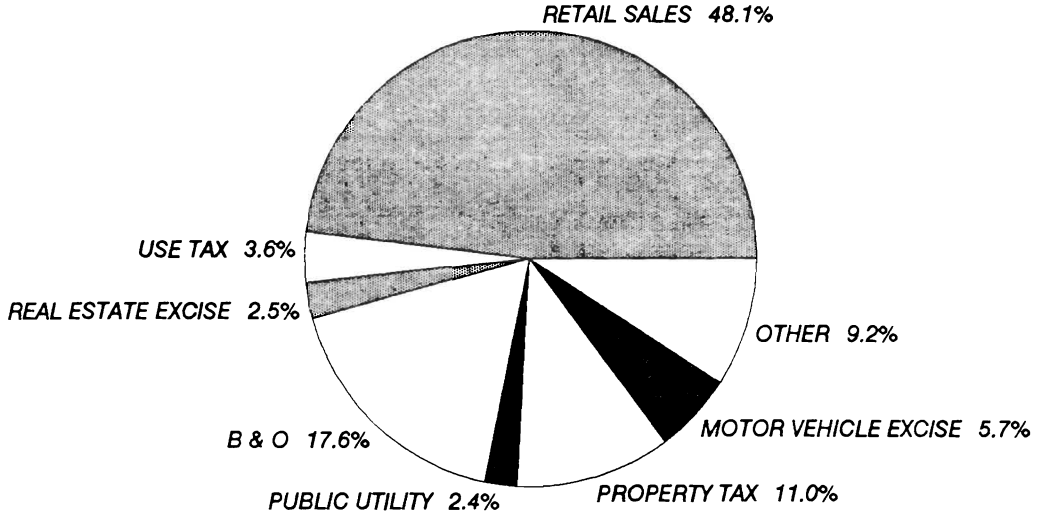
LEAP

WASHINGTON STATE REVENUE FORECAST - MARCH 1989
GENERAL FUND-STATE REVENUE
(DOLLARS IN MILLIONS)

1987-89 ESTIMATE	
RETAIL SALES	5,119.8
USE TAX	363.7
REAL ESTATE EXCISE	272.5
B & O	1,879.1
PUBLIC UTILITY	244.9
PROPERTY TAX	1,228.9
MOTOR VEHICLE EXCISE	585.0
OTHER	1,081.5
1987-89 ESTIMATE	10,775.4



1989-91 FORECAST	
RETAIL SALES	5,801.9
USE TAX	436.0
REAL ESTATE EXCISE	302.2
B & O	2,118.2
PUBLIC UTILITY	284.6
PROPERTY TAX	1,327.9
MOTOR VEHICLE EXCISE	684.6
OTHER	1,105.2
1989-91 FORECAST	12,060.6



SOURCE: WASHINGTON ECONOMIC AND REVENUE FORECAST COUNCIL

LEAP OFFICE

WASHINGTON STATE
GENERAL FUND-STATE OPERATING EXPENDITURES BY FUNCTION
(DOLLARS IN THOUSANDS)

05-Jun-89
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	1977-79	1979-81	1981-83	1983-85	1985-87	ESTIMATE 1987-89	ESSB 5352 1989-91
LEGISLATIVE	29,146	39,517	44,298	57,300	64,443	89,474	102,238
JUDICIAL	17,136	25,661	33,969	41,155	42,118	50,971	57,233
GENERAL GOVERNMENT	70,485	98,694	87,484	106,990	125,805	135,046	154,746
HUMAN RESOURCES	1,035,291	1,415,856	1,585,118	2,030,910	2,512,935	2,913,454	3,483,230
NATURAL RESOURCES	91,367	120,374	114,621	141,258	206,985	244,665	338,651
TRANSPORTATION	14,306	20,665	22,381	21,326	28,992	41,037	45,067
PUBLIC SCHOOLS	1,981,920	2,844,398	3,398,021	3,883,692	4,272,459	4,817,927	5,779,306
COMMUNITY COLLEGES	287,180	345,571	381,638	451,657	494,874	536,764	629,466
FOUR YEAR SCHOOLS	572,281	658,364	661,666	879,172	955,236	1,093,696	1,273,973
OTHER EDUCATION	21,688	26,555	31,087	43,909	49,482	70,182	79,626
SPECIAL APPROPS	234,836	303,296	345,043	379,711	540,667	288,151	525,312
TOTAL	4,355,636	5,898,951	6,705,326	8,037,080	9,293,996	10,281,367	12,468,848
PERCENT OF TOTAL							
LEGISLATIVE	0.67	0.67	0.66	0.71	0.69	0.87	0.82
JUDICIAL	0.39	0.44	0.51	0.51	0.45	0.50	0.46
GENERAL GOVERNMENT	1.62	1.67	1.30	1.33	1.35	1.31	1.24
HUMAN RESOURCES	23.77	24.00	23.64	25.27	27.04	28.34	27.94
NATURAL RESOURCES	2.10	2.04	1.71	1.76	2.23	2.38	2.72
TRANSPORTATION	0.33	0.35	0.33	0.27	0.31	0.40	0.36
PUBLIC SCHOOLS	45.50	48.22	50.68	48.32	45.97	46.86	46.35
COMMUNITY COLLEGES	6.59	5.86	5.69	5.62	5.32	5.22	5.05
FOUR YEAR SCHOOLS	13.14	11.16	9.87	10.94	10.28	10.64	10.22
OTHER EDUCATION	0.50	0.45	0.46	0.55	0.53	0.68	0.64
SPECIAL APPROPS	5.39	5.14	5.15	4.72	5.82	2.80	4.21
TOTAL	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PERCENT CHANGE FROM PRIOR BIENNIUM							
LEGISLATIVE		35.58	12.10	29.35	12.47	38.84	14.27
JUDICIAL		49.75	32.38	21.15	2.34	21.02	12.29
GENERAL GOVERNMENT		40.02	-11.36	22.30	17.59	7.35	14.59
HUMAN RESOURCES		36.76	11.95	28.12	23.73	15.94	19.56
NATURAL RESOURCES		31.75	-4.78	23.24	46.53	18.20	38.41
TRANSPORTATION		44.45	8.30	-4.71	35.95	41.55	9.82
PUBLIC SCHOOLS		43.52	19.46	14.29	10.01	12.77	19.95
COMMUNITY COLLEGES		20.33	10.44	18.35	9.57	8.46	17.27
FOUR YEAR SCHOOLS		15.04	0.50	32.87	8.65	14.49	16.48
OTHER EDUCATION		22.44	17.07	41.25	12.69	41.83	13.46
SPECIAL APPROPS		29.15	13.76	10.05	42.39	-46.70	82.30
TOTAL		35.43	13.67	19.86	15.64	10.62	21.28

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION
STATEWIDE TOTAL		
General Government	158,071,000	156,544,000
Human Resources	237,447,587	241,075,087
Natural Resources	209,003,593	200,253,093
Transportation	8,056,300	4,556,300
Education	472,127,010	558,334,440
Public Schools	147,968,450	253,715,450
Higher Education	305,749,160	300,850,290
Other Education	18,409,400	3,768,700
Special Appropriations	9,417,000	9,417,000
TOTAL CAPITAL BUDGET	1,094,122,490	1,170,179,920

LEAP OFFICE

GENERAL GOVERNMENT

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
SECRETARY OF STATE			
Regional Branch Archive	3,005,000	3,039,000	3,039,000
Archive Shelving	152,000	152,000	152,000
SECRETARY OF STATE TOTAL	3,157,000	3,191,000	3,191,000
OFFICE OF FINANCIAL MANAGEMENT			
Branch Campuses: Planning	1,000,000	1,000,000	1,000,000
Branch Campuses	45,000,000	45,000,000	45,000,000
OFFICE OF FINANCIAL MGMNT TOTAL	46,000,000	46,000,000	46,000,000
DEPT OF GENERAL ADMINISTRATION			
Emergency Repairs	250,000	250,000	
Small Repairs & Improve	450,000	450,000	
Campus Asbestos Program	200,000	200,000	200,000
Minor Works: Northern State	1,060,000	1,060,000	960,000
Boiler Plant Repairs	730,000	730,000	730,000
Asbestos Inventory	200,000	200,000	200,000
Minor Works: Sidewalk & Street	500,000	500,000	
Minor Works: Building Ext	1,426,000	1,426,000	
Minor Works: Elevator	614,000	614,000	614,000
Minor Works: Electrical	797,000	797,000	
Minor Works: Mechanical	2,000,000	2,000,000	2,000,000
Minor Works: Interior	1,387,000	1,700,000	1,305,000
Highways-Licenses Renovation	3,000,000		
Capitol Lake	1,813,000	285,000	
Facilities Mgt System	200,000	200,000	200,000
Archives Storage Building	2,015,000	2,015,000	2,015,000
East Campus Development	73,000,000	73,000,000	

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

GENERAL GOVERNMENT -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
DEPARTMENT OF GENERAL ADMINISTRATION -- continued			
Dawley Property Acquisition	1,311,000	1,311,000	1,311,000
Preplans and Surveys	143,000	143,000	
Campus Master Plan	500,000	500,000	
Campus Safety Controls		850,000	
Northern Multi-Service Center		2,500,000	2,500,000
Criminal Justice Training Study		30,000	
DEPT OF GENERAL ADMIN TOTAL	91,596,000	90,761,000	12,035,000
DEPT OF INFORMATION SERVICES			
WHETS		174,000	174,000
MILITARY DEPARTMENT			
Watercraft Supt Trng	9,085,000	8,185,000	1,300,000
Minor Works Fed Agreement	4,252,000	4,252,000	1,063,000
Minor Works	425,000	425,000	425,000
Small Repairs	375,000	375,000	375,000
Kent Armory	600,000	600,000	
Code Compliance	800,000	800,000	800,000
Leaking U/G Tanks	345,000	345,000	345,000
Roof Renovation	700,000	700,000	700,000
Exterior Painting	258,000	258,000	258,000
HVAC Renovation	280,000	280,000	280,000
Project Preplanning	198,000	198,000	198,000
MILITARY DEPARTMENT TOTAL	17,318,000	16,418,000	5,744,000
TOTAL GENERAL GOVERNMENT	158,071,000	156,544,000	67,144,000

LEAP OFFICE

HUMAN RESOURCES

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
DEPT OF SOCIAL AND HEALTH SERVICES			
Minor Renewal: Fire Safety	600,000	600,000	
Minor Renewal: Hazardous Subs	500,000	500,000	
Emergency Capital Repairs	250,000	250,000	
Echo Glen: Renovate 11 Units	2,964,000	2,964,000	2,964,000
Western State: Renovations 4	5,189,400	6,192,000	6,192,000
Eastern State: Renovations 2	4,510,400	4,510,400	4,510,400
Minor Renewal: Utilities	750,000	750,000	
Minor Renewal: Roads & Grounds	500,000	500,000	
Minor Renewal: Roofs	700,000	700,000	700,000
Small Improvements	190,000	190,000	
Minor: Alcohol & Sub. Abuse	442,400	442,400	
Minor Projects: Juvenile Rehab	270,100	270,100	
Minor Projects: Mental Health	600,000	650,000	650,000
Minor: Mental Health 2	75,000	75,000	
Minor: Developmental Disab	538,800	538,800	517,600
Minor: Health Division	358,900	358,900	
Lakeland Village: Steam Plant	4,063,000	4,063,000	4,063,000
Pre-Planning	215,400	191,400	
Food Bank Facility: Fircrest	788,000	788,000	788,000
Eastern & Western Hospital	1,000,000	1,000,000	1,000,000
Child Care		600,000	600,000
Eastern Electrical		1,371,600	1,371,600
Mental Health E&T Facility		1,000,000	1,000,000
Everett Day Care		90,000	
DEPT OF SOCIAL AND HEALTH SVCS TOTAL	24,505,400	28,595,600	24,356,600

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

HUMAN RESOURCES -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
DEPARTMENT OF COMMUNITY DEVELOPMENT			
Development Loan Fund	7,000,000	3,000,000	1,000,000
Housing Trust Fund	15,000,000	16,000,000	16,000,000
Fire Service Training Center	2,000,000		
Public Works Trust Fund	78,241,000	78,241,000	
Emergency Mgt Bldg Minor Reno	80,000	80,000	80,000
Minor Works Fire Service Ct	441,887	441,887	441,887
Asian Cultural Center	759,300		
Asian Referral Service		100,000	100,000
Nordic Heritage Museum		200,000	200,000
Clark Co Cultural Theater		25,000	25,000
Columbia Co Courthouse		200,000	200,000
Territorial Gov House		200,000	200,000
Marine Science Lab		500,000	500,000
Tall Ships		1,000,000	1,000,000
Thorp Grist Mill		30,000	30,000
DEPT COMMUNITY DEV TOTAL	103,522,187	100,017,887	19,776,887
DEPARTMENT OF LABOR AND INDUSTRIES			
L & I Office Build	63,000,000	63,000,000	
DEPARTMENT OF VETERANS' AFFAIRS			
Food Services Renovation	282,700	282,700	
Soldiers Home Alzheimer's Unit	33,700	33,700	
Preplan 100 Bed Nursing Care	129,400		
Minor Projects - Asbestos	300,000	300,000	
Minor Projects-Roads & Walkways	100,000	100,000	
Air Quality, Building 9	313,200	313,200	
Small Projects	39,800	39,800	

LEAP OFFICE

HUMAN RESOURCES -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
DEPARTMENT OF VETERANS' AFFAIRS -- continued			
Minor Projects -Remodel	256,000	256,000	
Minor-Utilities & Energy	544,000	544,000	
Minor Project - Building Study	35,000	35,000	
Steam Distribution System	22,200	22,200	
DEPT OF VETERANS' AFFAIRS TOTAL	2,056,000	1,926,600	
DEPARTMENT OF CORRECTIONS			
State Reformatory Improvements	8,600,000	8,600,000	8,600,000
State Penitentiary Security	5,898,000	5,898,000	5,898,000
McNeil Island -Utilities	1,261,000	1,261,000	1,261,000
McNeil Island -Transportation	3,522,000	3,522,000	3,522,000
McNeil Island -Fire/Safety	2,183,000	2,183,000	2,183,000
Statewide Wastewater	605,000	605,000	605,000
Statewide Water Systems	939,000	939,000	939,000
McNeil Island Master Plan	4,377,000	4,377,000	4,377,000
Purdy Master Plan	1,000,000	1,000,000	1,000,000
Statewide Asbestos	2,500,000	2,500,000	2,500,000
Hazardous Materials Management	879,000	879,000	879,000
WCC & WCCW Perimeter Security	1,652,000	1,652,000	1,652,000
Statewide Minor Projects	5,349,000	5,349,000	4,349,000
Statewide Small Repairs	756,000	756,000	756,000
Statewide Emergency Repairs	750,000	750,000	
Corrections Center Reception	262,000	262,000	236,000
WSP:(MSC) Industries Building	1,213,000	1,213,000	1,213,000
Statewide Roof Repair	1,500,000	1,500,000	1,500,000
Preplanning for Work Release	218,000	218,000	
Clallam Bay (double bunk)		4,071,000	4,071,000
DEPT OF CORRECTIONS TOTAL	43,464,000	47,535,000	45,541,000

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
HUMAN RESOURCES -- continued			
DEPARTMENT OF EMPLOYMENT SECURITY			
Pt. Angeles Job Service Center	900,000		
TOTAL HUMAN RESOURCES	237,447,587	241,075,087	89,674,487

LEAP OFFICE

NATURAL RESOURCES

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
WASHINGTON STATE ENERGY OFFICE			
Energy Conservation Fund	1,946,600	1,946,600	1,946,600
DEPARTMENT OF ECOLOGY			
Emergency Water Proj Acct	3,904,791	3,794,791	
Water Quality Account	112,529,625	112,529,625	
DEPT OF ECOLOGY TOTAL	116,434,416	116,324,416	
PARKS AND RECREATION COMMISSION			
LAKE SYLVIA - dam safety	165,000	165,000	165,000
FLAMING GEYSER - bridge	31,000	241,000	241,000
STATEWIDE - boat pumpout		1,000,000	1,000,000
CAMP WOOTEN - comfort station	157,000	157,000	157,000
CAMANO ISLAND - road relocation	619,000	619,000	
OCEAN BEACHES - acquisition	200,000	200,000	200,000
BLAKE ISLAND - fire protection	119,000	119,000	119,000
STATEWIDE - water supply/irr	275,000	275,000	275,000
STATEWIDE - sanitary facilities	152,000	152,000	152,000
STATEWIDE - electrical	294,700	294,700	231,000
MORAN - renovate dam	144,000	144,000	144,000
STATEWIDE - drinking water	441,000	441,000	441,000
CAMP WOOTEN - sewage ph 2	138,000	138,000	138,000
SACAJAWEA - river floats	192,000	192,000	
STATEWIDE - asbestos	150,000	150,000	150,000
STATEWIDE - boating/marine	853,300	853,300	179,250
STATEWIDE - general construct	560,000	560,000	560,000
STATEWIDE - special construct	219,000	219,000	219,000
LAKE SAMMAMISH - boat launch	114,000	114,000	

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

NATURAL RESOURCES -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
PARKS AND RECREATION COMMISSION -- continued			
STATEWIDE - environment/protect	300,000	300,000	300,000
STATEWIDE - acquisition	115,000	115,000	115,000
STATEWIDE - weather proofing	167,000	167,000	167,000
FORT WORDEN - dredge marina	315,000	315,000	
LARABEE - Clayton Beach	140,540	140,540	
HOOD CANAL - acquire property	453,000	453,000	393,000
SPOKANE CENTENIAL TRAIL	239,000	239,000	120,000
FORT CASEY - keystone spit ph 2	207,000	207,000	104,000
BELFAIR - acquire property ph 2	220,000	220,000	193,000
FORT CANBY - Beards Hollow	289,000	289,000	289,000
OCEAN BEACH OBA - comfort & park	658,000	658,000	342,000
STATEWIDE - contingency	464,000	464,000	464,000
STEAMBOAT ROCK - Jones Bay	150,000	150,000	150,000
SPOKANE Centennial Trail	250,000	250,000	250,000
St. Edwards		222,000	222,000
Ft. Worden		380,000	380,000
Green River Gorge		263,000	263,000
Snohomish Trail		1,100,000	1,100,000
Lake Isabella		507,000	507,000
Ohme Gardens		750,000	750,000
Wishram Museum Study		10,000	10,000
Auburn Game Farm		350,000	350,000
Doug's Beach		120,000	120,000
PARKS AND RECREATION CMSN TOTAL	8,791,540	13,703,540	10,960,250
OUTDOOR RECREATION			
Grants to Public Agencies	8,236,000	7,736,000	500,000

LEAP OFFICE

NATURAL RESOURCES -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
TRADE AND ECONOMIC DEVELOPMENT			
Washington Technology Center	1,200,000	900,000	900,000
U.S. Olympic Academy	5,000,000		
Mt. St. Helens Road, Visitor Ctr	5,900,000	5,600,000	5,600,000
Agricultural Complex Yakima		2,000,000	2,000,000
TRADE AND ECONOMIC DEV TOTAL	12,100,000	8,500,000	8,500,000
CONSERVATION COMMISSION			
Water Quality Projects	2,072,160	2,072,160	
DEPARTMENT OF FISHERIES			
Habitat - Salmon Enhancement	921,000	921,000	921,000
Health, Safety and Code	850,000	850,000	850,000
Point Whitney Beach Access	500,000	500,000	250,000
Clam and Oyster Beach Enhance	1,200,000	1,200,000	1,200,000
Fish Protection Facilities	235,000	235,000	235,000
Coast & Puget Sound Salmon	2,500,000	2,500,000	2,500,000
Shorefishing Access Develop	450,000	450,000	450,000
South Sound Net Pen Support	343,000	343,000	343,000
Humptulips Upgrade Intake Dam	213,100	213,100	213,100
Salmon Culture Minor Works	655,000	655,000	655,000
Habitat Management Shop	435,000	435,000	435,000
Field Services - Minor Works	235,000	235,000	235,000
Salmon Culture - Minor Capital	668,700	668,700	668,700
George Adams, Water Supply	175,000	175,000	175,000
Ilwaco Boat Access Expansion	300,000	300,000	
Bonneville Pool Access Expan	100,000	100,000	
Property Acquisition	330,000	330,000	330,000
Shellfish Surveys and Point Whitney	175,000	175,000	175,000

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

NATURAL RESOURCES -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
DEPARTMENT OF FISHERIES -- continued			
Pt. Whitney - Property Acquire	150,000	150,000	150,000
Cedar River Spawning Channel	800,000		
Strait Of Juan De Fuca Acquire	350,000	350,000	
Kingston Boat Launch	100,000	100,000	
DEPARTMENT OF FISHERIES TOTAL	11,685,800	10,885,800	9,785,800
DEPARTMENT OF WILDLIFE			
Asbestos	600,000	600,000	600,000
Minor Works - Public Fishing	500,000	500,000	
Emergency Repair & Replacement	300,000	300,000	
Facility Maintenance	500,000	500,000	
Hatchery Renovation	3,250,000	3,250,000	1,150,000
Public Fishing Access (IAC)	1,126,000	1,126,000	
Develop Public Fishing (IAC)	430,000	430,000	294,000
Wildlife Area Repair	250,000	250,000	
Wells Wildlife Area Repair	50,000	50,000	
Statewide Fencing Repair	1,000,000	1,000,000	
Migratory Waterfowl Habitat	350,000	350,000	
Acquisition Of Critical Habitat	250,000	250,000	
Critical Water Oriented Access	120,250	120,250	
Acquisition Of Wildlife Habitat	600,000	600,000	
Migratory Waterfowl Habitat	300,000	300,000	
Habitat Enhancement Fund	500,000	500,000	
Regional Offices		425,000	
DEPARTMENT OF WILDLIFE TOTAL	10,126,250	10,551,250	2,044,000

LEAP OFFICE

NATURAL RESOURCES -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
DEPARTMENT OF NATURAL RESOURCES			
Right-Of-Way Acquisition	790,000	790,000	
Emergency Repairs, Irrigation	200,000	200,000	
Commercial Develop & Electronics	420,000	420,000	
Aquatic Land Enhancement	5,040,000	4,154,000	
Land Bank	12,000,000	12,000,000	
Statewide Emergency Repairs	59,200	59,200	18,300
Statewide Non-Emergency Repairs	60,300	60,300	18,700
Commercial Development/L.I.D.	710,000	710,000	
Natural Resource Conservation	8,000,000	942,000	
NAP Property Purchases	4,000,000	1,471,000	1,000,000
Seed Orchard Irrigation	65,000	65,000	
Irrigation Development	452,500		
Communication Site Maintenance	150,000	150,000	
Minor Works-Real Estate	390,000	390,000	
Wharf / Dock Renovation	200,000	200,000	
Asbestos Surveys/Removal	114,900	114,900	30,000
Environmental Cleanup	585,000	585,000	235,600
Environmental Protection	284,000	284,000	151,000
NE City Code Compliance	47,000	47,000	15,500
Regional Cold Storage	512,000	512,000	
Irrigation Pipeline Replace	532,000	532,000	
Administration Sites Repairs	65,000	65,000	
Bridge And Road Replacement	65,000	65,000	
Woodard Bay NRCA Fencing Dev.	200,000	200,000	200,000
Dishman Hills Protection Dev.	100,000	100,000	100,000
Natural Area Preserves Mgt	150,000	150,000	150,000
Construct & Improve Recreation	480,000	480,000	363,000
Seattle Waterfront Phase 1	750,000	750,000	
Woodard Bay Health & Safety	500,000	500,000	250,000

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

NATURAL RESOURCES -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
DEPARTMENT OF NATURAL RESOURCES -- continued			
Long Lake Phase 2 Dev.	355,000	355,000	
Geoduck Hatchery	333,927	333,927	
Area Office		648,000	26,000
Compound Planning		100,000	50,000
Cedar River Dredging		800,000	800,000
Spencer Island Wetland		300,000	300,000
DEPT OF NATURAL RESOURCES TOTAL	37,610,827	28,533,327	3,708,100
TOTAL NATURAL RESOURCES	209,003,593	200,253,093	37,444,750

LEAP OFFICE

TRANSPORTATION

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
STATE PATROL			
Crime Laboratory - Seattle	441,000	441,000	441,000
Expand Laboratory - Tacoma	165,200	165,200	165,200
Crime Laboratory - Spokane	80,000	80,000	80,000
Crime Laboratory - Everett	470,000	470,000	470,000
STATE PATROL TOTAL	1,156,300	1,156,300	1,156,300
DEPARTMENT OF TRANSPORTATION			
Freight Rail Assistance	6,900,000	3,400,000	3,400,000
TOTAL TRANSPORTATION	8,056,300	4,556,300	4,556,300

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
EDUCATION			
OTHER EDUCATION			
STATE HISTORICAL SOCIETY			
Small Improvements	151,500	151,500	151,500
Union Station Museum	4,400,000	3,080,000	3,080,000
STATE HISTORICAL SOCIETY TOTAL	4,551,500	3,231,500	3,231,500
EASTERN WASH HISTORICAL SOCIETY			
Campbell House - Restoration	750,700	200,000	200,000
Cowles Museum Roof/HVACC	80,100	80,100	80,100
EASTERN WASH HIST SOCIETY TOTAL	830,800	280,100	280,100
STATE CAPITOL HISTORICAL ASSN			
Minor Works - Olympia	27,100	27,100	27,100
Capitol Museum	13,000,000	230,000	230,000
STATE CAPITOL HIST ASSN TOTAL	13,027,100	257,100	257,100
TOTAL OTHER EDUCATION	18,409,400	3,768,700	3,768,700

LEAP OFFICE

PUBLIC SCHOOLS

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
STATE BOARD OF EDUCATION			
School Construction: Trust Land	147,000,000	182,742,000	40,000,000
School Construction: General Fund		69,355,000	
School Emergencies		650,000	
STATE BOARD OF EDUCATION TOTAL	147,000,000	252,747,000	40,000,000
SCHOOL FOR THE BLIND			
Automatic Sliding Doors	14,580	14,580	14,580
HVAC & Roof repairs	130,000	130,000	130,000
Driveway/Parking Lot Repaving	21,270	21,270	21,270
Asbestos	324,000	324,000	324,000
SCHOOL FOR THE BLIND TOTAL	489,850	489,850	489,850
SCHOOL FOR THE DEAF			
Replace 3 Transformers/Clark	36,500	36,500	36,500
Wheelchair Lifts	147,100	147,100	147,100
Roof Repair	50,000	50,000	50,000
Asbestos	245,000	245,000	245,000
SCHOOL FOR THE DEAF TOTAL	478,600	478,600	478,600
TOTAL PUBLIC SCHOOLS	147,968,450	253,715,450	40,968,450

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

HIGHER EDUCATION

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
COMMUNITY COLLEGE SYSTEM			
Agricultural Tech (Walla Walla)	2,946,000	2,946,000	2,946,000
Voc Shop (Wenatchee Valley)	880,000	880,000	880,000
Computer Facility (Edmonds)	3,624,000	3,624,000	3,624,000
LRC (Clark)	6,077,000	6,077,000	6,077,000
Extension Ctr (Yakima Valley)	1,586,000	1,586,000	1,586,000
Math/Science (Spokane Falls)	5,510,000	5,510,000	5,510,000
LRC (Spokane)	5,270,000	5,270,000	5,270,000
Whidbey Ctr (Skagit Valley)	108,000	108,000	108,000
Science/Arts/PE (SPSCC)	256,000	256,000	256,000
Early Childhood Ed (Shoreline)	78,000	78,000	78,000
Library Remod (Columbia Basin)	113,000	113,000	113,000
Vocational Shops (Centralia)	95,000	95,000	95,000
LRC Addition/Remodel (Tacoma)	90,000	90,000	90,000
Voc/Food (Lower Columbia)	140,000	140,000	140,000
Business Education (Spokane)	245,000	245,000	245,000
Stud Act/PE (Seattle Central)	400,000	400,000	400,000
Fire/Security REPAIRS (7)	947,610	947,610	947,610
Asbestos REPAIRS (4)	1,217,200	1,217,200	1,217,200
Roof/Structural REPAIRS (20)	3,658,000	3,658,000	3,658,000
HVAC/Mechanical REPAIRS (15)	2,972,830	2,972,830	2,972,830
Electrical REPAIRS (4)	371,240	371,240	371,240
Small Repairs and Improvements	4,200,000	4,200,000	4,200,000
LARC (Centralia)	4,012,000	4,012,000	4,012,000
Facility REPAIRS (18)	3,848,180	3,848,180	3,848,180
Technology Labs (Highline)	2,595,000	2,595,000	2,595,000
Minor Improvements (50)	13,292,940	13,292,940	13,292,940
Technology Center (Whatcom)	63,000	63,000	63,000
PE Facility (North Seattle)	45,000	45,000	45,000
Applied Arts (Spokane Falls)	68,000	68,000	68,000

LEAP OFFICE	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
HIGHER EDUCATION -- continued			
COMMUNITY COLLEGE SYSTEM -- continued			
Industrial Tech (Spokane)	64,000	64,000	64,000
Vocational Art (Shoreline)	51,000	51,000	51,000
Business Education (Clark)	73,000	73,000	73,000
Student Center (South Seattle)	59,000	59,000	59,000
Library Add'n (Skagit Valley)	44,000	44,000	44,000
COMMUNITY COLLEGE SYSTEM TOTAL	65,000,000	65,000,000	65,000,000
UNIVERSITY OF WASHINGTON			
Safety - Fire Code	8,600,000	8,600,000	
Safety - Asbestos Removal	5,500,000	5,500,000	
Minor Works - Building Renewal	9,733,000	9,733,000	
H Wing & I Court Addition	24,692,000	24,692,000	24,692,000
Minor Works - Program Renewal	9,000,000	9,000,000	
Communications Building	2,182,000	2,182,000	1,015,000
Emergency Power Generation	11,110,000	11,110,000	11,110,000
Physics I	4,155,000	4,155,000	4,155,000
Chemistry I	39,152,000	39,152,000	39,152,000
Electrical Engineering	3,111,000	3,111,000	3,111,000
Computer Sciences Building	1,000,000	1,000,000	1,000,000
UNIVERSITY OF WASHINGTON TOTAL	118,235,000	118,235,000	84,235,000

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

HIGHER EDUCATION -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
WASHINGTON STATE UNIVERSITY			
Minor Capital Improvements	5,000,000	5,000,000	
Hazardous Waste Facility	152,000	152,000	
Nuclear Radiation Center Study	53,000	53,000	
East Campus Electrical	533,000	533,000	
Smith Gym Electrical System	648,000	648,000	
Holland Library Addition	33,400,000	33,400,000	33,400,000
Veterinary Teaching Hospital	1,500,000	1,500,000	1,300,000
Food-Human Nutrition Phase II	12,688,000	12,688,000	
Whets Expansion, Phase I	2,000,000		
Minor Capital Renewal	5,000,000	5,000,000	5,000,000
Todd Hall Renewal	182,000	182,000	
WASHINGTON STATE UNIVERSITY TOTAL	61,156,000	59,156,000	39,700,000
EASTERN WASHINGTON UNIVERSITY			
Math Science Remodel	82,900	82,900	82,900
Science Building Addition	6,784,500	6,784,500	6,784,500
Roof Replacement	500,000	500,000	500,000
Minor Works Projects	2,100,000	2,100,000	
Small Repairs Projects	1,000,000	1,000,000	
Asbestos	1,900,000	1,900,000	1,900,000
Computer Replacement	1,611,000	1,080,000	
Deferred Maintenance	516,000		
Kennedy Library Addition	165,000	165,000	
EASTERN WASHINGTON UNIVERSITY TOTAL	14,659,400	13,612,400	9,267,400

LEAP OFFICE

HIGHER EDUCATION -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
CENTRAL WASHINGTON UNIVERSITY			
Life/Safety	831,000	831,000	831,000
Asbestos Abatement	1,000,000	1,000,000	1,000,000
Psychology Animal Research	1,547,000	1,547,000	1,547,000
Barge Hall Renovation	600,000	600,000	600,000
Telecommunication System	1,443,600	1,443,600	
Shaw/Smyser Hall Remodel	3,705,900	3,705,900	2,405,900
Minor Works Projects Group I	3,856,600	3,856,600	
CENTRAL WASHINGTON UNIVERSITY TOTAL	12,984,100	12,984,100	6,383,900
THE EVERGREEN STATE COLLEGE			
Life Safety - Code Compliance	819,000	819,000	819,000
Asbestos	60,000	60,000	60,000
Failed Systems	544,070	544,070	544,070
Minor Works	178,720	178,720	178,720
Emergency Repairs	81,000	81,000	
Small Repairs	162,000	162,000	
Deferred Maintenance	1,641,870		
Public Service Building	210,000		
THE EVERGREEN STATE COLLEGE TOTAL	3,696,660	1,844,790	1,601,790

1989-91 CAPITAL BUDGET (SSB 5521)

LEAP OFFICE

HIGHER EDUCATION -- continued

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
WESTERN WASHINGTON UNIVERSITY			
Science Facility Phase I	20,730,700	20,730,700	20,730,700
Asbestos	3,000,000	3,000,000	3,000,000
Minor Works	3,900,000	3,900,000	
Science Facility, Phase II	887,300	887,300	887,300
Inst Of Wildlife Toxicology	1,500,000	1,500,000	
WESTERN WASHINGTON UNIVERSITY TOTAL	30,018,000	30,018,000	24,618,000
TOTAL HIGHER EDUCATION	305,749,160	300,850,290	230,806,090
TOTAL EDUCATION	472,127,010	558,334,440	275,543,240

LEAP OFFICE

SPECIAL APPROPRIATIONS

	Governor's Proposal NEW APPROPRIATION	Legislative Budget NEW APPROPRIATION	Legislative Budget State Bonds
SPECIAL APPROP TO THE GOVERNOR			
Puyallup Tribal Settlement	9,417,000	9,417,000	9,417,000
TOTAL SPECIAL APPROPRIATIONS	9,417,000	9,417,000	9,417,000
TOTAL CAPITAL BUDGET	1,094,122,490	1,170,179,920	483,779,777

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
		Summary of Agency Totals						
		Traffic Safety Commission	5,236,892	7,274,336	6,083,950	6,083,950	16.17%	0.00%
		Rail Development Commission	565,680	8,095,418	N/A	N/A	N/A	N/A
		Board of Pilotage Commissioners	101,696	155,155	174,956	174,956	72.04%	0.00%
		County Road Administration Board	15,271,980	26,572,614	25,142,631	25,154,623	64.71%	0.05%
		Transportation Improvement Board	61,510,441	50,976,600	79,776,600	50,976,600	-17.13%	-36.10%
		Washington State Patrol - Operating	142,930,254	177,647,070	159,713,151	162,558,790	13.73%	1.78%
		Department of Licensing	103,433,433	112,158,264	104,190,458	104,226,405	0.77%	0.03%
		Legislative Transportation Committee	2,319,395	2,400,000	2,400,000	2,625,000	13.18%	9.38%
		Marine Employees Commission	294,719	307,136	306,997	306,997	4.17%	0.00%
		Transportation Commission	499,706	642,624	608,986	512,986	2.66%	-15.76%
		Department of Transportation	1,596,767,036	1,762,326,400	1,746,585,319	1,659,988,217	3.96%	-4.96%
		Special Appropriations	3,500,000	0	12,658,000	9,858,000	181.66%	-22.12%
		Washington State Patrol - Capital	7,665,000	31,429,000	31,429,000	7,429,000	-3.08%	-76.36%
		Total	**1,940,096,232**	**2,179,984,617**	**2,169,070,048**	**2,029,895,524**	**4.63%**	**-6.42%**

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
		Summary of Funds and Accounts						
		Aeronautics ACCT-FED	902,460	598,165	654,368	661,451	-26.71%	1.08%
		Aeronautics ACCT-ST/LOC	2,626,042	3,110,679	3,011,980	3,045,982	15.99%	1.13%
		Economic Development ACCT	2,600,000	7,000,000	7,000,000	7,000,000	169.23%	0.00%
		Energy ACCT	395,928	0	0	0	-100.00%	N/A
		Ferry System Fund	107,251,602	121,332,536	120,716,832	167,808,589	56.46%	39.01%
		General Fund-FED/LOC	5,958,461	5,935,344	5,862,020	5,866,819	-1.54%	0.08%
		General Fund-state	597,444	1,230,603	608,441	1,033,221	72.94%	69.81%
		High Capacity Transp Acct	565,680	8,095,418	8,061,139	8,561,139	1413.42%	6.20%
		Highway Safety Fund-Fed	5,208,015	4,523,276	4,532,200	4,532,200	-12.98%	0.00%
		Highway Safety Fund-State	43,591,413	50,111,314	46,611,924	47,515,896	9.00%	1.94%
		Motor Vehicle Fund-Fed	804,374,700	781,371,681	781,363,537	805,574,403	0.15%	3.10%
		Motor Vehicle Fund-State	610,278,054	742,629,748	736,032,920	610,703,493	0.07%	-17.03%
		Motorcycle Safety Ed Acct	612,541	975,961	820,533	1,037,499	69.38%	26.44%
		Pilotage Acct	101,696	155,155	174,956	174,956	72.04%	0.00%
		Public Safety & Ed Acct	4,633,605	6,996,368	3,971,987	6,114,782	31.97%	53.95%
		Puget Sound Cap Const-fed	8,500,000	11,600,000	11,600,000	14,200,000	67.06%	22.41%
		Puget Sound Cap Const-State	70,749,806	98,591,743	91,572,168	99,345,259	40.42%	8.49%
		Puget Sound Ferry Operations	45,964,975	51,999,161	51,846,921	1,144,264	-97.51%	-97.79%
		Rural Arterial Trust Acct	14,311,974	25,512,508	24,155,072	24,155,072	68.78%	0.00%
		Search & Rescue	110,495	116,649	115,230	116,633	5.56%	1.22%
		State Patrol Highway Acct-fed/loc	2,737,486	3,066,233	2,929,646	2,965,228	8.32%	1.21%
		State Patrol Highway Acct-state	146,102,167	179,610,492	163,224,231	165,829,573	13.50%	1.60%
		Transp Capital Facilities Acct	0	0	0	1,000,000	N/A	N/A
		Transportation Improvement Acct	0	0	28,800,000	0	N/A	-100.00%
		Urban Arterial	61,510,441	50,976,600	50,976,600	50,976,600	-17.13%	0.00%
		Wildlife Acct	411,247	444,983	427,343	432,465	5.16%	1.20%
		WSP Construction Acct	0	24,000,000	24,000,000	100,000	N/A	-99.58%
		Total	**1,940,096,232**	**2,179,984,617**	**2,169,070,048**	**2,029,895,524**	**4.63%**	**-6.42%**

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
2	Op	Traffic Safety Commission						
		Highway Safety Fund - State	319,032	351,060	1,551,750	351,750	10.26%	-77.33%
		Highway Safety Fund - Federal	4,917,860	4,523,276	4,532,200	4,532,200	-7.84%	0.00%
		Public Safety Ed. Acct.	0	2,400,000	0	1,200,000	N/A	N/A
		Total	**5,236,892**	**7,274,336**	**6,083,950**	**6,083,950**	**16.17%**	**0.00%**

Agency Request

Adds PSEA funding for 16 existing and 16 new DWI task forces (previously federally funded).....$ 2.4 M

Increase for DWI victims panels and local traffic law enforcement..... .8 M

Governor Proposal

Eliminates 2.4 M PSEA request; adds HSF funds for 16 existing task forces.....$ (1.2 M)

Concurs with Agency Request for victims panels and local enforcement

As Passed Legislature on May 10, 1989

Funds $1.2 M DWI pgm from PSEA

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Op or Sec Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
Op	Rail Development Commission						
	Rail Development Acct	565,680	8,095,418	N/A	N/A	N/A	N/A
	Total	**565,680**	**8,095,418**	**N/A**	**N/A**	**N/A**	**N/A**

Agency Request

Funding requested by Commission included in DOT's budget (Program T) and in General Fund budget

Governor Proposal

Rail Development Commission sunsets; responsibility for program shifts to DOT (Program T)

Additional funding proposed in Capital budget (SSB 5521)

As Passed Legislature on May 10, 1989

No Significant Changes from Governor Proposal

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
3	Op	Board of Pilotage Commissioners						
		Puget Sound Pilotage Acct.	101,696	155,155	174,956	174,956	72.04%	0.00%
		Total	**101,696**	**155,155**	**174,956**	**174,956**	**72.04%**	**0.00%**

AgencyRequest
No Significant Changes from 1987-89

Governor Proposal
No Significant Changes from Agency Request

As Passed Legislature on May 10, 1989
No Significant Changes from Governor Proposal

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
4	Op	County Road Administration Board						
		Motor Vehicle Fund-state	960,006	1,060,106	987,559	999,551	4.12%	1.21%
		Rural Arterial Trust Account	14,311,974	25,512,508	24,155,072	24,155,072	68.78%	0.00%
		Total	**15,271,980**	**26,572,614**	**25,142,631**	**25,154,623**	**64.71%**	**0.05%**

Agency Request

Includes carry forward from 87-89 ..... $ 11 M

Governor Proposal

Adjusts carry forward req to tie to current revenue forecast..... $(1.4 M)

Across the board 1.2% cut..... (.01 M)

As Passed Legislature on May 10, 1989

Restores 1.2% OFM cut..... $ .01 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
5	Op	Transportation Improvement Board						
		Transportation Improvement Acct	0	0	28,800,000	0	N/A	-100.00%
		Urban Arterial Trust Acct.	61,510,441	50,976,600	50,976,600	50,976,600	-17.13%	0.00%
		Total	**61,510,441**	**50,976,600**	**79,776,600**	**50,976,600**	**-17.13%**	**-36.10%**

Agency Request

Includes carry forward for ongoing projects ..... $ 31 M
Includes for new project starts ..... 20 M
Sells remaining bond authorization ..... 28 M

(Not shown is $57.7 M for debt service which is found in the Gen. Fund budget)

Governor Proposal

Concurs with carry forward request.
Concurs with project starts request
Concurs with selling of bonds

Includes new revenue for the TIA contingent upon passage of transp revenue bill ..... $28.8 M

As Passed Legislature on May 10, 1989

Assumes no new revenues for TIA ..... $(28.8 M)

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
6	Op	Washington State Patrol - Field Operations						
		Highway Account-state	97,024,830	121,154,640	108,693,863	110,690,369	14.08%	1.84%
		Highway Account-federal	2,737,486	3,066,233	2,929,646	2,965,228	8.32%	1.21%
		Motor Vehicle Fund-State	475,601	1,215,919	388,274	392,989	-17.37%	1.21%
		Public Safety Ed. Acct.	0	414,460	0	0	N/A	N/A
		General Fund-state	0	0	0	300,000	N/A	N/A
		Total	**100,237,917**	**125,851,252**	**112,011,783**	**114,348,586**	**14.08%**	**2.09%**

Agency Request

Adds carry forward of costs	$ 8.0 M
Adds 99 traffic troopers	7.6 M
Adds clerks/evidence techs to free up troopers	1.1 M
For Assistance Patrol on passes/beaches	.3 M
Adds tow truck inspectors	.8 M
Adds Commercial Vehicle Enforcemnt Officers	1.3 M
Adds Port of Entry clerks	.4 M
Adds VIN staff inspectors	.6 M
Upgrades shotguns and pistols	.4 M
PICS computer system	.7 M
Adds license fraud investigators	.6 M
For new breathalyzer, support costs	.1 M
Replaces airplane using 5 yr lease/purchase	1.8 M

Governor Proposal

Reduces carry forward of costs	$(2.1 M)
Reduces request to 28 troopers	(5.6 M)
Reduces clerk/evidence tech request	(.3 M)
Eliminates Assistance Patrol request	(.3 M)
Eliminates tow truck inspctr request	(.8 M)
Reduces request for CVE Officers	(1.0 M)
Eliminates Port of Entry request	(.4 M)
Eliminates VIN staffing request	(.6 M)
Upgrades pistols only	(.1 M)
Concurs with Agency Request for PIC	
Reduces license fraud request	(.3 M)
Eliminates breathalyzer request	(.1 M)
Concurs with Agcy Req for aircraft	
Takes 1.2% across the board cut	(1.3 M)

As Passed Legislature on May 10, 1989

Concurs w/Gov for carry forward	
Concurs with 28 addtl troopers	
Concurs w/Gov for clerk/tech req	
Concurs w/Gov for Asst Patrol req	
Adds 5 tow truck inspector	$ .6 M
Reinstate CVEO req for 15 ofcrs	1.0 M
Concurs w/Gov for Port of Entry	
Reinstates VIN request	.6 M
Concurs w/Gov for weapons req	
Concurs w/Gov for PICS request	
Adds GF-S for lic fraud request	.3 M
Concurs w/Gov for BReathalyzer req	
Cuts aircraft request	(1.8 M)
Restores 1.2% OFM cut	1.3 M
Adds aircraft repairs	.3 M

Assumes addtl 3% salary increase effective Jan 1, 1900 and Jan 1, 1991 on top of increases provided for in GF budget

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
7	Op	Washington State Patrol - Support Services Bureau						
		Highway Account - State	42,692,337	51,626,852	47,701,368	48,210,204	12.92%	1.07%
		Public Safety Ed. Acct.	0	168,966	0	0	N/A	N/A
		Total	**42,692,337**	**51,795,818**	**47,701,368**	**48,210,204**	**12.92%**	**1.07%**

Agency Request

Adds carry forward of costs ..... $ 3.1 M
Adds financial accountability staff ..... .5 M
Adds labor relations officers ..... .4 M
Adds Public Information Officers ..... .2 M
Adds Communications Officers ..... .5 M
Adds maintenance staff positions ..... 1.5 M
Adds microwave paths ..... .4 M
Adds communications equipment ..... 2.5 M
Adds for PICS ..... (.8 M)
(Cuts PICS by ($2.6 M) and adds $1.8 M)

Governor Proposal

Reduces carry forward of costs ..... $(.6 M)
Reduces financl accountability req. ..... (.3 M)
Reduces labor relations request ..... (.3 M)
Eliminates Public Info Officers req ..... (.2 M)
Eliminates Communications Ofcrs req ..... (.5 M)
Reduces maintenance staff request ..... (1.0 M)
Reduces microwave path request ..... (.2 M)
Reduces communications eqpt request ..... (.1 M)
Same net decrease for PICS .....
(Cuts PICS ($3.0 M) and adds $2.2 M)
Takes 1.2% across the board cut ..... (.5 M)

As Passed Legislature on May 10, 1989

Concurs with Gov on all changes except restoration of 1.2% OFM cut ..... $ .5 M

TOTAL WASHINGTON STATE PATROL	**142,930,254**	**177,647,070**	**159,713,151**	**162,558,790**	**13.73%**	**1.78%**

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
9	Op	Department of Licensing - Vehicle Services						
		Motor Vehicle Fund - State	37,396,693	33,628,239	31,563,152	32,607,339	-12.81%	3.31%
		Wildlife Acct. - State	399,983	433,512	416,132	421,186	5.30%	1.21%
		Total	**37,796,676**	**34,061,751**	**31,979,284**	**33,028,525**	**-12.62%**	**3.28%**

Agency Request

Adds carry forward of costs	$ 2.1 M
Decrease for CAAP	(9.2 M)
Adds CAAP development	1.5 M
Adds front license tabs	.4 M
Adds 3 clerks for title matching	.1 M
Adds for mailing of tax schedules	.1 M
Adds for fuel tax computerization	.1 M
Transfers 6 FTEs to Business License Services	(.3 M)

Governor Proposal

Reduces carry forward of costs	$ (.4 M)
Concurs with Agcy Req for CAAP	
Concurs with Agcy Req for CAAP dev.	
Eliminates front license tab reques	(.4 M)
Eliminates title matching request	(.1 M)
Eliminates tax schedule request	(.1 M)
Concurs with computerization reques	
Reduces FTE transfers by 2	.1 M
Takes 1.2% across the board cut	(.4 M)

As Passed Legislature on May 10, 1989

Concurs w/Gov for carry forward	
Concurs w/Gov for CAAP	
Concurs w/Gov for CAAP dev	
Reinstates license tab request	$ .4 M
Concurs w/Gov for title matching	
Restores tax schedule request	.1 M
Concurs w/Gov for computerization	
Eliminates last 4 transfers to BLS	.2 M
Restores 1.2% OFM cut	.4 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
10	Op	Department of Licensing - Driver Services						
		Public Safety and Ed. Acct.	3,353,605	3,412,942	3,371,987	3,412,942	1.77%	1.21%
		Highway Safety Fund - State	31,061,598	35,388,163	32,162,924	35,321,479	13.71%	9.82%
		Highway Safety Fund - Federal	290,155	0	0	0	-100.00%	N/A
		Motorcycle Safety Ed. Acct.	612,541	975,961	820,533	1,037,499	69.38%	26.44%
		Total	**35,317,899**	**39,777,066**	**36,355,444**	**39,771,920**	**12.61%**	**9.40%**

Agency Request

Adds carry forward of costs ..... $ 2.1 M
Adds Commercial Drivers License Program ..... 1.1 M
Adds 5 Driver Responsibility staff ..... .3 M
Adds 3 Drivers License Examination stations ..... .8 M

Governor Proposal

Reduces carry forward of costs ..... $ (.5 M)
Eliminates CDL Program request ..... (1.1 M)
Cuts Driver Resp request to 3 staff ..... (.1 M)
Cuts 1 DLE station ..... (.2 M)
Takes 1.2% across the board cut ..... (.4 M)

As Passed Legislature on May 10, 1989

Concurs w/Gov for carry forward .....
Restores/augments CDL request ..... $ 3.3 M
Concurs w/Gov for Driver Resp req. .....
Concurs w/Gov for DLE station req. .....
Restores 1.2% OFM cut ..... .4 M
Includes new photo lic savings ..... (.4 M)
Adds motorcycle awareness program ..... .2 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
11	Op	Department of Licensing - Management and Support Services						
		Wildlife Acct. - State	7,176	7,326	7,238	7,238	0.86%	0.00%
		Highway Safety Fund - State	7,264,894	8,619,999	7,888,963	7,027,608	-3.27%	-10.92%
		Motor Vehicle Fund - State	3,924,146	4,231,701	4,106,830	3,378,999	-13.89%	-17.72%
		Public Safety & Education	0	0	0	611,678	N/A	N/A
		Total	**11,196,216**	**12,859,026**	**12,003,031**	**11,025,523**	**-1.52%**	**-8.14%**

Agency Request

Adds carry forward of costs ..... $ .9 M
Adds Attorney General services..... .4 M
Adds 2 staff for Property Management..... .1 M

Governor Proposal

Reduces carry forward of costs ..... $ (.3 M)
Cuts A.G. services request..... (.2 M)
Concurs with Agcy Req for Prop Mgmt .....
Takes 1.2% across the board cut ..... (.1 M)

As Passed Legislature on May 10, 1989

Concurs w/Gov for carry forward.....
Eliminate A.G. services request.....$(.2 M)
Eliminates Prop Mgt staff request ..... (.1 M)
Does not restore 1.2% cut.....
Cuts A.G. FTE's for dealer/mfg control..... (.2 M)
Shifts overhead costs to FG from MVF
per cost accounting findings ..... (.5 M)

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
12	OP	Department of Licensing - Information Systems						
		Wildlife Acct. - State	4,088	4,145	3,973	4,041	-1.15%	1.71%
		Highway Safety Fund - State	4,945,889	5,752,092	5,008,287	4,815,059	-2.65%	-3.86%
		Motor Vehicle Fund - State	14,172,665	19,392,629	18,636,473	15,191,175	7.19%	-18.49%
		Public Safety & Education	0	0	0	390,162	N/A	N/A
		Total	**19,122,642**	**25,148,866**	**23,648,733**	**20,400,437**	**6.68%**	**-13.74%**

Agency Request

Adds carry forward of costs ..... $ .6 M
Adds Commercial Drivers License Program ..... .4 M
Adds CAAP. ..... 5.5 M
Cuts one-time "VDI" costs ..... (1.7 M)
Adds back for "VDI" completion ..... .8 M
Adds 5.5 FTEs (1990) for Strategic Planning ..... .5 M
Adds for data processing ..... 1.0 M
Adds for DP storage ..... .5 M
Cuts for savings resulting from CAAP ..... (1.M)

Governor Proposal

Reduces carry forward of costs ..... $ (.1 M)
Eliminates CDL Program request ..... (.4 M)
Concurs with Agcy Request for CAAP .....
Concurs with Agcy Req for "VDI" .....
Concurs with Agcy Req for "VDI" .....
Concurs with Agcy Req for Strat Pln .....
Concurs with Agcy Req for data proc .....
Concurs with Agcy Req for DP storag .....
Takes 1.2% across the board cut ..... (.3 M)

As Passed Legislature on May 10, 1989

Concures w/Gov for carry forward .....
Restores CDL Program request ..... $ .4 M
Concurs w/Gov for CAAP .....
Eliminates "VDI" assuming repeal of HB 1107 requirements set forth in SB 5443 ..... (.8 M)
Cuts strategic planning request ..... (.3 M)
Concurs w/Gov for data proc .....
Eliminates DP storage ..... (.5 M)
Restores 1.2% OFM cut ..... .3 M
Adds policy/budget analyst ..... .1 M
Shifts overhead costs to GF from MVF per cost accounting findings ..... (2.5 M)

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
	Op	Department of Licensing-business Licenses						
		Motor Vehicle Fund - State	0	311,555	203,966	0	N/A	-100.00%
		Total	**0**	**311,555**	**203,966**	**0**	**N/A**	**-100.00%**

Agency Request
Adds 6 FTE transfers from Veh Services ..... $ .3 M

Governor Proposal
Cuts 2 FTE transfers from Veh Svcs..... $(.1 M)

As Passed Legislature on May 10, 1989
Eliminates last 4 vs transfers ..... $(.2 M)

DEPARTMENT OF LICENSING TOTAL	**103,433,433**	**112,158,264**	**104,190,458**	**104,226,405**	**0.77%**	**0.03%**

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
13	Op	Legislative Transportation Committee						
		Motor Vehicle Fund - State	2,319,395	2,400,000	2,400,000	2,525,000	8.86%	5.21%
		WSP Hywy Acct - State	0	0	0	100,000	N/A	N/A
		Total	**2,319,395**	**2,400,000**	**2,400,000**	**2,625,000**	**13.18%**	**9.38%**

Agency Request

No Significant Changes from 1987-89 .....

Governor Proposal

No Significant Changes from Agency Request.....

As Passed Legislature on May 10, 1989

Adds salary survey of local law enforcement officers ..... $ .10 M
Adds study of gas pricing ..... .05 M
Adds study of efficiency and effectiveness of state transp programs ..... .07 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
15	OP	Marine Employees Commission						
		Ferry System Fund	206,301	214,994	214,896	0	-100.00%	-100.00%
		Puget Sound Ferry Operations Acct.	88,418	92,142	92,101	306,997	247.21%	233.33%
		Total	**294,719**	**307,136**	**306,997**	**306,997**	**4.17%**	**0.00%**

Agency Request
No Significant Changes from 1987-89

Governor Proposal
No Significant Changes from Agency Request

As Passed Legislature on May 10, 1989
Transfers Ferry Fund approp to PSFOA

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature On May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
16	Op	Transportation Commission						
		Aeronautics Acct.-state	1,019	1,480	1,460	1,184	16.19%	-18.90%
		General Fund-state	1,651	2,839	2,797	2,269	37.43%	-18.88%
		Puget Sound Cap. Const. Acct.	23,633	39,211	37,169	31,349	32.65%	-15.66%
		Puget Sound Ferry Operations Acct.	14,599	19,974	19,178	53,160	264.13%	177.19%
		Motor Vehicle Fund-state	424,739	532,520	504,468	425,024	0.07%	-15.75%
		Ferry System Fund	34,065	46,600	43,914	0	-100.00%	-100.00%
		Total	**499,706**	**642,624**	**608,986**	**512,986**	**2.66%**	**-15.76%**

Agency Request

Adds staff analyst ..... $ .12 M

Governor Proposal

Reduces request for staff analyst ..... $ (.02 M)
1.2% across the board cut ..... (.01 M)

As Passed Legislature on May 10, 1989

Eliminates staff analysts request ..... $ (.10 M)
Does not restore 1.2% OFM cut.....
Transfers Ferry Fund approp to PSFOA

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
17	Cap	Department of Transportation						
		Highway Construction - Program A						
		Motor Vehicle Fund-State	108,000,000	124,000,000	124,000,000	124,000,000	14.81%	0.00%
		Motor Vehicle Fund-fed./loc.	82,000,000	82,000,000	82,000,000	82,000,000	0.00%	0.00%
		Total	**190,000,000**	**206,000,000**	**206,000,000**	**206,000,000**	**8.42%**	**0.00%**

Agency Request

No Significant Changes from 1987-89

Governor Proposal

No Significant Changes from Agency Request

As Passed Legislature on May 10, 1989

No Significant Changes from Governor Proposal

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
18	Cap	Department of Transportation						
		Highway Construction - Program B						
		Motor Vehicle Fund - State	57,090,300	50,000,000	50,000,000	52,000,000	-8.92%	4.00%
		Motor Vehicle Fund - Fed./loc.	508,500,000	454,000,000	454,000,000	478,000,000	-6.00%	5.29%
		Total	**565,590,300**	**504,000,000**	**504,000,000**	**530,000,000**	**-6.29%**	**5.16%**

Agency Request

No Significant Changes from 1987-89

Governor Proposal

No Significant Changes from Agency Request

As Passed Legislature on May 10, 1989

Adds $2 M MVF-S and $24 M MVF-F based on unanticipated federal receipts

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
19	Cap	Department of Transportation						
		Highway Construction - Program C						
		Motor Vehicle Fund - State	84,623,000	167,000,000	167,000,000	34,750,000	-58.94%	-79.19%
		Motor Vehicle Fund - Loc.	2,000,000	1,000,000	1,000,000	1,000,000	-50.00%	0.00%
		Total	**86,623,000**	**168,000,000**	**168,000,000**	**35,750,000**	**-58.73%**	**-78.72%**

Agency Request

Includes $ 8.0 M for Super Cat C ..... $ 8.0 M

Requires additional revenue to fund
$168 M program (assumes passage of gas tax)

Governor Proposal

No Significant Changes from Agency Request

As Passed Legislature on May 10, 1989

Assumes no increased revenues.
Brings Cat C Program to close.
Only "work in progress" projects are completed.
Transfers $750,000 1st Ave. So Bridge matching funds from supplemental budget to MVF - S.

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
20	Cap & Op	Department of Transportation Construction Mgmt.& Support - Program D						
		Motor Vehicle Fund-state	54,746,535	60,075,384	55,333,294	58,608,867	7.05%	5.92%
		Transp Capital Facilities Acct	0	0	0	1,000,000	N/A	N/A
		Total	**54,746,535**	**60,075,384**	**55,333,294**	**59,608,867**	**8.88%**	**7.73%**

Agency Request

Includes 5% Commission reduction ..... $ (1.0 M)
Includes $ 3.7 M for capital facilities ..... 3.7 M

Governor Proposal

Cuts capital facilities request ..... $ (3.7 M)
1.2% across the board cut ..... (.6 M)

As Passed Legislature on May 10, 1989

Restores capital facialities req ..... $ 3.7 M
Restores 1.2% OFM cut ..... .6 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
21	Op	Department Of Transportation						
		Aeronautics - Program F						
&		Aeronautics Acct. - State	2,615,652	3,093,984	2,996,298	3,030,407	15.86%	1.14%
		Aeronautics Acct. - Fed.	902,460	598,165	654,368	661,451	-26.71%	1.08%
22		Aeronautics Acct. - Loc.	0	0	0	0	N/A	N/A
		Search & Rescue Acct.	110,495	116,649	115,230	116,633	5.56%	1.22%
		General Fund - State	0	0	0	75,000	N/A	N/A
		Total	**3,628,607**	**3,808,798**	**3,765,896**	**3,883,491**	**7.02%**	**3.12%**

Agency Request

Adds for replacement aircraft..... $ .2 M
Includes 5% Commission reduction ..... (.03 M)

Governor Proposal

Concurs with aircraft request.....
1.2% across the board cut..... $ (.04 M)

As Passed Legislature on May 10, 1989

Concurs wiwth aircraft request.....
Restores 1.2% OFM cut.....$ .04 M
Adds air cargo and passenger capacity study..... .08 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
23	Cap	Department of Transportation						
		Economic Traffic Op. Imp. - Program G						
		Economic Dev. Acct. - State	2,600,000	7,000,000	7,000,000	7,000,000	169.23%	0.00%
		Total	**2,600,000**	**7,000,000**	**7,000,000**	**7,000,000**	**169.23%**	**0.00%**

Agency Request

Appropriates remaining bond authorization

Governor Proposal

No Significant Changes from Agency Request

As Passed Legislature on May 10, 1989

No Significant Changes from Governor Proposal

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
24	Cap	Department of Transportation						
		Bridge Replacement - Program H						
		Motor Vehicle Fund - State	22,500,000	26,000,000	26,000,000	26,000,000	15.56%	0.00%
		Motor Vehicle Fund - Fed./loc.	28,200,000	34,000,000	34,000,000	34,000,000	20.57%	0.00%
		Total	**50,700,000**	**60,000,000**	**60,000,000**	**60,000,000**	**18.34%**	**0.00%**

Agency Request

No Significant Changes from 1987-89

Governor Proposal

No Significant Changes from Agency Request

As Passed Legislature on May 10, 1989

No Significant Changes from Governor Proposal

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
25	Op	Department of Transportation						
		Maintenance - Program M						
		Motor Vehicle Fund - State	173,542,425	198,047,924	190,068,298	191,946,680	10.61%	0.99%
		Motor Vehicle Fund - Fed./loc.	50,000	60,000	69,161	69,161	38.32%	0.00%
		Total	**173,592,425**	**198,107,924**	**190,137,459**	**192,015,841**	**10.61%**	**0.99%**

Agency Request

Includes 5% Commission cut ..... $ (1.9 M)
Adds for "FAME" ..... 1.0 M
Adds for maintenance on I-90 ..... 4.1 M
Adds for public damages ..... .3 M
Adds for utility location services ..... .4 M
Adds for higher contract agent fees (EHB 1502) ..... .2 M
Adds for traffic signals ..... .5 M
Adds for Snow and Ice ..... 5.4 M

Adds for maint of additional miles (not I-90) ..... .7 M
Adds for sand ..... 1.2 M

Governor Proposal

Reduces "FAME" ..... $ (.3 M)
Concurs with I-90 maint request .....
Eliminates public damages request ..... (.3 M)
Concurs with utilty location request .....
Concurs with contract agent fee request .....
Concurs with traffic signals request .....
Reduces Snow and Ice request ..... (3.2 M)

Concurs with non I-90 maint request .....
Reduces sand request ..... (.4 M)
1.2% across the board cut ..... (2.2 M)

As Passed Legislature on May 10, 1989

Restores "FAME" cut made by Gov ..... $ .3 M
Concurs wiith I-90 maint request .....
Concurs w/Gov for public damages .....
Concurs with utility location req. .....
Concurs with contract agent req. .....
Concurs with traffic signals req. .....
Partially restores scut made by Gov for
for Snow & Ice request ..... 1.1 M
Concurs with non I-90 maint request .....
Cuts remainder of sand request ..... (.8 M)
Restores 1.2% OFM cut (less "FAME" cost) ..... 1.3 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
26	Cap & Op	Department of Transportation						
		City/county Program - Program R						
		Motor Vehicle Fund - State	1,141,000	2,164,000	2,164,000	2,273,000	99.21%	5.04%
		Motor Vehicle Fund - Fed./loc.	60,125,715	74,518,914	74,518,914	74,869,000	24.52%	0.47%
		Total	**61,266,715**	**76,682,914**	**76,682,914**	**77,142,000**	**25.91%**	**0.60%**

Agency Request

Includes 5% Commission cuts ..... $ (.04 M)

Governor Proposal

No Significant Changes from Agency Request .....

As Passed Legislature on May 10, 1989

Adds carry forward for inspection of fiber optic installations ..... $ .4 M

Adds biennialization of ferry operating subside for Puget Island-Westport ferry ..... .1 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
27	Op	Department Of Transportation						
		Exec. Mgmt. & Mgmt. Services - Program S						
		Aeronautics Acct. - State	9,371	15,215	14,222	14,391	53.57%	1.19%
		General Fund - State	15,194	27,655	25,844	26,152	72.12%	1.19%
		Puget Sound Cap. Const. Acct. - State	217,442	405,532	378,999	383,510	76.37%	1.19%
		Puget Sound Ferry Op. Acct. - State	459,076	248,159	234,392	784,107	70.80%	234.53%
		Ferry System Fund	1,071,178	579,037	546,915	0	-100.00%	-100.00%
		Motor Vehicle Fund - State	24,575,753	28,950,448	28,001,725	30,044,558	22.25%	7.30%
		Total	**26,348,014**	**30,226,046**	**29,202,097**	**31,252,718**	**18.62%**	**7.02%**

Agency Request

Includes 5% Commission cut ..... $ (.5 M)
Adds for Economic Development Affairs position.. .1 M
Adds for improvements to public sfty ..... .1 M
Adds for systems development ..... .2 M
Adds for Administrative Procedures .....
Act coordinator and staff ..... .2 M

Governor Proposal

Concurs with Econ Dev Affairs req.....
Eliminates public safety request .....$ (.1 M)
Eliminates systems dev request ..... (.2 M)
Eliminates Admin Procedures Act.....
staff request. ..... (.2 M)
1.2% across the board cut. ..... (.3 M)

As Passed Legislature on May 10, 1989

Concurs with Econ Dev Affairs req. .....
Concurs w/Gov for public safety .....
Concurs w/Gov for systems dev .....
Concurs w/Gov for Admin Procedures
Act request .....
Restores 1.2% cut ..... $ .3 M
Adds reapprop for accounting syst..... .8 M
Adds for Transportation Executive
Information System ..... .8 M
Adds Minority affairs officer ..... .1 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
28	Op	Department of Transportation						
		Planning & Public Trans. - Program T						
		General Fund-state	580,599	1,200,109	579,800	629,800	8.47%	8.62%
		General Fund-fed./loc.	5,461,276	5,535,344	5,466,819	5,466,819	0.10%	0.00%
		Motor Vehicle Fund-state	6,486,018	9,624,505	7,952,344	8,637,774	33.18%	8.62%
		Motor Vehicle Fund-fed.	10,436,457	10,620,074	10,602,769	10,463,549	0.26%	-1.31%
		High Capacity Transp. Acct.	0	0	8,061,139	8,561,139	N/A	6.20%
		Total	**22,964,350**	**26,980,032**	**32,662,871**	**33,759,081**	**47.01%**	**3.36%**

Agency Request

Includes 5% Commission cut.....$ (.4 M)
Adds for Vehicle Weight Classification eqpt ..... .6 M
Adds for Route Dev Planning & I4-R Needs Study .5 M
(plus .9 M if addtl revenues are available)
Adds for Traffic Analysis..... .1 M
(plus .1 M if addtl revenues are available)
Adds to replace telemetry equipment..... .2 M
(conditional upon addtl revenues) .....

Governor Proposal

Concurs with eqpt request .....
Concurs with planning request.....
(Eliminates additional request)
Concurs with Traffic Analysis req .....
(Eliminates additional request)
Eliminates telemetry eqpt request .....$ (.2 M)
Adds for State Freight Rail (RDA)..... .4 M
(also 6.9 M in Gen Fund bond authorization)
Adds for Light Rail (RDA)..... 7.6 M
1.2% across the board cut..... (.3 M)

As Passed Legislature on May 10, 1989

Concurs with eqpt request .....
Adds to I-4R Study/Rt Dev Plng req.....$ .3 M

Concurs w/Gov for Traffic Analyssis.....
(Eliminates additional request)
Concurs w/Gov for telemetry eqpt .....
Concurs w/Gov for State Freight Rail (RDA).....

Concurs w/Gov for Light Rail (RDA).....
Restores 1.2% OFM cut..... .3 M
Adds RDA approp for Amtrak ..... . .5 M
Adds transit analyst (split between
GF and MVF-S) ..... .1 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
29	Op	Department of Transportation						
		Charges From Other Agencies - Program U						
		Motor Vehicle Fund-state	7,331,919	7,537,094	10,607,946	10,607,946	44.68%	0.00%
		Total	**7,331,919**	**7,537,094**	**10,607,946**	**10,607,946**	**44.68%**	**0.00%**

Agency Request

No Significant Changes

Governor Proposal

Adds for Attorney General charges ..... $ 2.9 M
1.2% across the board reduction ..... (.1 M)

As Passed Legislature on May 10, 1989

No Significant Changes from Governor Proposal

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
30	Cap	Department of Transportation						
		Marine Division (capital) - Program W						
		Puget Sound Cap. Const. Acct. - State	70,508,731	98,147,000	91,156,000	98,930,400	40.31%	8.53%
		Puget Sound Cap. Const. Acct. - Fed.	8,500,000	11,600,000	11,600,000	14,200,000	67.06%	22.41%
		Total	**79,008,731**	**109,747,000**	**102,756,000**	**113,130,400**	**43.19%**	**10.10%**

Agency Request

Assumes transfer from Operating to Capital..... $ 15 M
Adds for one Passenger Only vessel..... 2.9 M
Adds for vessel work..... 58 M
Adds for terminal work..... 44 M

Governor Proposal

Concurs with transfer .....
Concurs with Passngr Only vessel req .....
Concurs with vessel work request.....
Concurs with terminal work request .....
Cut due to forecast adjustment ..... ($ 7 M)
(adjusts to available revenue)

As Passed Legislature on May 10, 1989

Increase due to revised revenue forecast to be used for expansion of Eagle Harbor Shipyard.....$ 1.5 M
Increase due to revised revenue forecast for Super Ferry refurbishment ..... 2.7 M
Carry forward from 1987-89 for work shifted to 89-91 ..... 7.5 M
Does not fund state share of Passenger only vessel..... (.6 M)
Does not fund Seattle terminal work associated with Passenger Only vessel..... (.8 M)

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
31	Op	Department of Transportation						
		Marine Division (operations) - Program X						
		Puget Sound Ferry Oper. Acct. - State	45,402,882	51,638,886	51,501,250	0	-100.00%	-100.00%
		Ferry System Fund - State	105,940,058	120,491,905	119,911,107	167,808,589	58.40%	39.94%
		Total	**151,342,940**	**172,130,791**	**171,412,357**	**167,808,589**	**10.88%**	**-2.10%**

Agency Request

Includes 5% Commission reduction ..... $ (.6 M)
Transfer from Operating to Capital ..... (15 M)
Adds for vessel route increases ..... 3.4 M
Adds for addtl Passenger Only svc ..... 4.8 M
Adds for terminal service increases ..... .4 M
Adds for marine training ..... .4 M
Adds for Sea Trials. ..... .6 M
Assumes no fare increases .....
Includes continuation of .1% MVET .....

Governor Proposal

Concurs with transfer .....
Concurs with vessel route request .....
Concurs with Passngr Only request .....
Concurs with terminal svc request .....
Concurs with marine training request .....
Concurs with Sea Trials request .....
Does not take across board 1.2% cut .....

As Passed Legislature on May 10, 1989

Places entire approp in Ferry Fund with proviso that PSFOA funds are transferred to the Ferry Fund

Applied Jan. Commission changes:
a) PERS rate correction ..... $ .1 M
b) Completion of payroll system ..... 1.0 M
c) Inflation adjustment ..... .3 M
d) Continue staff master pgm ..... .1 M
Adds Edmonds/Kingston and Anacortes/San Juan inter-island srvc enhancements ..... 3.6 M
Eliminates Passenger Only service and associated terminal service ..... (5.2 M)
Eliminates most vessel route increases ..... (3.4 M)

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
32	Cap & Op	Department of Transportation						
		State Aid - Program Z						
		Motor Vehicle Fund - State	7,067,859	6,457,724	3,456,591	6,456,591	-8.65%	86.79%
		Motor Vehicle Fund - Loc./fed.	113,062,528	125,172,693	125,172,693	125,172,693	10.71%	0.00%
		Energy Acct.	395,928	0	0	0	-100.00%	N/A
		Total	**120,526,315**	**131,630,417**	**128,629,284**	**131,629,284**	**9.21%**	**2.33%**

Agency Request

Includes 5% Commission cut.....$ (.3 M)
Adds for Homeport..... 7.0 M
Adds for Special Studies ..... 3.0 M

Governor Proposal

Concurs with Homeport request.....
Eliminates Special Studies request..... $ (3.0 M)
Does not take 1.2% cut

As Passed Legislature on May 10, 1989

Restores City/County/State special studies.....$ 3.0 M

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
33	Op	Department of Transportation						
		Minority Training - Program 090						
		General Fund - Fed.	497,185	400,000	395,201	400,000	-19.55%	1.21%
		Total	**497,185**	**400,000**	**395,201**	**400,000**	**-19.55%**	**1.21%**

Agency Request

No Significant Changes from 1987-89

Governor Proposal

1.2% across the board cut ..... $(.005 M)

Restores 1.2% acaross board cut ..... $.005 M

TOTAL DEPARTMENT OF TRANSPORTATION	**1,596,767,036**	**1,762,326,400**	**1,746,585,319**	**1,659,988,217**	**3.96%**	**-4.96%**

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
Special Appropriations To Governor								
34		Special Approp. to Gov. - Everett Homeport						
		Motor Vehicle Fund - State	3,500,000	0	6,000,000	3,200,000	-8.57%	-46.67%
		Total	**3,500,000**	**0**	**6,000,000**	**3,200,000**	**-8.57%**	**-46.67%**

Agency Request

No Request

Governor Proposal

Total requested ..... $6.0 M
(Also $ 7 M MVF-F in DOT's Prog. Z)

As Passed Legislature on May 10, 1989

Reduces Gov request by ($2.8 M) to reflect better estimates

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
34		Special Approp.to Gov.- Puyallup Tribal Settl.						
		Motor Vehicle Fund-state	0	0	6,658,000	6,658,000	N/A	0.00%
		Total	**0**	**0**	**6,658,000**	**6,658,000**	**N/A**	**0.00%**

Agency Request

Not Applicable

Governor Proposal

Adds for settlement of tribal claims to land formerly lying beneath the Puyallup River..... $6.7 M

As Passed Legislature on May 10, 1989

Includes $6.7 M appropriation for settlement

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
Washington State Patrol Capital Budget								
47		State Patrol Spokane Headquarters St Patrol Hywy Acct	2,291,000	100,000	100,000	100,000	Reappropriation: $100,000 Total Costs: $2,391,000	
		Total	2,291,000	100,000	100,000	100,000	Completed in 1989-91	
48		State Patrol Detachment Office - Mt. Vernon St Patrol Hywy Acct	539,000	100,000	100,000	100,000	Reappropriation: $100,000 Total Costs: $639,000	
		Total	539,000	100,000	100,000	100,000	Completed in 1989-91	
49		State Patrol Asbestos Abatement - Academy St Patrol Hywy Acct	3,000	256,800	256,800	256,800	New Approp: $256,800 Total Costs: $259,800	
		Total	3,000	256,800	256,800	256,800	Completed in 1989-91	
50		State Patrol Communications Tower - Bremerton St Patrol Hywy Acct	0	241,900	241,900	241,900	New Approp: $241,900 Total Costs: $241,900	
		Total	0	241,900	241,900	241,900	Completed in 1989-91	

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
51		State Patrol Small Repairs St Patrol Hywy Acct	133,000	140,600	140,600	140,600	New Approp: $140,600 Total Costs: $140,600	
		Total	133,000	140,600	140,600	140,600	Completed in 1989-91	
52		State Patrol Minor Works St Patrol Hywy Acct	868,000	1,600,000	1,600,000	1,600,000	New Approp: $1,600,000 Total Costs: $1,600,000	
		Total	868,000	1,600,000	1,600,000	1,600,000	Completed in 1989-91	
53		State Patrol Communications Center - Vancouver St Patrol Hywy Acct	4,000	239,700	239,700	239,700	New Approp: $239,700 Total Costs: $243,700	
		Total	4,000	239,700	239,700	239,700	Completed in 1989-91	
54		State Patrol Property Acquisition - Tacoma St Patrol Hywy Acct	53,000	750,000	750,000	750,000	New Approp: $750,000 Total Costs: $803,000	
		Total	53,000	750,000	750,000	750,000	Completed in 1989-91	
55		State Patrol Everett Headquarters St Patrol Hywy Acct	53,000	3,500,000	3,500,000	3,500,000	New Approp: $3,500,000 Total Costs: $3,553,000	
		Total	53,000	3,500,000	3,500,000	3,500,000	Completed in 1989-91	

Transportation Budget - 1989-91
ReESSB 5373

As Passed Legislature on May 10, 1989

Sec	Op or Cap	Agency Fund	Estimated 1987-89	Agency Request	Governor Proposal	As Passed Legislature	Legislature vs 87-89 % Change	Legislature vs Governor % Change
56		State Patrol Olympia Headquarters WSP Construction Acct	0	24,000,000	24,000,000	100,000	New Approp: $24,000,000 Total Costs: $24,000,000	
		Total	0	24,000,000	24,000,000	100,000	Completed in 1989-91 100,000 approp is for prelim plng of HQ bldg	
		State Patrol Training Academy -Public Safety & Education Acct	673,000	100,000	100,000	0	Total Costs: $673,000	
		Total	673,000	100,000	100,000	0	Completion date revised 100,000 reapprop no longer needed	
57		State Patrol Emergency Vehicle OP. Course Public Safety And Education Account	607,000	500,000	500,000	500,000	Reappropriation: $500,000 Total Costs: $1,107,000	
		Total	607,000	500,000	500,000	500,000	Completed in 1989-91	
		Completed Projects, 1987-89 St Patrol Hywy Acct	4,732,000					
		Total	4,732,000					
		TOTAL WSP CAPITAL BUDGET	**7,665,000**	**31,429,000**	**31,429,000**	**7,429,000**		

Sunset Legislation

Background: The Washington State Sunset Act (Chapter 43.131 RCW) was adopted in 1977 as a means to improve legislative oversight of state agencies and programs. The sunset process provides an automatic termination of selected state agencies, programs and statutes. One year prior to termination, program and fiscal reviews are conducted by the Legislative Budget Committee (LBC) and the Office of Financial Management. The program reviews are intended to assist the Legislature in determining whether agencies and programs should be allowed to terminate automatically or be reauthorized by legislative action in either their current or a modified form prior to the termination date. This report includes program terminations that do not have sunset reviews.

Session Summary: The Legislative Budget Committee submitted three performance audit reports to the Legislature in 1989. The reports covered the Washington School Directors' Association, the Washington Council for the Prevention of Child Abuse and Neglect, and the Hospital Commission, each scheduled to terminate June 30, 1989. Legislation was enacted adding one program to the sunset process and extending the sunset dates of two programs. In addition, nine programs had termination dates extended, established, or shortened without provision for sunset review.

Programs With Sunset Dates Extended

Washington Council for Prevention of Child Abuse and Neglect
Extended to June 30, 1994 — SSB 5048 (C 304 L 89)

Washington School Directors' Association
Extended to June 30, 1998 — SSB 5859 (C 325 L 89)

New Programs Placed on Sunset Schedule

Federation of Washington Ports
July 1, 1994 — SSB 5648 (C 425 L 89 PV)

New Programs Terminating Without Sunset Provisions

Washington Committee for Recycling Markets
November 30, 1990 — SHB 1671 (C 431 L 89 PV)

1992 Washington Spanish Quincentennial Committee
December 31, 1992 — SCR 8412

Programs Extended Without Sunset Provisions

Joint Select Committee for Preferred Solid Waste Management
Extended to July 1, 1991 — SHB 1671 (C 431 L 89 PV)

Indeterminate Sentence Review Board
Extended to June 30, 1998 — SHB 1547 (C 259 L 89)

Indigent Defense Task Force (reinstituted and continued)
Extended to June 1990 — 2SSB 5960 (C 409 L 89)

Programs to Terminate Early, Without Sunset

1989 Washington Centennial Commission
Termination moved up to June 30, 1990 — SB 5874 (C 82 L 89 PV)

Programs Terminated Without Review

Nuclear Waste Board
June 30, 1990 — SSB 6033 (C 322 L 89)

Programs With Conditional Termination Dates, Without Sunset

Western Library Network — SSB 5168 (C 96 L 89)
Terminates June 30, 1997, if a successor organization exists or is established to provide the same services in the private sector

Washington State Honey Bee Commission — HB 1138 (C 5 L 89)
Terminates seven years after inception, if continuation is not approved by vote of members

Section II

Veto Messages

❦

House Bills
Senate Bills

The Victorian building of Chuckanut sandstone erected by Thurston County for its courthouse was used by the state legislature from March of 1904 until 1927. In 1928 fire destroyed the bell tower. The building, designated a historical site, was restored and is used for offices by the Superintendent of Public Instruction and staff.

(Photo provided by the Washington State Historical Museum.)

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STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 18 and 19, Engrossed Substitute House Bill No. 1028 entitled:

"AN ACT Relating to recreational fishing licenses."

Section 18 of this bill provides half-price hunting and fishing licenses to veterans with a service connected disability of 30 percent or greater. Section 19 of this bill creates a reduced rate ($5) steelhead punch-card for persons under 15 or 70 years and older. Currently, persons in these age brackets pay $15. To enact these sections will cause the Department of Wildlife the loss of approximately $160,000 over the next biennium.

I regret denying these groups reduced fees; however, we need to approach the issue of special groups in consistent fashion to avoid greater erosion of the funding for this department. When the Legislature created the Department of Wildlife in 1987 (HB 758), it directed the Wildlife Commission to conduct a study of license fees with its report due by July 1989. At a minimum, the Legislature should review this work before adding to the list of reduced or free licenses.

With the exception of sections 18 and 19, Engrossed Substitute House Bill No. 1028 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute House Bill No. 1031 entitled:

"AN ACT Relating to state budget request."

Over the last two years, the Legislative Budget Committee, in response to legislative request, has examined the State's Capital Budget process. Concurrently, the Office of Financial Management (OFM) has conducted similar studies. Both of these groups have expressed a need for greater technical review and analysis of capital projects by a group independent of the requesting agency. I concur with this finding. However, section 2 of this bill proposes that OFM conduct such a review of capital budget requests without providing the requisite funding in the bill or in the 1989-91 Budget. While I support the idea of additional technical review, I cannot approve section 2 without the requisite funding.

With the exception of section 2, Substitute House Bill No. 1031 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

**To the Honorable, the House
of Representatives of the
State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 16, Engrossed Substitute House Bill No. 1051 entitled:

"AN ACT Relating to developmentally disabled adults."

Section 16 of this bill amends RCW 71.05.325 relating to the release of certain committed individuals. Similar language is contained in House Bill No. 2054, section 1. To avoid confusion, I am vetoing section 16.

With the exception of section 16, Engrossed Substitute House Bill No. 1051 is approved.

Respectfully submitted,

**Booth Gardner
Governor**

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 3, Substitute House Bill No. 1065 entitled:

"AN ACT Relating to sexual offenses."

Section 1 of this measure authorizes courts to assess fees for sex offender treatment and makes such fees a priority for collection. At this time, the only assessment receiving such priority is for restitution to victims. This is proper and should be maintained. However, other recipients of court-ordered assessments, including the crime victim's compensation fund and local governments, should not be required to await payment until sex offender treatment costs are paid. This priority places an improper burden on other recipients.

In addition, section 1 conflicts with the provisions of House Bill No. 1542, section 4. That measure revises the authority of the Department of Corrections with respect to collection and distribution of financial obligations of offenders.

Section 3 amends the statute of limitations for child sexual offenses. These same provisions are amended by Senate Bill No. 5950, section 3. That measure makes additional, necessary changes to the same statute. In order to avoid confusion, I am vetoing section 3 of this act.

With the exception of sections 1 and 3, Substitute House Bill No. 1065 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1096 entitled:

"AN ACT Relating to the recording of federal liens."

This legislation requires that all notices of federal liens on personal property be filed with the Department of Licensing. While this legislation would set good precedent by requiring a consistent location for the filing of all liens, including federal liens, the fiscal impact of $135,000 is not included in the Department of Licensing's budget for the 1989-91 biennium. Although the legislation would allow the director to impose a filing fee, it does not contain an appropriation and there is no agreement to fund it in the budget. This critical oversight would require that the agency absorb the cost at the expense of other existing programs.

For this reason, I am vetoing House Bill No. 1096 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1157 entitled:

"AN ACT Relating to sole source purchasing by vocational-technical institutes."

House Bill No. 1157 grants Vocational Technical Institutes (VTIs) the authority to enter into sole source contracts for the purchase of equipment, facilities, or services when they are limited to a single source of supply. I am advised that school districts, VTIs, and other public entities already have the power to engage in sole source contracts in situations envisioned by this bill.

Since public entitites already have this power, the enactment of a sole source procedure for only one operation of a school district and not other public entities, including the other operations of a school district, could possibly be construed as negating the power already attached to these other public bodies.

To avoid this possible confusion, I believe we should retain the safeguards and protections which are provided by current law or codify new sole source provisions for all public entities.

For the reasons stated above, I am vetoing House Bill No. 1157 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 4, Substitute House Bill No. 1221 entitled:

"AN ACT Relating to auctioneers and auction companies."

An auctioneer, licensed under RCW 18.11, must comply with licensing requirements applicable to regulated "goods". As such, existing statutes require an auctioneer to obtain a vehicle dealer's license, post surety bonds, and acquire a temporary sub-agency license. These licenses ensure that the appropriate measures have been taken to protect consumers in these purchases.

This bill eliminates the temporary sub-agency license requirements, revises place of business requirements, and relaxes dealer licensing and surety bond requirements for auctioneers and auction companies. The changes provide for simplified departmental procedures while adequate consumer protection remains in effect, with one exception.

In reviewing the surety bond requirement, it is not clear why auctioneers selling mobile homes or travel trailers should not be required to post a bond comparable to those required for mobile home and travel trailer dealers. Passage of this section would not provide the public with adequate consumer protection.

With the exception of Section 4, Substitute House Bill No. 1221 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1989

**To the Honorable, the House
of Representatives of the
State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute House Bill No. 1251 entitled:

"AN ACT Relating to annexation for municipal purposes."

Substitute House Bill No. 1251 resulted from recommendations of the Local Governance Study Commission. The Commission found that Washington has comparatively restrictive annexation procedures, and that the problems of providing services to citizens in high-density unincorporated areas result in part from those restrictive procedures. The purpose of Substitute House Bill No. 1251 is to improve municipal annexation procedures and facilitate annexation of urbanized land. That is is a laudable goal and one that I fully endorse.

A portion of section 1 of the bill, which resulted from an amendment to the original bill, would have the effect of increasing the number of signatures necessary at certain times to initiate an annexatien under the petition/election method for a non-code city or town. That is contrary to the overall purpose of the legislation and the recommendations of the Local Governance Study Commission.

With the exception of section 1, Substitute House Bill No. 1251 is approved.

Respectfully submitted,

**Booth Gardner
Governor**

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 5, 1989

**To the Honorable, the House
of Representatives of the
State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 1254, entitled:

"AN ACT Relating to immunity from civil liability."

This bill was introduced as a Governor and Attorney General request bill to address concerns which arose out of a specific factual situation. A citizen reported the violation of a tax law to a state agency, the agency took enforcement action, and the party who was alleged to have violated the law sued the citizen for slander and libel even though the information reported was factual. Truth is a defense to any slander or libel lawsuit; however, the request bill allows citizens to be represented and protected against the financial cost of defending against frivolous suits. Sections 1, 2 and 4 address this situation and provide appropriate protection so citizens can feel secure in reporting possible violations of the law to regulatory agencies. The agency then can verify the facts and take appropriate action.

Section 3 was added to Substitute House Bill No. 1254 late in the session and was not subject to thorough legislative discussion and standing committee review. It provides that if an agency fails to respond to a complaint regarding a matter of concern to the agency, the person filing the complaint would be immune from civil liability on claims arising from the communication of the complaint.

I understand that the intent of this section is to ensure that good faith citizen complaints are acted upon by governmental agencies by providing immunity from suit to people who may choose to go public with their concerns. That is an admirable purpose which I support. However, I am concerned that the language used in this section could be interpreted to mean that immunity would be conferred even when statements are made that go beyond the original communication to the agency, such as inferences made about the character of an individual. These claims may arise from the communication and therefore be subject to the immunity provisions. That broadened immunity from civil action is more than what is needed in these instances.

To the Honorable, the House
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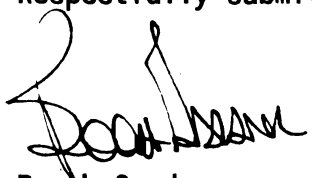
In addition, under section 3, if an agency failed to reasonably respond to a complaint, the complainant would be granted immunity to communicate to other persons information about a private individual that was actually false and damaging to the individual's reputation, as long as the complainant claimed he reasonably believed the information was true. Unfortunately, proving or in this case disproving, the complainant's state of mind is not easy. The injured individual would be precluded from taking action against the person who disseminated the false information.

Also, section 3 fails to indicate what is meant by "if an agency failed to reasonably respond to a complaint". Citizens often expect immediate responses to their complaints regardless of the complexity of the issue or the capacity of the agency to respond. The Legislature should discuss whether this kind of immunity to make false charges is good public policy or if additional safeguards or standards should be included before this provision becomes law.

With the exception of section 3, Substitute House Bill No. 1254 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

April 18,1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1289 entitled:

"AN ACT Relating to authorized business entertainment practices by liquor manufacturers, importers, or wholesalers."

House Bill No. 1289 permits manufacturers, importers and wholesalers of alcoholic beverages to give retailers and their employees, food and beverages at business meetings, tickets and transportation to athletic and other entertainment events, and food and beverages at those events. Current state liquor control laws prohibit these practices. The "tied house" provisions of the original Steele Act prohibit financial ties between retailers and their suppliers.

Proponents of this legislation maintain that the practices permitted by this bill are normal business practices that occur routinely between business people and their clients. They argue that transactions between alcoholic beverage suppliers and retailers should not be treated differently than other business transactions. However, our state treats liquor sales in a control or regulated fashion and has not adopted the open market approach used in some states.

The primary purpose of the "tied house" and other provisions of the state's liquor laws is to treat the alcoholic beverage business differently than other businesses -- and for very sound historical reasons. In the past, close financial ties between suppliers and retailers led to reduced competition and coercive sales practices. In addition, the increased cost of this proposed business entertainment will ultimately be passed on to the consuming public when they purchase these products.

To the Honorable, the House
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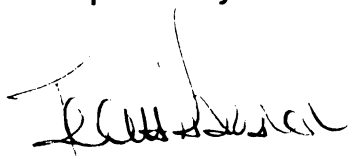
I believe it is unwise to relax the requirements of the "tied house" laws. This breach in the Steele Act could lead to further erosion of a law that has served the state well.

For this reason, I have vetoed House Bill No. 1289 in its entirety.

Respectfully submitted,



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BOOTH GARDNER
GOVERNOR

May 12, 1989

**To the Honorable, the House
of Representatives of the
State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 1301 entitled:

"AN ACT Relating to radon studies and education."

This bill requires the Department of Social and Health Services to maintain a public education program on radon gas and radon progeny. Additionally, it requires the department to study the existence of radon in schools, state buildings, and individual residential structures throughout the state. These programs are certainly laudable, and the department has been supportive of the policies of this bill during the legislative session.

However, the appropriation is not sufficient to meet the requirements of this bill. The department's budget will not support absorbing the costs of these provisions. Despite the positive policy goals of this legislation, I cannot sign into law new or expanded initiatives which are not sufficiently funded, and which might result in taking resources away from currently mandated programs.

It is my understanding that the $48,000 appropriation was intended for use in receiving federal funding. The federal Indoor Radon Abatement Act of 1988 does include a grant assistance program, beginning in October of this year, to assist states with certain radon testing and education activities. However, the eligibility requirements and the criteria for distribution of available funds have not yet been determined. It is not even known whether a state will

To the Honorable, the House
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May 12, 1989
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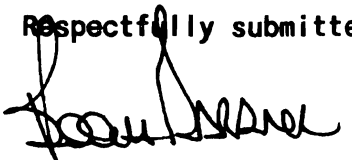
need to contribute matching funds to participate in the program. Once this grant program has been defined, the Department of Social and Health Services will take the necessary action to apply for participation and will advise me if legislative action is required.

For the reasons stated above, I have vetoed Engrossed Substitute House Bill No. 1301 in its entirety.

Respectfully submitted,



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GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 206, Substitute House Bill No. 1305 entitled:

"AN ACT Relating to public utility taxation."

Section 206 creates a new exemption to the public utility tax for electrical power purchased for resale. This exemption would create an unfair competitive advantage for firms which purchase electrical power and then resell it. Such power would be subject only to a B&O tax of 1.5% while other power in the state is subject to a public utility tax of 3.852%.

To our knowledge, only one firm would benefit from this exemption. The purpose of the exemption was to eliminate the double taxation of such electrical power. In this case, a firm purchases electrical power from a utility. The utility pays a public utility tax on such power of 3.852%. The firm which purchases the power then sells it to a subsidiary. Since the power is a sale by the firm, it is part of its gross receipts and subject to a 1.5% B&O tax. The firm argues that the public utility tax is unfair double taxation.

Unfortunately, double taxation is the rule with the B&O tax, not the exception. The B&O tax is a gross receipts tax which is imposed on gross income with no deductions. Since the firm is in business and sells the power, the value of the power is part of their gross receipts. What the firm in fact wants is a deduction for the costs of doing business. In effect, this is tax reform, but only for one firm not for everybody. The need for tax reform is real. This piecemeal revision of the tax code is not the appropriate way to address the shortcomings of the existing tax system.

To the Honorable, the House
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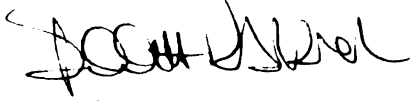
Furthermore, no logical argument has been presented which would indicate that electrical power for resale should be exempt. Under this bill, the power purchased by the firm in this case would be subject to a B&O tax of only 1.5%. All other power sold for in-state use is subject to a public utility tax of 3.852%. There is no reason why this power should be taxed at a lower rate.

With the exception of section 206, Substitute House Bill No. 1305 is approved.

Respectfully submitted,



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GOVERNOR

April 4, 1989

To the Honorable House, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 1324, entitled:

"AN ACT Relating to creating a department of health."

Four months ago, I announced my support for the creation of a cabinet-level state health agency. I am convinced of the need to establish a comprehensive department to address health issues that affect the citizens of the state. Currently, the state has responsibilities as a protector of the public health, a health care provider of last resort, a regulator of health services, and a purchaser of health services. The state must increase its role in evaluating the state's health needs by planning for the future.

I made clear at that time, and throughout this legislative session, that the challenge before us in the creation of a Department of Health was of greater consequence than the mere reorganization of existing state health programs.

In providing the citizens of the state a structure for addressing these issues, I believe we must look beyond the interests of the bureaucracy, the service providers, and those with financial interests in the field. We must focus on the kind of agency that will serve the citizens best. A state Department of Health must have the ability to assess, analyze, and act on issues of public health, health care costs, health care quality, and access to health care.

The original version of this bill, which I proposed to you, provided the structure to realize those goals. The bill as it has been returned to me does not. While I strongly support the creation of a Department of Health, I am vetoing Engrossed Substitute House Bill No. 1324.

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I would like to outline the substantive issues of my original proposal that were unacceptably weakened through committee amendment.

Quality

The bill I proposed to you provided for assessment of health quality, development of health quality policies, and an enhanced ability to assure delivery of quality health care. My proposal combined health regulatory and planning programs from four different agencies, and introduced new quality-related programs, such as the Office of Consumer Affairs and the evaluation of population-based data.

I support the refinements made to my proposal that tie the department's quality-related studies with the Board of Health's State Health Report. However, I do not support limiting the department's ability to assess quality of care to those issues approved by the Board of Health or the Legislature. A cabinet level agency should have the autonomy independently to identify and address health quality issues.

The policy development role of the Department of Health, as defined in Engrossed Substitute House Bill No. 1324, is limited to the secretary's seat on the Board of Health. As with the quality-related studies, this agency should also have the autonomy to develop health-quality policies. While the Board of Health and the Department of Health will work closely together in many ways, they should remain independent entities. The executive request bill provided the necessary transfer of planning functions currently carried out by DSHS to the Department of Health. The role of policy development and planning is extremely important to the functions of the Department of Health.

I am baffled with the Legislature's unwillingness to include the Board of Pharmacy within the Department of Health. This is not an inconsequential act. Creation of a Department of Health that includes the Board of Pharmacy is consistent with the goal of defining health issues across the entire spectrum of health services. Recognizing pharmacology as an important health area requires that the Board be fully included in the department, thereby giving this subject full presence in state health deliberations. The members of the Board of Pharmacy understand this and are supportive of my approach to including their functions in the Department of Health, an approach which is sensitive to the policy and oversight role appropriate to this dedicated and hard-working board.

Cost Containment

Rapidly increasing health care costs negatively affect access to and quality of care. State government has a central role in containing health care costs, and the appropriate placement of that role is within a Department of Health.

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I want to identify clearly my position on cost containment as something more sophisticated than just rate regulation. We must find ways of making health care affordable to all citizens of the state. Rate regulation is but one tool. An informed citizenry, as informed consumers, can affect the cost of the care they purchase. Volume health care purchasers, large employers and health insurance companies can apply pressure to identify ways to provide some health care services more efficiently. However, these efforts are not enough. The health care marketplace is not a free market system in which a consumer can be assured of equitable and efficient care. The gaps in the system are significant enough that some protection must be in place for the good of all citizens.

Perhaps the most meaningful tool in controlling health care costs is through proper health care practice. This requires education of those to whom we turn for care, changes in lifestyle for each of us, and achieving consensus on hard ethical and value laden choices on distribution of health resources. These efforts will take time to accomplish. In the meantime we must have in place some mechanisms that will protect us from the uncertainties of an unfettered marketplace in an area as essential to our well-being as health care.

For these reasons the Department of Health must have cost containment capabilities. These should include the ability to:

1) Evaluate and analyze available data and information to determine the outcome and effectiveness of health services, utilization and payment methods;

2) Develop, based on these analyses and with public input, policies and recommendations on what actions the state, as well as health care consumers, purchasers and providers, should take to contain costs; and

3) Assure that state cost containment programs are carried out. This would include any gubernatorial or legislative directive based on the agency's policy recommendations, the certificate of need program, and some form of hospital rate regulation.

I want you to understand clearly that I do not demand that the hospital rate regulation debate occur within the Department of Health bill. However, when this debate comes to a close, the Department of Health should be the agency with executive responsibility.

I remain convinced that my proposal for a modified rate regulating system within the Department of Health is the most effective way to free hospitals from unnecessary regulation, provide incentives for cost containment, and at the same time provide safeguards to the citizens of the state. It is in the best interests of the citizens of this state to create a Department of Health with the authority to deal with issues of cost and access in this manner.

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Executive Authority

In addition to not addressing the health-specific issues listed above, Engrossed Substitute House Bill No. 1324 includes certain administrative mandates which are more appropriately addressed through the authority of the executive. These include organizational structure, processes for communication between state agencies, and placement of agency programs. The governor is charged with ensuring that the laws of this state are faithfully executed. If these mandates were to be enacted, the executive would be constrained in the ability to carry out the constitutional duties of office with regard to administration of the Department of Health.

Engrossed Substitute House Bill No. 1324 goes beyond identifying goals and objectives for the department. It sets forth organizational structures and precepts which once enacted would become cumbersome. This micro- management of the executive branch through legislation is not acceptable.

Organizational Structure (subsection 2 of section 103)

I have long supported the organizational concepts contained in this subsection. In fact, I proposed these concepts as the goals and objectives for the department. However, mandating an organizational structure limits the executive's administrative abilities. These are concepts and theories of organization which are inappropriate as legislative mandates.

Communication Between Agencies (subsection 2 of section 301)

As a result of concerns raised by one of the health profession boards about the ability of the board to effectively interact with an agency, I proposed that the new Department of Health be required to enter into written operating agreements with all such boards. It is my intent that these agreements provide accountability to the boards, for the department's administration of the boards' policies, goals, and objectives.

The Legislature managed to take the proposal for written operating agreements and make it unworkable by requiring that these agreements be jointly promulgated in rule. This is an inappropriate use of the Administrative Procedure Act, and a step which would result in unnecessary administrative expense and costly litigation. The executive can ensure that the boards and the department reach agreement on issues of administrative support without the public expense and burden of jointly promulgating rules.

To the Honorable, the House
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Parent-Child Health Services (subsection 6 of section 201)

Another of my priorities for this legislative session is the First Steps Initiative. This is a comprehensive children's program that would be implemented by various divisions of the Department of Social and Health Services, including the Bureau of Parent-Child Health Services. It is imperative that this bureau remain within DSHS at least until the First Steps program is operational.

The Department of Health proposal is the largest reorganization effort undertaken in many years. The Department includes a number of different programs, some of which are social service in nature. It is more appropriate to analyze each of the programs before making a decision to transfer them to the Department of Health. This includes the Bureau of Parent-Child Health Services which I believe would be more appropriately retained within the Department of Social and Health Services at this time. I am committed to carefully reviewing the Bureau of Parent-Child Health Services' programs and making recommendations to the Legislature as to the appropriate administrative agency for each of those programs.

I envision a Department of Health that will allow Washington State to be progressive in its involvement in health issues. This will require responsibility for the full breadth of health issues: classic public health, quality assurance, cost containment, policy planning, and access. This will allow Washington State to address the health of the state as a whole, and not in a compartmentalized fashion as it does now. This department will have an improved ability to assess available data, develop policy with public involvement, and assure action. This Department of Health will have the public's interest in mind: consumer protection, consumer empowerment, public involvement in policy development, and assurance of public health. The Department of Health I envision is not just a reorganization of state government, but a new way for the state to be involved in the health of the state.
The Department of Health created by Engrossed Substitute House Bill No. 1324 is a department of the past. It is only a department of public health and regulation.

In taking this action today, I urge you to join me in my vision of a comprehensive, progressive Department of Health. There is still time left in this legislative session to negotiate a bill that will be acceptable to us all.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Engrossed House Bill No. 1334 entitled:

"AN ACT Relating to senior citizens volunteering in the schools."

Section 1 creates the six-plus-sixty volunteer program to encourage senior citizens to volunteer in our public schools. Section 2 requires the Superintendent of Public Instruction to develop a model intergenerational child care program. Both the Superintendent of Public Instruction and I support these programs as outlined. The six-plus-sixty program is permissive and allows the superintendent to develop the program if monies are available. The model child care program in section 2 is mandated without any funds available and, therefore, the program cannot achieve its expected result.

With the exception of section 2, Engrossed House Bill No. 1334 is approved.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

April 4, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Engrossed Substitute House Bill No. 1339, entitled:

"AN ACT Relating to counties."

Engrossed Substitute House Bill No. 1339 creates a one-time option in 1989 or 1990 elections for voters in a single county (Spokane) to change its form of government from three to five commissioners. The Constitution currently provides in Article II, Section 4 (Amendment 21) and Article II, Section 16 (Amendment 58), methods for providing Home Rule charters that could include a change to a five-member commission or other forms of governance. Like this bill, the Constitution provides for citizen involvement via the original petition, a freeholder election, and a final vote of the public on the new form of government.

Proponents argue that the bill will provide better representation for the citizens of Spokane County, particularly those living outside the city of Spokane. As a former county official, I understand these concerns and sympathize with those voters who feel disenfranchised. I am also deeply aware of the critical need to improve representation and modernize county governmental structures, particularly in counties with large urban populations like Spokane. For those reasons, I endorsed as executive request legislation a package of local governance bills that implement recommendations of the Local Governance Study Commission, created by the Legislature in 1985. Many elements of that legislation and a proposed constitutional amendment make it easier for counties like Spokane to initiate change -- especially fundamental changes in structure, like the number of county commissioners. That legislation has not yet been acted upon by the Legislature.

To the Honorable, the House
of Representatives of the
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April 4, 1989
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Regardless of the perceived need for Engrossed Substitute House Bill No. 1339, I am not convinced that alone it is an appropriate response to the problem. First, questions have been raised regarding the constitutionality of the bill. Article II, Section 4 of the State Constitution states the "legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided. . . ." Two Attorney General Opinions (AGO 1987 No. 11 and AGLO 1979 No. 8) have discussed the meaning of this provision.

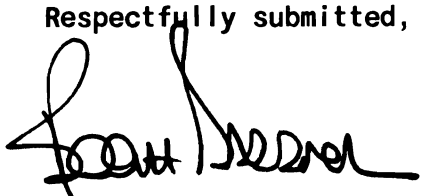
Second, Engrossed Substitute House Bill No. 1339 represents a piecemeal and single-issue approach to restructuring county government. The problems of Spokane County that gave rise to this bill involve more than just representation issues. The established constitutional avenues for review and modification, the county home rule and city-county charter approaches, are appropriate and clearly legal methods to achieve comprehensive structural change and governmental reform. Five counties have successfully used the County Home Rule provisions to solve their particular governmental needs.

And finally, Engrossed Substitute House Bill No. 1339 would establish an unfortunate precedent for resolution of future issues relating to changes in individual county government structure. The home rule charter and the city-county charter processes require citizen participation and discussion. They force citizens and local elected officials to come to grips with tough fundamental issues like structure, representation, accountability, responsiveness, and effectiveness. They result in locally arrived at solutions to local problems. Approval of Engrossed Substitute House Bill No. 1339 would send a message to counties that they can circumvent those processes.

I do endorse those parts of the bill that ensure the participation and vote of the citizens. Substantial and basic changes in governance, such as this measure, do deserve a vote of the public.

For these reasons, I have vetoed Engrossed Substitute House Bill No. 1339.

Respectfully submitted,



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GOVERNOR

May 12, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 5, Engrossed Substitute House Bill No. 1369 entitled:

"AN ACT Relating to the repair of waterfront sewer systems."

Section 1 states the intent of the Legislature that owners of single-family salt waterfront residences be allowed to expand, remodel, or rebuild their homes by upgrading their sewage disposal systems or replacing them with modern effective systems. Existing on-site systems for homes on salt waterfront properties pose significant water quality problems for both ground water and for Puget Sound. This problem will only become aggravated as more individuals and families seek to expand, repair, or rebuild their homes, thereby placing additional pressures on these inadequate on-site systems. There is clearly a question as to whether modern systems are or can be effective given the sensitive water quality issues at stake. This is a question that needs detailed examination by local county health officials, the Department of Social and Health Services, the Department of Ecology and the State Board of Health.

Section 5 directs the appropriate committees of the House and Senate to investigate on-site systems and to report to their respective houses at the 1991 Legislature. House and Senate committees do not need statutory authority to report to their respective chambers.

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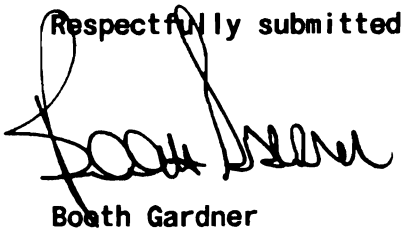
Under this bill, the Legislature sets effluent standards to be met by new on-site disposal systems. These standards will take effect November 1, 1989, unless the State Board of Health adopts regulations, which may be more restrictive than stipulated in the bill, by that date. The bill also provides local government with authority to adopt more restrictive regulations for on-site disposal systems.

With the exception of sections 1 and 5, Engrossed Substitute House Bill No. 1369 is approved.

Respectfully submitted,



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BOOTH GARDNER
GOVERNOR

May 12, 1989

**To the Honorable, the House
of Representatives of the
State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute House Bill No. 1397 entitled:

"AN ACT Relating to water use efficiency and conservation."

The definition of "water use efficiency" contained in section 4 uses the concepts and terminology utilized in the energy conservation arena. I agree that the work done with respect to energy conservation should be the model for use in water conservation. However, the definition contained in this bill does not match the concept utilized by the Northwest Power Planning Council.

The federal legislation which introduced the successful implementation of this concept is the Northwest Power Act. That act makes explicit and repeated provision for consideration of environmental values. For example, the Northwest Power Act provides that costs include "such quantifiable environmental costs and benefits as the Administrator determines.....are directly attributable to such measure or resource" The federal legislation further provides for methods to determine quantifiable environmental costs and benefits.

To assure conformity with existing state laws, such as the State Environmental Policy Act, the Department of Ecology must interpret "water use efficiency" to require explicit consideration of environmental and other public costs of efficiency measures and of alternative sources of water supply.

To the Honorable, the House
of Representatives of the
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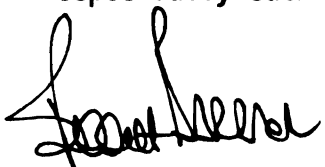
May 12, 1989
Page 2

In the absence of a statutory definition, the Department of Ecology shall interpret the term "water use efficiency" in a manner which is consistent with existing state law and based on the least cost approach used by the Northwest Power Planning Council.

With the exception of section 4, Substitute House Bill No. 1397 is approved.

Respectfully submitted,



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GOVERNOR

May 13, 1989

**To the Honorable, the House
of Representatives of the
State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 1412 entitled:

"AN ACT Relating to remembrance tabs for honorably discharged veterans."

This bill permits veterans to purchase license tabs for five dollars each, depicting the United States flag and an insignia representing the time period of their service. The intent is to allow a veteran to commemorate his or her service to our country.

Currently, front registration tabs which indicate year and month of renewal are being reinstated by the Department of Licensing at the request of the Washington State Patrol. Money to fund this reinstatement is in the budget. The space available on the front license plate does not allow for the placement of both veteran commemorative tabs and year/month tabs. A veto of this legislation is necessary due to the space limitations of the plates and the visual difficulty extraneous tabs would pose for law enforcement personnel.

I have instructed the Department of Licensing, the Washington State Patrol and the Department of Veterans Affairs to work with veterans' groups in developing an alternative method of recognition for our veterans.

For the reasons stated above, I am vetoing Engrossed House Bill No. 1412 in its entirety.

Respectfully submitted,

**Booth Gardner
Governor**

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BOOTH GARDNER
GOVERNOR

May 4, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 15, and 16, Engrossed Substitute House Bill No. 1444 entitled:

"AN ACT Relating to students at risk."

I requested this bill as a part of my effort to restructure our public education system and improve student performance. Most of the bill will improve the ability of the office of the Superintendent of Public Instruction and local school districts to respond to the diverse needs of students at risk of dropping out of high school.

Under the learning assistance program, as student's test scores improve, school districts receive less funds. Section 4 of the bill attempts to eliminate this disincentive. Unfortunately, a technical drafting error creates both confusion and potentially higher program costs.

Section 6 provides a broad prohibition on the use of tobacco products on public school property. I strongly support the goal of reducing the number of children who become addicted to cigarettes and other tobacco products which cause health problems. Although there have been some concerns raised about the ban, the provision does have an effective date of September 1, 1991. The delay will allow local districts to plan for implementation and allow the legislature the opportunity to address any technical concerns, such as whether it applies to property leased to private parties, before the effective date. Hence, I have decided not to remove this section.

To the Honorable, the House
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May 4, 1989
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Section 15 requires the Superintendent of Public Instruction to establish an awards program related to outcomes-based education programs. Although I support the concept of establishing an awards program for outcomes-based education programs, this section is overly specific and directive. I have retained the appropriation in section 18 to allow the Superintendent of Public Instruction to design an awards program for the recognition of schools in school districts that have shown significant and continuous improvement in student basic skills performance as well as other desired outcomes identified by the school district and community.

Section 16 requires the Superintendent of Public Instruction to develop a model curriculum for an outcomes-based health and physical education learning assistance education program. No funds are provided for this activity in the bill or in the House or Senate draft budgets.

With the exception of sections 4, 15, and 16, Engrossed Substitute House Bill No. 1444 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Second Substitute House Bill No. 1476 entitled:

"AN ACT Relating to the development of marketplace programs."

This legislation establishes both the Washington Marketplace program and the Office of Capital Projects in the Department of Trade and Economic Development. Sections 1 through 4 codify the successful pilot Washington Marketplace Program currently operated by the department. Through this program the department will work with organizations in communities to help local businesses find new markets for their products.

The provisions of sections 5 through 14 would establish the Office of Capital Projects in the department to assist businesses in the state to increase their participation in large capital construction projects. This office would assist firms in the formation of business consortia to compete for large-scale capital projects.

The concept that the state should increase its role in assisting state firms to compete more effectively in international markets is an important one. New efforts by the federal government and by the international community to open international markets for capital construction projects may well provide additional opportunities for state firms. There may well be a useful role to be played by the state in assisting firms to respond to new opportunities in these markets. However, the lack of any funds to support this new function leads me to veto sections 5 through 14.

To the Honorable, the House
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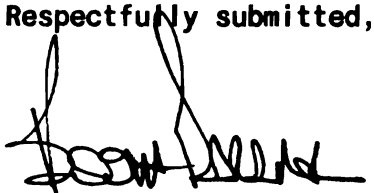
With the exception of sections 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Second Substitute House Bill No. 1476 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 202(2), Substitute House Bill No. 1479 entitled:

"An Act relating to the budget."

My reason for vetoing this portion of the 1987-89 supplemental budget is as follows:

Section 202 (2) restricts the amount that the Department of Social and Health Services may transfer into the General Assistance-Unemployable (GA-U) program. The GA-U caseload will experience significant growth in the last two months of the current biennium because of the Thurston County Superior Court's April 24, 1989 ruling directing that clients who are terminated from ADATSA shelter receive GA-U until they are assessed for GA-U eligibility. The Department of Social and Health Services has estimated the cost of this caseload growth will be $1.7 million. The proviso in section 202(2) restricts the transfer to the estimated amount. The estimate is not precise, however.

The ADATSA shelter program has experienced volatile and unpredictable caseload growth, and it is difficult to predict the cost of shifting that population to GA-U. If the actual cost exceeds the estimate by any amount, the Department would have to impose a ratable reduction to remain within appropriated funds. It is not possible for the Department to implement a ratable reduction this late in the biennium. Furthermore, the other clients on GA-U, with physical and mental disabilities, would be faced with a sudden

To the Honorable, the House
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Page 2

and unanticipated reduction in their living allowances. The Department must have unrestricted transfer authority in order to fund the actual cost of the GA-U caseload at the close of the biennium.

With the exception of section 202(2), Substitute House Bill No. 1479 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

**To the Honorable, the House
of Representatives of the
State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Substitute House Bill No. 1547 entitled:

"AN ACT Relating to medical support enforcement."

Section 8 of this bill incorrectly amends RCW 26.23.050 which was also amended by section 15 of Engrossed Substitute House Bill No. 1635. To avoid confusion, I am vetoing section 8 of this bill.

With the exception of section 8, Substitute House Bill No. 1547 is approved.

Respectfully submitted,

**Booth Gardner
Governor**

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98504-0413

BOOTH GARDNER
GOVERNOR

April 28, 1989

To the Honorable, the House of
Representatives of the
State of Washington,

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 1552, entitled:

"AN ACT Relating to mobile home tenant lot fees."

The provisions of Engrossed House Bill 1552 amend existing law regarding the collection of the fee charged to mobile home park tenants and mobile home park owners to fund the Office of Mobile Home Affairs administered by the Department of Community Development. These provisions contradict provisions contained in sections 6, 7 and 8 of Engrossed Substitute House Bill 2136, which I am signing today.

Both section 1, the only section of Engrossed House Bill 1552, and section 7 of Engrossed Substitute House Bill 2136, amend RCW 59.22.060. In addition, sections 6 and 8 of Engrossed Substitute House Bill 2136 impact the same provisions in a manner inconsistent with Engrossed House Bill 1552. Sections 6 and 8 direct county treasurers to collect an administrative fee to fund the Office of Mobile Home Affairs, plus a separate fee instituted to generate revenue for a new Mobile Home Park Relocation Fund.

In order to eliminate contradictory provisions contained in these two pieces of legislation, I am vetoing Engrossed House Bill No. 1552 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1582 entitled:

"AN ACT Relating to child care."

This bill allows before and after school child care programs provided by school districts to qualify for employment day care funds, but exempts them from licensure requirements. Presently, the Department of Social and Health Services requires such programs to be certified as meeting licensing standards before receiving funds. This bill would remove the agency's authority to guarantee that these funds are used in programs that meet minimal standards under which private day care providers must operate.

Originally, this bill would have created pilot programs for school districts to provide low-income families with child care services. It is essential that we increase access to child care services for low income families to promote economic independence. Such access is a key element of the Family Independence Program. However, these programs must also ensure that children receive quality care and this is a duty of the Department of Social and Health Services.

For the reasons stated above, I am vetoing Substitute House Bill No. 1582 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 7, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 14, 26, 27, and 28, Engrossed Substitute House Bill No. 1619 entitled:

"AN ACT Relating to alcoholism and other drug addiction."

These five sections each conflict with amendments to the same statutes which are made in Engrossed Second Substitute House Bill No. 1793, the Omnibus Drug Act, and Substitute Senate Bill No. 5469. This bill is a housekeeping recodification bill, while the Omnibus Drug Act and Substitute Senate Bill No. 5469 contain substantive modifications reflecting legislative policy changes. Therefore, I am vetoing these sections to avoid conflict and confusion.

Section 2 of this bill amends RCW 70.96A.010 which is also amended by section 304 of E2SHB 1793. Section 35 (22) repeals RCW 70.96.150 which is amended by section 308 of E2SHB 1793. In addition, section 14 of this bill provides a new section that is similar to the first paragraph of section 308 of E2SHB 1793 but lacks the new second paragraph. I have signed SHB 1619 first to avoid repealing the amended language in section 308 of E2SHB 1793. Section 26 of this bill amends RCW 70.96A.120 which is also amended by section 306 of E2SHB 1793. Section 27 of this bill amends RCW 70.96A.140 which is also amended by section 307 of E2SHB 1793. Section 28 of this bill amends RCW 70.96A.150 which conflicts with section 1 of SSB 5469 which I have already signed.

With the exception of sections 2, 14, 26, 27, and 28, Engrossed Substitute House Bill No. 1619 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 25, Substitute House Bill No. 1630, entitled:

"AN ACT Relating to clarifying the property classification of manufactured homes."

Section 25 of Substitute House Bill No. 1630 amends the definition of "mobile home" contained in RCW 82.50.010. Section 20 of Substitute Senate Bill No. 5443 amends the same statute. The definition contained in section 20 of Substitute Senate Bill No. 5443 is more comprehensive than that contained in section 25 of Substitute House Bill No. 1630. To avoid confusion, I have vetoed section 25 of this bill.

With the exception of section 25, Substitute House Bill No. 1630 is approved.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 38, Engrossed Substitute House Bill No. 1635 entitled:

"AN ACT Relating to support enforcement."

This bill was submitted at the request of the Department of Social and Health Services to clarify and strengthen support enforcement procedures.

Section 38 was amended to create a process for petitioning courts to require an accounting of support payment expenditures. Although the procedural requirements of this section are intended to protect receiving parents from frivolous charges and harassment, I believe the result of these changes could encourage an increase in such behavior.

Accountings can be required under section 15 of this Act which amends RCW 26.23.050. It allows Superior Court support orders to state that a receiving parent may be required to submit an accounting of support payment expenditures. This language allows the court to order an accounting without the potential for harassment contained in section 38.

With the exception of section 38, Engrossed Substitute House Bill No. 1635 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 12, 13, 14, 15, 16, and 17, Engrossed House Bill No. 1645 entitled:

"AN ACT Relating to the relationship between motor vehicle dealers and manufacturers."

Engrossed House Bill No. 1645 creates a separate regulatory process to monitor the relationship between motor vehicle dealers and manufacturers. The bill provides procedures for filing with the Department of Licensing any dispute between a dealer and manufacturer regarding location, relocation, cancellation, or non-renewal of a franchise.

This bill addresses many of the inequities in the contractual relationships state motor vehicle dealers have had with manufacturers. The sections being enacted provide a new balance between dealers and manufacturers which should promote healthier franchises, clarify agreements, and encourage action in good faith by both parties, with benefits to the public interest of consumers.

However, sections 12 through 17 allow creation of geographic "relevant market areas." This would permit a dealer of new vehicles to intervene against a manufacturer's actions for location or relocation of a new franchise of the "same line make of motor vehicle" within a ten-mile radius in urban areas or within a fifteen-mile radius in areas where the population of the county is less than four hundred thousand. This language interferes with the competitive nature of the market. It provides a significant procedural and economic limitation to entry in the market as well as promoting higher prices. The burden of proof to establish "good cause" for the new or relocated dealership is on the manufacturer and there is no consumer representative in the process.

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A 1986 study conducted by the Federal Trade Commission, entitled "The Effect of State Entry Regulation on Retail Automobile Markets," estimates that the impact of similiar market area restrictions can be as much as a seven percent increase in the average price of new cars in areas experiencing urban population growth.

Government must be careful not to interfere with the market flow of commercial transactions and to ensure that any necessary interference not compromise the public interest. In past veto messages, I have indicated my concerns about establishing market areas for new motorcycle franchise dealers (1985 - Substitute Senate Bill No. 3333) and motor vehicle fuel dealers (1986 - Engrossed Senate Bill No. 4620). Both measures had the effect of significantly inhibiting competition, which would adversely affect the consuming public. I remain convinced that the public does not benefit from this type of market interference.

With the exception of sections 12, 13, 14, 15, 16, and 17, Engrossed House Bill No. 1645 is approved.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 14, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 3, and 4, House Bill No. 1656 entitled:

"AN ACT Relating to regulation of the sale of lands."

I vetoed similar language contained in Substitute Senate Bill No. 5208, because the interests of purchasers were not adequately protected.

The Legislature responded by making changes to sections 2 and 5, so I am approving those sections today. However, sections 1, 3 and 4 still substantially limit the rights of individual condominium purchasers.

Section 1 is related to public offering statements. It states that an interest in a condominium is not a security for state regulatory purposes, under RCW 21.20, if the seller delivers to the purchaser a copy of the securities and exchange commission public offering statement. State security provisions do apply to an interest in a condominium in some cases. This section exempts a developer from having to give the carefully tailored public offering statement required by state law to purchasers. Purchasers need the information in the more detailed state public offering statement, since developers are given expanded rights to do phased projects and to control the homeowners' associations during the phasing.

Section 3 limits the time in which a purchaser can take action for breach of a warranty of quality. Purchasers must take action within four years of the time they take possession, regardless of when the defect is discovered.

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Furthermore, the statute of limitations can possibly be interpreted to run four years after common elements are completed, regardless of when a purchaser buys into the project. I urge the Legislature to look at the interrelationship of purchasers' rights and the expanded rights of developers to ensure a balance. Under current case law, purchasers have three years from the date a construction defect is discovered, or should reasonably have been discovered, to bring an action. Hence it offers more protection to purchasers.

Section 4 leaves unclear when a conveyance is completed for purposes of determining when the risk of loss shifts to the purchaser, determining when the statute of limitations begins to run, and ascertaining when the seller has a right to the purchase funds. Under current case law, the risk of property loss shifts to the purchaser at the time of conveyance, and the statute of limitations on certain actions against the builder under state law begins to run from the time of conveyance. Note, the provisions in the Uniform Condominium Act (UCA) require a developer to file a certificate of substantial completion before the conveyance occurs. I believe current case law offers more protection for the purchaser, but recommend the Legislature consider adopting the provision in the UCA.

With the exception of sections 1, 3, and 4, House Bill No. 1656 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 15, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 7, 14, 44, 105, and 106, Engrossed Substitute House Bill No. 1671 entitled:

"AN ACT Relating to solid waste."

This is landmark legislation. It is a major step forward in solid waste management and is entirely consistent with my explicitly stated goal that this state do far more in the area of waste reduction and recycling.

This bill makes significant changes in the way this state manages solid waste. Specifically, the thrust of this bill is to move solid waste management toward waste reduction and recycling in order to provide greater environmental protection and to minimize costly cleanup of environmental problems. Over the last two years, the Joint Select Committee for Preferred Solid Waste Management has examined this issue thoroughly and this legislation is the result of effort. The bill puts into place mechanisms to ensure that waste reduction and recycling is treated as a priority and implemented in order to minimize reliance on incineration and landfills. It establishes as a fundamental strategy the segregation of waste at its source in order to clean out of the waste stream those materials that have resource value, and to segregate those wastes which pose particular environmental hazards for proper management.

However, I have found it necessary to veto a number of sections of this bill. Section 7 removes a requirement in current statute that any city preparing an independent solid waste management plan must provide for disposal sites wholly

within its jurisdiction. There has been a very long debate, involving many complex issues, over the proper county-city roles in the area of solid waste management. I am concerned that section 7 is inconsistent with the intent expressed in section 1 which is to encourage regional solutions.

Section 14 amends RCW 35.21.120 and makes technical changes clarifying city authority over solid waste handling. However, the same technical changes to RCW 35.21.120 were also made in section 1 of Substitute House Bill No. 1568. To avoid confusion, I am vetoing section 14.

Section 44 exempts business establishments from paying the B&O tax on the value of core deposits or credits on returnable products such as batteries, starters, brakes and other products. These deposits constitute gross proceeds and, in Washington, gross proceeds are taxed. Further, the reference to "other products with returnable value" is unqualified and potentially opens up a broad category of unknown products which are exempt from the B&O tax. I do not believe the incentive to recycle most of the currently discussed items will be impacted by the taxable status of the returnable value. For these reasons I am vetoing section 44.

Section 105 states that the Department of Ecology may give grants to local governments for regional facilities to manage wastes on an integrated waste management basis. This section duplicates the direction provided in section 1 that regional solutions be encouraged. Section 105 also directs the Department to give grants for integrated waste facilities; however, the Department already has this authority under current law. Finally, this section directs the Department to spend public funds on landfills and incineration facilities -- clearly designated in Engrossed Substitute House Bill 1671 as lower waste management priorities -- which possibly might come at the expense of the higher waste management priorities. By vetoing this section, I do not intend to compromise movement toward regional cooperation and facilities; clearly, section 1(7) of Engrossed Substitute House Bill No. 1671 states that regional solutions and intergovernmental cooperation are required if we are to solve this state's solid waste management problems.

Section 106 states that a facility that achieves an integrated waste management strategy, and which receives a substantial volume of waste from a region, shall be provided flexibility by local government preparing a solid waste management plan. The thrust of this amendment is inconsistent with the objectives of Engrossed Substitute House Bill No. 1671. First, there are not several waste management priorities. There is a priority among them, and clearly the bill, as well as current statute, states that waste reduction and recycling are of the highest order. Second, the reference, "provided flexibility," suggests that a facility has some added leeway to depart from the reduction and recycling element which Engrossed Substitute House Bill No. 1671 requires to be adopted as part of each local government's solid

To the Honorable, the House
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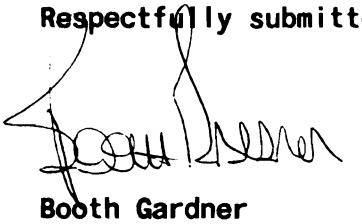
waste management plan. The apparent inconsistency of this section with the overall intent of Engrossed Substitute House Bill No. 1671, and the ambiguity and the public policy implications warrant a veto of section 106.

With the exception of sections 7, 14, 44, 105, and 106, I am pleased to sign Engrossed Substitute House Bill No. 1671.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 5, Substitute House Bill No. 1711 entitled:

"AN ACT Relating to establishing a crime prevention employee training program in businesses operating during late night hours."

This bill will enhance security for employees of businesses that are open late at night, through physical safety specifications and educational programs. I applaud the intent of the bill and most of its provisions.

Section 2, however, would require that crime prevention programs be developed or certified by the Department of Labor and Industries. This would impose a significant cost on the Department, which is not funded. It would also involve the Department in the establishment of specific crime prevention procedures for individual establishments, a function that is more appropriately performed by the employer.

Crime prevention training can be a meaningful factor in reducing risks to employees who work late at night and in the early hours of the morning. I believe this is an essential protection for workers. While I am vetoing section 2, I am also asking the Department of Labor and Industries to adopt rules to require employers to develop appropriate instruction programs.

To the Honorable, the House
of Represenatives of the
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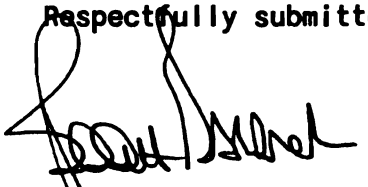
Section 5 references section 2, which I have vetoed. This section is also objectionable. It runs contrary to the fundamental intent of the Washington Industrial Safety and Health Act by shifting responsibility for training from the employer to the employee. For these reasons, I have also vetoed section 5.

With the exception of sections 2 and 5, Substitute House Bill No. 1711 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 14, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 8, 9, 10, 11 and 12, Engrossed Substitute House Bill No. 1737 entitled:

"AN ACT Relating to crime victims compensation."

There are areas where government should act with restraint. These areas are delineated by the constitutions of the United States and the State of Washington. Both unequivocally protect freedom of speech and artistic expression as set forth in a long line of state and federal court cases defining First Amendment rights.

The provisions in sections 9, 10, 11 and 12 of this bill are unacceptable intrusions of these rights. These sections impose excise taxes on adult entertainment materials and services significantly higher than the tax already imposed on other similar retail materials, i.e. eighteen percent higher. While I can understand citizens' feelings about pornographic material, there are several major difficulties associated with this revenue source. The first is the intrusion into freedom of speech, which is manifested by these sections. This is dubious public policy, and would almost certainly be challenged in court. Such a challenge must be considered as having a high likelihood of success, if not a certainty, and would entail significant litigation expenses for the state. I believe the Legislature publicly acknowledged these concerns when it decided not to use this tax as a funding source on Engrossed Second Substitute House Bill No. 1793.

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Page 2

Second, administration of this tax would be extremely difficult. Potentially, the Department of Revenue would be required to specifically list all services, magazines, video tapes, etc., which are subject to this tax. Closely related to this will be a taxpayer compliance problem. Given the nature of the materials being taxed, it is reasonable to assume that compliance will be at a much lower level than with other types of retail sales. Additionally, mail order sources may be substituted for in-state sales. In either case, audit expenses associated with this tax are likely to be very high. Given these difficulties plus the high probability of incurring litigation expenses in a defense of these new taxes, I must veto sections 9 through 12.

Section 8 of this bill would require the Office of Financial Management to conduct a study of the Public Safety and Education Account by December 1, 1989. The bill specifies a number of items that are to be included in the study and would require a comprehensive look at a complex area of state government. The bill, however, does not provide an appropriation for the study.

The type of study that is anticipated by this section cannot be conducted within available resources. The Office of Financial Management, along with the Department of Labor and Industries, has been studying this issue on a more limited basis as resources permit, and will continue to do so. For this reason, I have vetoed section 8.

With the exception of sections 8, 9, 10, 11 and 12, Engrossed Substitute House Bill No. 1737 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 19, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 7, Substitute House Bill No. 1774 entitled:

"AN ACT Relating to duties of operators and users of commercial ski areas."

This bill reduces the liability exposure of ski area operators and increases the responsibilities of those operators to warn skiers. The need for the emergency clause is not warranted due to the fact that the next ski season will not be starting until long after this bill has become effective in the ordinary course.

With the exception of section 7, Substitute House Bill No. 1774 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Engrossed House Bill No 1778 entitled:

"AN ACT Relating to the business and occupation tax on nonprofit trade and professional organizations for convention, educational seminar and trade show registration income."

Engrossed House Bill No. 1778 creates a specific exemption for income received by nonprofit organizations for trade shows and educational seminars. No other state besides Washington treats this type of income in the way that our current law does. This creates a competitive disadvantage for these organizations and entities operating facilities which host these events.

Section 2 would make the provisions of section 1 effective on July 1, 1991. In making changes that affect the state's revenues, it is sound public policy to recognize the effect of the changes in the same biennium that the legislation is passed. Where possible, these costs should not be pushed forward into future biennia.

With the exception of section 2, Engrossed House Bill No. 1778 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 8 and 9, Engrossed House Bill No. 1802 entitled:

"AN ACT Relating to the court of appeals."

Under existing law, Superior Court judges are considered employees of the state and the county within which they preside and receive half of their salary from each. As a result of this dual status, they are eligible for medical benefits provided by both the state and their respective counties, if the county chooses to provide such coverage. A recent survey indicated that 18 of the state's 39 counties provide some form of medical benefit for Superior Court judges ranging from self-pay supplemental coverage to full benefits.

Sections 8 and 9 of this bill would exclude Superior Court judges whose benefits are provided by the state from the definition of employees eligible for county medical benefits. The apparent purpose of these amendments is to prevent judges from receiving full-blown, dual medical benefits from counties if they also receive state benefits, thereby avoiding the cost of dual coverage. This makes good fiscal sense.

However, the bill goes beyond simply prohibiting dual benefits. It would also prohibit coverage that some counties have chosen independently to provide, which is only supplemental to the primary state benefit and is no more extensive than coverage provided other county employees. In at least one large county, the supplemental county coverage is provided under a self-pay plan by the judge at no additional cost to the county.

STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

May 7, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 107, Engrossed Second Substitute House Bill No. 1793 entitled:

"AN ACT Relating to alcohol and controlled substances abuse."

This omnibus bill represents a major accomplishment by the Legislature in working to address the serious and pressing issue of substance abuse in our state and society. The Legislature is to be commended for its efforts to address this issue in a comprehensive fashion. It also contains the essence of five Governor-request bills which address this issue.

Section 107 of the bill would prohibit and force closure of needle exchange programs, currently operating in Tacoma and Seattle which are a means to reduce HIV/AIDS transmission and encourage treatment referral. These model programs have received national attention for their innovative and credible management of the needle exchange. Both programs are operated and strictly controlled by local public health authorities and are structured to accommodate maximum research benefit. I do not condone use of illegal drugs or their taking by intravenous means. The reality is that these programs have very little potential for encouraging more illegal drug use but a very high potential for limiting the spread of serious and deadly diseases which impact not only the persons involved but others. For both humane and economic reasons, we must do everything we can to halt the spread of AIDS.

With the exception of section 107, Engrossed Second Substitute House Bill No. 1793 is approved.

Respectfully submitted,

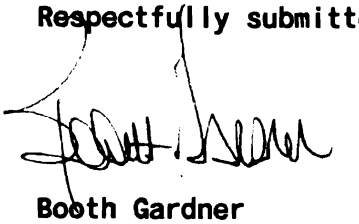
Booth Gardner
Governor

To the Honorable, the House
of Representatives of the
State of Washington
May 11, 1989
Page 2

I do not believe that counties should be prevented from entering into such supplemental coverage arrangements for their Superior Court Judges. I would, however, support future legislation similar to sections 8 and 9 that would permit counties the option of providing supplemental coverage if it does not exceed that offered to other county employees. The county could then decide to offer the supplemental coverage at county expense or via self-pay.

With the exception of sections 8 and 9, Engrossed House Bill No. 1802 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 5, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Substitute House Bill No. 1854 entitled:

"AN ACT Relating to resource damage assessment under the state water pollution control act."

Section 1 states that the Legislature finds that there is confusion regarding the measure of natural resource damages and that the intent of this bill is to clarify existing law.

This intent, however, is contradicted by section 5 which states that the act is intended to apply prospectively only and not retroactively. This will continue the ambiguity contrary to the rule of statutory construction that remedial or clarifying legislation, in civil matters such as this, is intended to apply retroactively.

With the exception of section 5, Substitute House Bill No. 1854 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 18, Engrossed Substitute House Bill No. 1864 entitled:

"AN ACT Relating to quality of care in nursing homes."

Section 18 requires that the Department of Social and Health Services, in cooperation with the state's area agencies on aging, prepare and distribute printed information regarding the availability of long-term care services in the state. In addition, nursing homes are required to make the information available prior to accepting new residents for admission. While there is value in the information required under this section, there is no budget appropriation for the development, printing and distribution of this material.

With the exception of section 18, Engrossed Substitute House Bill No. 1864 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 4, Substitute House Bill No. 1889 entitled:

"AN ACT Relating to public employee immunity."

Under current law, state officers and employees can be defended by the Attorney General for acts or omissions performed in good faith within their official scope of duties, and the state will bear the cost of the litigation and any judgment or settlement that results. To qualify, the employing agency, after reviewing the facts and circumstances, must recommend that the state assume the responsibility for the defense. The Attorney General then either approves or declines the defense. This process of reviewing and evaluating such cases has proven to be effective. Although the state has rarely declined a defense, the right to decline has been upheld by the Supreme Court in State v. Herrmann, 89 Wn. 2nd 349 (1977).

Amendments to RCW 4.92.070 in section 1 of the bill eliminate existing authority of the Attorney General to make a finding regarding whether or not the employee's acts or omissions were in good faith and within the scope of official duties. Additionally, section 1, when compared on a word-for-word basis with the existing statutes repealed by section 4, inappropriately expands and mandates the state via the Attorney General to represent state officers, employees, or volunteers charged with violation of criminal statutes. A review of several instances in which employees have requested criminal defense because they felt their actions were within the scope of their job does not support the need for expanding the present statutes.

To the Honorable, the House
of Representatives of the
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May 13, 1989
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The effect of these changes in section 1 would be to modify the law so that a defense by the state is more of an entitlement, with no administrative or executive officer being expressly empowered to determine eligibility or lack thereof. The current law has worked well. It has served the interests of both the state and its employees and has provided for the defense of employees in civil rights actions for alleged violations of 42 U.S.C. Sec. 1981 or 1983. I therefore see no valid reason to change the process.

Sections 2 and 3 of the bill represent important substantive additions to the law. They require the state to indemnify and hold harmless employees who are acting within the scope of their duties when the action that gave rise to the liability or civil or criminal lawsuit occurred. They also require judgment creditors in actions against employees to seek satisfaction of judgment only from the state.

With the exception of sections 1 and 4, Substitute House Bill No. 1889 is approved.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 3, 1989

To the Honorable, the House
of Representative of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 17 and 27, Substitute House Bill No. 1894 entitled:

"AN ACT Relating to technical changes in chapter 18.29 and 18.32 RCW."

RCW 43.03.240 specifically designates all part-time boards which perform regulatory or licensing functions with respect to a specific profession, occupation, business, or industry as Class Three Groups for purposes of compensation. Members of boards classified as Class Three Groups receive up to $50 for each day during which the member attends an official meeting or performs statutorily prescribed duties. Both the Board of Dental Examiners and the Dental Disciplinary Board are included in the definition of the part-time boards under RCW 43.03.240 which is the Class Three reimbursement and compensation statute.

Sections 17 and 27 of Substitute House Bill No. 1894 attempt to change the compensation of the Board of Dental Examiners and the Dental Disciplinary Board by amending their respective practice acts to refer to RCW 43.03.250 which authorizes reimbursement of $100 per day. Enactment of these two sections would clearly be in conflict with the statutory criteria contained in RCW 43.03.240 which says a Class Three Board "performs regulatory or licensing functions with respect to a specific profession". Both boards fit within their existing Class Three ranking. Additionally, the Office of Financial Management, pursuant to a statutory requirement, reviewed all part-time board's compensation and reported to the legislature in November 1988. This report is under consideration by the respective legislative committees.

With the exception of sections 17 and 27, Substitute House Bill No. 1894 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 1909, entitled:

"AN ACT Relating to abandoned property held by local governments."

Engrossed House Bill No. 1909 provides that a local government holding abandoned intangible property that is not forwarded to the Department of Revenue may transfer the money to its current expense fund after it is determined to be abandoned. The original intent of this bill was to clarify the record retention process for such property under the Uniform Unclaimed Property Act.

That intent, however, became unclear after the bill was amended. I am advised that the bill could now be interpreted to allow local governments to retain unclaimed property that should be turned over to the State. Even though that may not have been the intent of the measure, I am unwilling to risk the possibility of such an interpretation.

For that reason, I have vetoed Engrossed House Bill No. 1909 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 13, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5 and 6, Engrossed House Bill No. 1917 entitled:

"AN ACT Relating to the licensing and certification of real estate appraisers."

I support the approach in the bill to certify real estate appraisers. It is a voluntary certification program, which is the lowest level of regulation that will meet the anticipated need. It is also structured suitably, with the Department of Licensing responsible for actual certification and administration, assisted by an advisory board.

There are, however, several problems with the creation of the real estate appraiser certification board. I have expressed my concern with the proliferation of permanent statutory boards on numerous occasions. I believe that these boards create confusion in the public's mind and reduce government's accountability to the people. There are relatively few advisory functions that cannot be performed by temporary, nonstatutory bodies appointed by agency directors.

I am also concerned with the ambiguity surrounding this board's ability to conduct administrative hearings. The Administrative Procedure Act already specifies a hearings procedure in some detail. I think it advisable to use this procedure for hearings on real estate appraiser certification issues as it is used for numerous other matters.

To the Honorable, the House
of Representatives of the
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May 13, 1989
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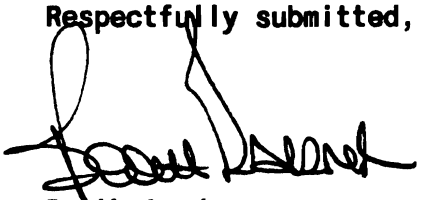
Because I think advice from the public and industry representatives is indispensable to state agencies with regulatory responsibilities, I am asking the Director of the Department of Licensing to appoint an advisory body under existing statutory authority.

This partial veto will leave a number of inaccurate references in the remaining portions of the bill which should be corrected by the Legislature.

With the exception of sections 5 and 6, Engrossed House Bill No. 1917 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 5, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 10, Substitute House Bill No. 1958 entitled:

"AN ACT Relating to board membership and licensing requirements."

RCW 43.03.240 specifically designates all part-time boards which perform regulatory or licensing functions with respect to a specific profession, occupation, business, or industry as class three groups for purposes of compensation. Members of boards classified as class three groups receive up to $50 for each day during which the member attends an official meeting or performs statutorily prescribed duties. Both the Board of Chiropractic Examiners and the Chiropractic Disciplinary Board are included in the definition of the part-time boards under RCW 43.03.240.

Sections 2 and 10 of Substitute House Bill No. 1958 attempt to change the compensation of the Board of Chiropractic Examiners and the Chiropractic Disciplinary Board by amending their respective practice acts to refer to RCW 43.03.250. Enactment of these two sections would clearly be in conflict with RCW 43.03.240.

Additionally, the Office of Financial Management, pursuant to a statutory requirement, reviewed all part-time boards and reported to the Legislature in November, 1988. This report is under consideration by the respective legislative committees. This is the appropriate forum to consider changes in compensation for all boards within a class or changes in language to recategorize groups of boards from one class to another.

With the exception of sections 2 and 10, Substitute House Bill No. 1958 is approved.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 14, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 25, 29, 34 and 35, Engrossed Substitute House Bill No. 1968 entitled:

"AN ACT Relating to long term care."

Section 25 requires the Department of Social and Health Services to promulgate rules regarding adult family home resident rights, but limits the rules by requiring them to be "equal" to those already in place. Senior advocates and caregivers may recommend the expansion or modification of resident rights, and the department would be prohibited from responding under this language.

Section 29 requires the department to create a written training program for adult family home operators and to report to the Legislature. No appropriation is made to carry out the requirements of this section.

Section 34 repeals the rule-making authority the department needs to regulate congregate care facilities.

Section 35 is a preemptive zoning statute that designates residential facilities serving up to 15 persons as permitted uses under local zoning statutes. The language is overly broad and vague as written and may present a problem to local governments. The Legislature will receive a report from all local governments on the need for these facilities in 1990.

With the exception of sections 25, 29, 34 and 35, Engrossed Substitute House Bill No. 1968 is approved.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 21, Substitute House Bill No. 1983 entitled:

"AN ACT Relating to contempt of court."

Section 21 of this act amends RCW 26.09.160, which is also amended by section 1 of Substitute Senate Bill No. 6009. That measure substantially revises statutes relating to custodial interference and failure to adhere to the residential provisions of parenting agreements. In order to avoid confusion, I have vetoed section 21 of this act.

With the exception of section 21, Substitute House Bill No. 1983 is approved.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 8, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, House Bill No. 2010 entitled:

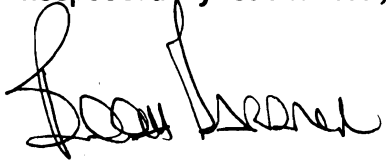
"AN ACT Relating to permitting hunting by nonambulatory disabled persons."

Current law prohibits hunters from carrying a loaded weapon in a motor vehicle and prohibits hunting from a non-highway vehicle or snowmobile. This legislation would give disabled hunters the opportunity to hunt by allowing hunting from a non-highway vehicle or snowmobile.

This legislation sets good policy regarding the enhancement of the hunting opportunities for disabled persons. The need to veto section 6 relates solely to an inconsistency. Existing law prohibits hunting from, across or along the maintained portion of a public highway. It is stated in new section 2, "No hunting shall be permitted from a motor vehicle that is parked on or beside the maintained portion of a public road." Yet section 6 implies that disabled hunters may shoot from, across or along public highways. To remove this inconsistency, it is necessary to veto section 6, which then leaves the current prohibition in place.

With the exception of section 6, House Bill No. 2010 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 12, 1989

**To the Honorable, the House
of Representatives of the
State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 6, and 7, Substitute House Bill No. 2024 entitled:

"AN ACT Relating to regulatory fairness."

Section 4 of Substitute House Bill No. 2024 imposes new notification requirements on state agencies when they are developing rules that affect small businesses. There are four separate notification procedures specified in the section. Because of the way the section is drafted, agencies could be subject to a legal challenge if they did not notify by all sections which apply to a given business. The language is subject to two interpretations due to the fact the word "and" is used at the end of subsection 3, rather than "or."

These new procedures would be in addition to the expanded notification and public access requirements mandated by the new Administrative Procedure Act (APA) under RCW 34.05. That act will go into effect in July of this year. The new APA mandates advance notice of rule making through the state register, authorizes agency solicitation of comments from the public on proposed rules, encourages the creation of committees to discuss rules in advance of official notice, requires the creation of a rule-making docket in each agency, and requires agencies to send notices of proposed rule adoptions to any citizen who requests them.

The Legislature, state agencies, the Bar Association, the Attorney General's Office, and interest groups, including representatives of small business, spent four years perfecting the new APA, including its uniform rule-notice

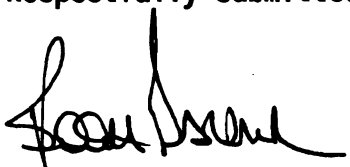
requirements. To create an entirely new set of requirements applicable only to a single special interest group before the APA becomes effective is not necessary. It would also have an unanticipated fiscal impact on many state agencies.

Sections 6 and 7 authorize the Joint Administrative Rules Review Committee to review executive agency compliance with the Regulatory Fairness Act and the sufficiency of small business economic impact statements. Currently, this committee reviews rules for conformance with underlying legislative intent and procedural correctness. To give the committee expanded authority to review the substance of detailed economic impact statements prepared by agencies is beyond the scope of the committee.

Concerns regarding agency compliance with the Regulatory Fairness Act can already be brought before the agency, the Business Assistance Center, and ultimately the courts. To add one more forum to this field is both unnecessary and duplicative.

With the exception of sections 4, 6, and 7, Substitute House Bill No. 2024 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 13, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, House Bill No. 2060 entitled:

"AN ACT Relating to the horse racing industry."

The main objective of House Bill No. 2060 is to improve the process by which industrial insurance premiums for the horse racing industry are assessed, and in so doing, to improve the industrial insurance coverage of the horse racing industry as a whole. With the exception of section 6, I fully endorse this bill.

Section 6 requires the House Commerce and Labor Committee and the Senate Economic Development and Labor Committee, in conjunction with the Horse Racing Commission and the Department of Labor and Industries, to conduct a study of industrial insurance coverage of the horse racing industry in general and coverage for jockeys specifically. Although I concur with the Legislature in the need for such a study, I feel that the practice of placing legislative studies into statute is both unnecessary and unwarranted. Although I am vetoing this section, I am directing the Horse Racing Commission and the Department of Labor and Industries to participate and cooperate fully in this study.

With the exception of section 6, House Bill No. 2060 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 2070 entitled:

"AN ACT Relating to the state building code."

The provisions of Substitute House Bill No. 2070 address problems arising from the application of the State Building Code to buildings and structures that are to be moved. Section 3 is not related to this issue in any way. The section would have the effect of requiring the State Building Code Council to adopt rules pursuant to RCW 34.05, the Administrative Procedure Act, for the purpose of proposing a biennial budget for submission to the Office of Financial Management.

This provision would impose an undue and unnecessary administrative burden on the State Building Code Council, the Department of Community Development, and the Office of Financial Management. The provision would not provide additional benefits to the public which would justify the additional administrative requirements. State agencies are not currently required to adopt administrative rules when proposing budgets, as required in this provision, and there is no compelling reason to establish extraordinary requirements to apply to the budget of the State Building Code Council.

To the Honorable, the House
of Representatives of the
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May 11, 1989
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The provision would also require the State Building Code Council to adopt rules pursuant to RCW 34.05, the Administrative Procedure Act, regarding changes to codes adopted or amended by the State Building Code and to consider local government amendments to the State Building Code with impact on residential buildings. This provision would be duplicative of provisions of section 3 of Substitute Senate Bill No. 5905, which I have signed and which has thereby been enacted into law.

With the exception of section 3, Substitute House Bill No. 2070, is approved.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 14, 1989

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 5, Engrossed Substitute House Bill No. 2137 entitled:

"AN ACT Relating to targeted sectors for economic development."

Engrossed Substitute House Bill No. 2137 establishes new programs in the Department of Trade and Economic Development focused on significant industries in the state facing the prospect of major growth or change. The legislation provides a framework for state action to encourage the competitiveness of these industries. It ensures that the state assist these industries only after taking a careful look at the industry and after consideration of issues such as international markets, training needs, and the availability of financing. It provides a thoughtful and appropriate structure for state activities of this type.

Section 4 of the bill, however, establishes an advisory committee for the program as a whole and subcommittees for each of three targeted industries. While I agree with the need to involve affected industries in the development and operation of programs to address their competitive needs, and while legislative involvement in this process may be valuable, the structure to achieve these ends is administratively cumbersome and overly complex.

I have therefore vetoed Section 4 of the bill. I will, however, ensure that affected industries will be involved in the development and operation of the programs and that such action is consistent with the spirit of Engrossed Substitute House Bill 2137.

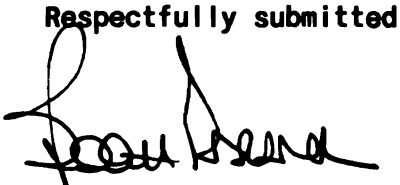
To the Honorable, the House
of Representatives of the
State of Washington
May 14, 1989
Page 2

Section 5 of the bill provides for a targeted sector program for manufactured wood products in the Department of Trade and Economic Development. I agree that there is a need for state involvement to increase the capacity of our state's wood products firms to manufacture new value-added wood products for domestic and international markets. However, the Legislature has appropriated funds in section 309(8) of this year's operating budget for new activities by the department, in cooperation with the state's wood products industry, to increase the competitiveness of state firms in these markets. The provisions contained in section 5 are duplicative of the budget provisions and would be unnecessarily burdensome.

While vetoing section 5, I will, however, ensure that state activities to increase the competitiveness of the state's manufactured wood products industry are undertaken in a fashion consistent with the thoughtful approach to other industrial sectors as provided for in this legislation.

With the exception of Sections 4 and 5, Engrossed Substitute House Bill No. 2137 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 12, 1989

**To the Honorable, the House
of Representatives of the
State of Washington**

Ladies and Gentlemen:

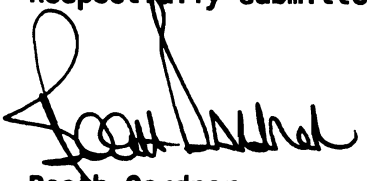
I am returning herewith, without my approval as to section 27, Engrossed House Bill No. 2155 entitled:

"AN ACT Relating to technical corrections and clarifications to the parenting act of 1987 and related provisions."

Section 27 of this bill amends RCW 26.09.120, which is also amended in an incompatible manner by section 11 of SHB 1635.

With the exception of section 27, Engrossed House Bill No. 2155 is approved.

Respectfully submitted,



**Booth Gardner
Governor**

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BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Second Substitute Senate Bill No. 5011, entitled:

"AN ACT Relating to providing for allocation of assets of an institutionalized spouse."

Section 6 requires the submission of a biennial report on the number of persons impacted by the laws relating to transfer of assets between spouses. This section imposes new duties for which no funds have been appropriated, and would require the Department of Social and Health Services to reformat information already available to the legislative fiscal committees.

With the exception of section 6, Second Substitute Senate Bill No. 5011 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 5121 entitled:

"AN ACT Related to drug awareness education."

This bill establishes a mobile substance abuse awareness program to be developed and staffed through the Office of the Superintendent of Public Instruction as a required component of its substance abuse initiatives.

Substance abuse in our schools represents an enormous threat to our children's welfare and safety. Effective substance abuse education programs in our schools are essential. These are most effectively designed and implemented by local communities familiar with the unique needs of their youth.

Rather than facilitating local problem solving, this bill would centralize the substance abuse awareness program at the state level. Further, no appropriations were included in the budget recently passed by the Legislature.

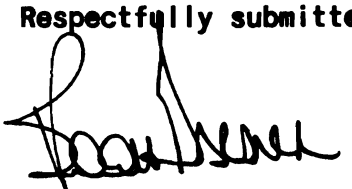
Last week, I signed into law Engrossed Second Substitute House Bill No. 1793, an omnibus bill addressing many components of our society's substance abuse problem. The focus of the omnibus bill is to coordinate the response of law enforcement officials, human service providers, school officials and others involved in grappling with the effects of this problem. Engrossed Second Substitute House Bill No. 1793 funds programs and establishes a framework for an integrated plan in this important area.

To the Honorable, the Senate
of the State of Washington
May 12, 1989
Page 2

Although I support the bill's objective to deliver a substance abuse awareness program to rural communities, these communities are best able to design and coordinate programs specific to their needs.

For the reasons stated above, I am vetoing Engrossed Substitute Senate Bill No. 5121 in its entirety.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 2, Substitute Senate Bill No. 5127, entitled:

"AN ACT Relating to boundary review boards."

Sections 1 and 2 of Substitute Senate Bill No. 5127 would eliminate the authority of boundary review boards to disapprove a proposed city or town incorporation or disincorporation.

I recognize there are some communities in the state that are dissatisfied with recent incorporation decisions of boundary review boards. However, I am not convinced that the answer to this problem is simply to eliminate the board's authority in this critical area. One of the purposes of Chapter 36.93, which created boundary review boards, was to provide a method to guide and control the creation and growth of municipalities in metropolitan areas. By deleting the boards' authority over incorporations, the purpose of this act would be frustrated.

The State has a legitimate interest in ensuring that municipal boundaries are rational and that statutory objectives are adhered to in the incorporation process. The authority of boundary review boards to review and act on incorporations is the established method of achieving that goal. Without such authority, there is some risk of proliferation of small municipalities and governmental fragmentation at the local level. Additionally, annexations often need to be amended to ensure they do not just include the property tax rich area while excluding poorer valuation residential areas which require public services.

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April 20, 1989
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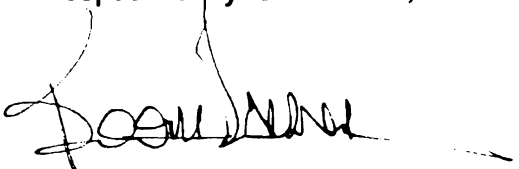
Neighboring jurisdictions are usually affected directly by municipal incorporations. Review of these actions by boundary review boards ensures that multi-jurisdictional issues are considered before a vote is taken.

Notwithstanding the concerns with sections 1 and 2 of the bill, I recognize that boundary review boards may not be the best approach for all counties to address these important growth issues. For that reason, I requested legislation this session (House Bill No. 1174) that would provide a mechanism for the dissolution of boundary review boards if a local government service agreement is in place. That bill has not yet been acted upon by the Legislature.

With the exception of sections 1 and 2, Substitute Senate Bill No. 5127 is approved.

Respectfully submitted,



Booth Gardner
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98504-0413

BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 8 and 12, Senate Bill No. 5156, entitled:

"AN ACT Relating to Cedar River sockeye salmon."

The concept behind this bill is to provide a mechanism to mitigate for the sockeye salmon habitat losses caused by the Landsburg diversion dam. Embodied in the concept of mitigation is that the complete cost, including the long-term operation and maintenance of the mitigation project, shall be borne by the party with the responsibility to mitigate. In this case, the City of Seattle has agreed not only to fund all phases leading up to and including construction, but also to deposit $2.5 million in a trust account so that interest can be used to fund operation and maintenance.

The acceptability of this project to the State to fully mitigate for the sockeye losses caused by the diversion dam shall be judged not only on the success of the spawning channel but also on whether the trust account is adequate to fully finance the long-term operation and maintenance of the channel. It is in the best interest of the City of Seattle to negotiate with the State on methods which could reduce the expenditures from this trust account, so that in the future the fund is sufficient to cover inflationary costs as well as unanticipated costs.

I feel strongly that the decision-making process leading up to the construction of the spawning channel must recognize the relationship between the State and the Muckleshoot Tribe. The process must involve the Tribe in the planning, design, construction and operation of the spawning channel. This project can proceed only so long as consistent with the protection of treaty

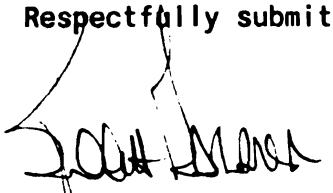
fishing rights. Finally, it should be noted that any decision made by the State pursuant to this legislation does not affect claims the Muckleshoot Tribe may have against the City of Seattle for damages to the Cedar River fisheries resources.

The expedition of permits in section 8 implies that state agencies are somehow above the permitting processes. This policy sends an inappropriate message that the review should be preferential or incomplete. The emergency clause in section 12 is not warranted by any exigent circumstances.

I believe this legislation, with the exception of sections 8 and 12, is an example of a process, that if successful, will enhance fishing opportunities in this state and will address a current impediment to increasing the Cedar River sockeye run.

Therefore, with the exception of sections 8 and 12, Senate Bill No. 5156 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 5, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Senate Bill No. 5172, entitled:

"AN ACT Relating to energy conservation."

Sections 1 and 2 of this bill will allow the implementation of the 1988 voter-approved Constitutional Amendment, HJR 4223 which extends the conservation authority to add equipment to the prior authorization for structures. Section 4 makes the bill effective immediately. This legislation was requested by the State Energy Office and was supported by my office.

Section 3 is an amendment which authorizes financial assistance for the planting of trees that will cast shade on residential structures in the summer. Shade trees are aesthetically pleasing and have some energy benefits. However, the inclusion of shade trees in this bill arguably goes beyond the public understanding of conservation under the constitutional amendment permitting loans for ". . . materials and equipment for conservation . . .".

I would be favorably inclined to review this issue if, after further public discussion, shade trees or other energy conservation methods are shown to be and generally recognized as cost effective.

With the exception of section 3, Senate Bill No. 5172 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

April 18, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4-105, 4-111, 4-114, 4-118, and 4-121, Substitute Senate Bill No. 5208 entitled:

"AN ACT Relating to Condominiums."

The Washington Condominium Act (WCA) sets forth in statute a single and comprehensive body of law governing the development, ownership and management of condominiums. In doing this, the interests of lenders, developers, builders, realtors and local governments have been adequately protected. The interests of purchasers have not fared as well.

For example, Substitute Senate Bill No. 5208 expands warranties of quality. However, section 4-111 is written in such a way that the "express" warranty of quality purports to give much more protection than it does. This provision is substantially less protective than the uniform act already in law. One limitation in this section takes away a purchaser's right to rely on the promoter's reservation of development rights, even though it is made in the public offering statement. Therefore, I have vetoed this section.

Although I support increased flexibility and certainty for developers, these changes must be accompanied by requirements for full disclosure and protection for consumers. Condominium purchasers have a right to rely on information they receive and to know if new buildings or subdivisions may be developed, or if certain portions of the development may be withdrawn from the project. For this reason, I am not approving section 4-105, which exempts condominium promoters from important disclosure requirements.

Section 4-114 specifies the statute of limitations for warranties regarding condominium quality. Under this section, purchasers would receive less time to seek relief for breach of warranty than under existing law. This section allows warranties to expire within four years of the original purchase, regardless of whether the defect is apparent. Under current law, the statute of limitations runs for warranties three years after discovery of the defect, rather than from the date of the first purchase.

Section 4-118 of the Act removes the requirement that a unit be "substantially completed" before the conveyance is completed. This allows the seller to have use of the funds before the purchaser is able to use the property, detracting from the rights of individual purchasers.

Section 4-121 recreates the 1987 statutory committee, which presented the first draft to the legislature. I am vetoing this section because there is no apparent need for a group such as this, and consumer representation is clearly inadequate. The state has far too many boards, commissions and committees already and creation of yet another one for such a questionable purpose is unnecessary.

Substitute Senate Bill No. 5208 clarifies Washington State law on condominiums. Recent changes in lifestyle have increased the prevalence of this type of real estate transaction, thereby increasing the need for more certainty in the law regarding these transactions. However, it is not in the public's interest to use this bill as a vehicle to reduce important consumer protection rights granted through existing law. For this reason I have vetoed the above mentioned sections of Substitute Senate Bill No. 5208.

With the exception of sections 4-105, 4-111, 4-114, 4-118, and 4-121, Substitute Senate Bill No. 5208 is approved.

Respectfully submitted,

Booth Gardner
Governor

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OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 13, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5221 entitled:

"AN ACT Relating to the advance college payment program."

Substitute Senate Bill No. 5221 requires the Higher Education Coordinating Board to study the feasibility of instituting an advance college payment program in Washington state. The board was appropriated thirty thousand dollars to conduct the study and was to submit a report, including recommendations, to the Legislature by January 1, 1990.

It is clear that some of the elements to be considered in the study are very complex and go beyond the scope of higher education. In order for the critical elements of the study to be examined thoroughly and completely, the board would have to contract for the required expertise. Among the most significant questions to be answered are those that relate to the potential federal income tax consequences for investors and the state's potential liability in the event that the program is not actuarially sound. It is estimated that the cost of expertise would far exceed the thirty-thousand dollar appropriation and the study would require more time than alloted.

Although I am not opposed to studying the feasibility of such a program, I am certain that the Higher Education Coordinating Board cannot complete a complex study of this kind without sufficient time and resources. The potential risks for investors and the state in such programs need to be examined thoroughly. This legislation fails to provide the time and resources needed for the completion of a quality feasibility study.

For the reasons stated above, I have vetoed Substitute Senate Bill No. 5221 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed Senate Bill No. 5233 entitled:

"An Act Relating to burglary."

This legislation creates a new crime of residential burglary for those incidents in which an individual enters a dwelling for the purposes of committing "a crime against persons or property therein". The existing crime of burglary in the second degree is retained for cases involving buildings other than dwellings.

Section 3 of this measure increases the seriousness level of second degree burglary from range II to range III and ranks the new crime of residential burglary at an even higher level, range IV. These rankings have significant fiscal impacts on both state and local governments that are not fully addressed. Although the Legislature included funds in the Omnibus Budget for the purposes of this act, they fall far short of meeting the Department of Correction's needs. In addition, no funds were provided to address the impacts on local jails.

I support the intent of this bill. Residential burglary is a particulary offensive crime that not only results in material loss, but shatters the sense of privacy people enjoy within their homes. Persons who invade homes in this manner must be punished.

However, attempting to address this issue has highlighted some of the inflexibility of the state's Sentencing Reform Act. Because of the sentencing structure created by the Act, little can be done in response to the problem of burglary other than to raise the seriousness level, as accomplished by section 3.

To the Honorable, the Senate
of the State of Washington
May 13, 1989
Page 2

I am retaining the new definition of residential burglary created by this bill, and the instructions in section 1 requiring the Sentencing Guidelines Commission to consider residential burglary as a more serious offense than burglary in the second degree. Because the provisions of the bill do not take effect until July 1990, I believe this veto allows us to more fully consider the ramifications of this sentencing change.

The long-term financial impact on the state adult and juvenile systems will mandate significant additional commitment of both capital and operating funds. I am concerned that the full financial reality of passing this bill has not settled upon the Legislature. The Legislature should also consider the consistency of punishment level in this bill related to punishment for other criminal offenses.

Particular attention must also be paid to the effect these changes have on our local jail system. We can no longer continue to ignore the overcrowding and potentially dangerous conditions facing these facilities. At the same time the Legislature was enacting a measure extending eligibility for home detention programs to burglars, it was removing over fifty percent of the eligible inmates by the definition change included in this bill. The Sentencing Guidelines Commission is the proper place to consider these system-wide impacts.

I am asking the Sentencing Guidelines Commission to take up this issue for the purpose of recommending a resolution to the 1990 Legislature. The Commission will review the relative rankings of these crimes, and will explore the possibility of reordering the sentencing grid in such a way as to allow courts greater flexibility in determining appropriate sanctions. In addition, the Commission will review the potential for changing sentencing practices associated with rank changes, and the relationship of deadly weapons enhancements to these two offenses.

With the exception of section 3, Engrossed Senate Bill No. 5233 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

May 14, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, 5, 6, 7, and 8, Substitute Senate Bill No. 5289 entitled:

"AN ACT Relating to fisheries enhancement."

Our commitment to enhance salmon resources is an empty promise unless we are all willing to provide the financial resources necessary to fulfill it. I believe that the funding mechanism envisioned in this bill can work to supplement other state and federal funds if properly structured.

I am supportive of approaching fisheries enhancement by way of regional and volunteer cooperative groups. I believe, however, that the portions of this bill relating to the formation of these regional groups are so poorly drafted that they could lead to excessive administrative work and lack of accountability for the use of state funds.

As an alternative to sections 2 and 3, I am directing the Department of Fisheries to use its general rule-making authority to implement the intent of the bill in a manner that is workable and, more importantly, accountable. Criteria must be in place requiring recipients of funds to be incorporated as non-profit groups with the Secretary of State. Additionally, requirements for audits must be included.

To the Honorable, the Senate
of the State of Washington
May 14, 1989
Page 2

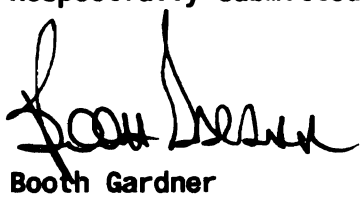
Sections 5 and 6 fail to establish a clear relationship between the authority of the department and the regional groups. These sections could imply control by the groups. This interference with the decision-making prerogatives of the department is unacceptable to me.

Section 7 is vetoed because it requires legislative approval of each loan application. Decisions on applications for funding should be made by the Department of Fisheries without legislative approval. This veto does not mean that I am not supportive of loans for funding fisheries enhancement. In fact, the opposite is true. Because I am unable to partially veto this language, I must veto the entire section.

I am vetoing section 8 because it will require the department to tag smolt and compile data at great expense in order to document specific fish catch related to enhancement projects.

With the exception of sections 2, 3, 5, 6, 7, and 8, Substitute Senate Bill No. 5289 is approved.

Respectfully submitted,



Booth Gardner
Governor

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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 5, Substitute Senate Bill No. 5293 entitled:

"AN ACT Relating to higher education."

Section 1 reenacts RCW 28B.80.330, which requires the Higher Education Coordinating Board to perform planning duties including the preparation of a comprehensive master plan. The plan includes but is not limited to assessments of the state's higher education needs. These assessments may include "the needs of recent high school graduates and place-bound adults. The board should consider the needs of residents of all geographic areas, but its initial priorities should be applied to heavily populated areas underserved by public institutions." The board has already completed its assessment of upper division and graduate level courses and programs needed in heavily populated areas. It can now begin assessing the needs of place-bound students in those areas that are less populated, including Clallam and Jefferson counties.

Section 5 of this bill requires that the Superintendent of Public Instruction: (1) contract with the University of Washington's Early Entrance Program or Transition School; and, (2) allocate state and federal funds generated by the student directly to the University of Washington. Similar language achieving the same result is included in section 9 of Engrossed Substitute House Bill No. 1444, which I have signed into law. To avoid confusion, I have vetoed section 5 of this bill.

With the exception of sections 1 and 5, Substitute Senate Bill No. 5293 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

May 8, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5315 entitled:

"AN ACT Relating to oil spills and the transfer and safety of petroleum products across the marine waters of the state of Washington."

Due to a problem in the transferring of the bill as amended by the House, the version to which the Senate concurred was not the version the House adopted. A new version of the bill was quickly introduced and passed by both Houses of the Legislature and is currently awaiting my signature.

To avoid potential challenge and to adopt the statutes as intended, I am vetoing Substitute Senate Bill No. 5315 in its entirety and in its place signing House Bill No. 2242.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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98504-0413

BOOTH GARDNER
GOVERNOR

June 2, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 123(1),(3),(4),(5),(6), 125(4), 208(3), 209(1), 213(7),(8), 214(4), 218(6), 221(9),(12),(17),(18), 222(1),(2), 225(2), 230(2), 304(7), 313(4), 316(1), 503(10), 601(2), 602(2), 610(2), 709(3), 804, 805, 809, 810, and 813 of Engrossed Substitute Senate Bill 5352, entitled:

> "AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991."

My reasons for vetoing these sections are as follows:

Section 123(1), page 12, Motor Vehicle Savings

Subsection 1 requires that $3,200,000 General Fund-State be placed in reserve as a consequence of savings generated by implementation of the motor vehicle review team report. That report identifies potential savings once implementation of the recommendations occur; however, it does not estimate savings to the General Fund-State, separate from savings to other funds. It is premature to estimate and require reserving of General Fund-State monies until planning for the implementation has been completed and the specific sources of savings are identified along with the type of benefiting budget.

Section 123(3), page 13, Handicapped Program Enrollment

Subsection 3 requires forecasting of K-12 handicapped enrollment by the Office of Financial Management (OFM). OFM has normally provided forecasts of budget drivers deemed critical to budget analysis and development, including forecasting K-12 handicapped enrollment. The agency will continue to do this work within its available resources. Specific direction in the budget is unnecessary.

To the Honorable, the Senate
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Page 2

Section 123(4), page 13, Handicapped Education Study

Subsection 4 reduces flexibility in the Office of Financial Management by requiring it to spend $200,000 General Fund-State appropriation solely for a study of handicapped education. Removing this provision will allow the agency to more effectively perform a study of handicapped education, consistent with the goal of this provision and provide a report by December 1, 1989.

Section 123(5), page 13, Master License Center Transfer

Subsection 5 provides that if the Master License Center does not have sufficient funds for the 1989-91 biennium, then the Office of Financial Management shall transfer amounts associated with savings in benefiting agencies to Master License Center. This strategy was started in the current biennium and abandoned due to difficulties in estimating savings in the benefiting agencies. There is no reason to believe it would be successful for the 1989-91 biennium.

Section 123(6), page 13, Architectural Cost Specialist

Subsection 6 provides $130,000 of the General Fund-State appropriation solely for an architectural or structural cost specialist in the Office of Financial Management for analysis related to the capital budget. While the agency does need this additional analysis, my veto provides the agency with the flexibility to obtain this assistance either by hiring staff or seeking consultation.

Section 125(4), page 14, Salary Survey Process

This subsection provides for legislative staff oversight of the Department of Personnel in the salary survey process. The procedures and methodology of the salary survey are clearly defined in statute. Legislative staff oversight would infringe upon the agency's performance of the salary survey process within these statutory requirements.

Section 208(3), page 32, Consolidated Emergency Assistance Program

This subsection directs the Department of Social and Health Services to eliminate the Consolidated Emergency Assistance Program. The program provides assistance to families and pregnant women in emergent circumstances who are not eligible for any other state programs. The proviso does not supersede existing statutory provisions establishing this program. Additionally, elimination of the program might violate federal requirements under the Federal Catastrophic Care Act of 1988.

To the Honorable, the Senate
of the State of Washington
June 2, 1989
Page 3

Section 209(1), page 32, General Assistance-Unemployable

This subsection requires the Department of Social and Health Services to conserve the monies appropriated for the General Assistance-Unemployable (GA-U) program so that assistance is available throughout the biennium. The requirement has the effect of limiting expenditures to the current forecast.

Forecasts of demand for income assistance programs are revised during budget periods due to changes in predictive variables. An additional factor affecting the GA-U forecast is the revision to the Alcohol and Drug Abuse Treatment and Support Act (ADATSA) in section 212 of this act and in Reengrossed Substitute Senate Bill No. 5897. Clients who will be eligible for ADATSA shelter under the revised standards also will be eligible for GA-U. Although these clients will be eligible for either ADATSA or GA-U, all of the funding was appropriated to the ADATSA program.

If actual demand for assistance exceeds the current forecast during the biennium, then the Department of Social and Health Services would have to apply a ratable reduction to the grant standard. I do not support the imposition of a ratable reduction as the only appropriate method to manage unpredictable caseload growth.

Section 213(7), page 36, Chiropractic Services

Section 213(7) prohibits the Department of Social and Health Services from providing chiropractic services as an optional service under the Medical Assistance program. Since many eligible recipients rely on this type of treatment, to not allow for this service would be inconsistent with the overall objectives of the Medical Assistance program.

Section 213(8), page 35, Medicaid Disproportionate Share

Section 213(8) requires that the Department of Social and Health Services expend 57 percent of the medicaid disproportionate share appropriation in Fiscal Year 1990 and requires continuation of payment advances for Harborview. This language is unduly prescriptive and limits the Department's discretion in employing periodic payment advances.

Section 214(4), page 37, Allocation of Funds to Community Health Clinics

This subsection ensures that each clinic receives at least 95 percent of the amount received in the prior fiscal year. The Department of Social and Health Services is also required to promulgate rules to develop an allocation formula and eligibility criteria for distribution and receipt of program monies. It is my intent that community clinics have a reasonably predictable funding level from this appropriation. However, the Department needs administrative flexibility to contract with clinics which best provide required services, or with clinics in health care access problem areas. I will direct the Department of Social and Health Services to promulgate rules under RCW 34.05 to develop an allocation formula for distributing money to community health clinics and to develop eligibility criteria for receipt of program monies.

To the Honorable, the Senate
of the State of Washington
June 2, 1989
Page 4

Section 218(6), page 41, Foster Care Financial Participation Schedule

This subsection sets a financial participation schedule for foster care support collections. This proviso, if enacted, would be inoperative, as it would not supersede existing statutes which require the use of the current child support schedule as the means test for foster care collections.

Section 221(9), page 44, Bordertowns

Subsection 9 requires the Department of Community Development to report to the Legislature on the distribution and the amount of grants to bordertowns. Funding for the grants is provided in RCW 66.08.195 as a set percentage of the Liquor Control Board excess funds for distribution. The requirement that the amount of the distribution be substantially equal to the current level of expenditure is technically unworkable. The Liquor Control Board cannot control factors such as liquor sales that generate the excess funds to that level of specificity. Neither does the Liquor Control Board have the option to distribute the excess funds in any manner other than that required by statute. I will ask the Department of Community Development to report to the Legislature the amount of excess funds generated by the three-tenths of one percent statutory requirement that are distributed to bordertowns.

Section 221(12), page 45, Lewis County Technological Demonstration Project

Subsection 12 provides $475,000 to continue the Lewis County Technological Demonstration project. Funding for this project, a mobile vocational training program unit operated in conjunction with the school district, was not included in the Department of Community Development's budget recommendation. Vetoing this subsection provides the agency the flexibility, subject to the Office of Financial Management's allotment control, to adapt its appropriations to address the agency's most serious needs. A portion of these funds will be used to complete the pilot project and address the intent of the original legislation.

Section 221(17), page 45, High Risk Youth

Subsection 17 provides $400,000 for a pilot demonstration project for high risk youth pursuant to Engrossed Second Substitute Senate Bill No. 5624. Inasmuch as the bill did not pass, removal of the subsection will allow the agency the flexibility to better manage within financial constraints.

Section 221(18), page 45-46, Growth Strategies Commission

Subsection 18 establishes the Growth Strategies Commission in the Department of Community Development, consisting of 17 members appointed by legislative leadership, six of whom are legislative members. I applaud those legislators with the foresight to recognize that growth strategies planning is essential to the state. However, it is inappropriate to use appropriations to an executive agency to support what is essentially a legislative effort. I will, establish a Growth Strategies Commission by executive order that will include legislative representation among its members.

To the Honorable, the Senate
of the State of Washington
June 2, 1989
Page 5

Section 222(1)(2), page 46, Human Rights Commission

Subsections 1 and 2 were included in my executive request budget, and would require the agency to manage federal cases and the use of Attorney General services within specific dollar constraints. These constraints were tied to the budget level that I recommended to the Legislature. The intent of the provisoes was that the agency would use state dollars to requalify for the federal dollars in the next contract negotiations with the federal government. Since the Legislature did not provide appropriations for this purpose, the provisoes are unduly restrictive to the agency trying to manage within severely limited resources.

Section 225(2), page 47, Family and Medical Leave Act

This subsection reduces flexibility in the Department of Labor and Industries' budget by requiring it to expend $300,000 of the General Fund-State appropriation solely for the Family and Medical Leave Act. Funding for this activity was not added to the Department's budget and must be absorbed in existing programs. The agency plans to support the program implemented in Reengrossed Substitute House Bill No. 1581.

Section 230(2), page 48, Hospital Data Collection

This subsection reduces flexibility in the Department of Health's budget by requiring expenditure of this appropriation solely for hospital data collection. While it is clear that hospital data collection is an important function of the new department, it may be possible to utilize some of the available resources for other essential health-related activities.

Section 304(7), page 55, Department of Ecology

This subsection provides $1,000,000 from the solid waste management account to assist local governments pursuant to section 7 of Engrossed Substitute House Bill No. 1671. Section 7 of that bill was vetoed, which makes this subsection moot. The veto of this subsection is not intended to forsake its intent. Therefore, I am directing the Department of Ecology to make $1,000,000 available from the Solid Waste Management Account to local governments for the development of materials to promote waste reduction and recycling.

Section 313(4), page 64, Simpson Hatchery

Subsection 4 provides $276,000 solely for the maintenance of current operations at the Simpson Hatchery. Problems with water quality in the Chehalis River have greatly reduced the survival level of fry. Funding has previously been provided to assess the problem and, if possible, recommend a solution. The field work for that study will be completed this year and it is anticipated that the results should be complete in late spring of 1990. Until a solution to the problem is recommended, continued operation of the hatchery is not a prudent use of limited public funds. If the water quality problems can be corrected, a portion of this $276,000 shall be used to implement the solution. Funds not so utilized shall be held in reserve.

Additionally, subsection 5 provides $1,810,000 for recreational salmon enhancement projects. While I support expenditures for recreational salmon enhancement, restricting them solely for recreational projects is impractical. Due to the migratory nature of salmon, and the complex management activities of both commercial and recreational fisheries, it is not possible to ensure that recreational anglers are the sole beneficiaries of the enhancement projects.

While I am not vetoing the specific language in subsection 5, I want to assure the Legislature that this funding will be used for recreationally oriented salmon enhancement.

Section 316(1), page 68, Common School Construction

Section 316 allows lands and timber to be taken out of trust status and reserved for wildlife habitat, recreation or conservation. The trust funds would be compensated for the timber, and land of equal value would be traded for the land being removed from the trust.

Subsection 1 requires that the lands and timber purchased by the Department of Natural Resources for purposes of this section shall be based on a finding by the Board of Natural Resources in consultation with the House Appropriations Committee and the Senate Ways and Means Committee. The Board of Natural Resources is responsible for the management of the trusts. Requiring consultation with the legislative fiscal committees is an intrusion on the authority of the Board and hinders its ability to fulfill its trust responsibilities.

In addition, the requirement that the Board "find" that the timber "should not be harvested" may prove an impediment to accomplishing the intent of the section. The Board is charged with maximizing the return to the trust funds as trustees. No criteria is specified as a basis for determining which timber should not be harvested. For the Board to find that trust land timber should not be harvested would be in conflict with the Board's mission to maximize benefit to the trust funds.

Without subsection 1, the Board will be able to determine which timber would be desirable not to harvest at this time, for reasons consistent with its statutory trust obligations. Vetoing this subsection will permit the intent of the section to be accomplished without undue restrictions.

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June 2, 1989
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Section 503(10), page 84, School Administrator Salary Increases

This subsection limits salary increases for school administrators next biennium to the percentage increase provided by the Legislature. This restriction would unduly limit the ability of local school directors to address the unique needs of their individual districts. The Legislature has given the school system less state funds for school administrator salary increases. This alone will act to limit salary increases. This subsection also requires annual justification of average salary increases in excess of the increase in state-funded salary increases provided by the Legislature. Currently, school districts report salaries for all staff annually. Repeating local debates to justify salary increases for school administrators would be a meaningless reporting requirement that has no relationship to assessing or improving the quality of education available to our children.

Section 601(2), page 102, Student Quality Standard

Section 601(2) of the bill provides for a target level of spending per full time equivalent student at each of the institutions for the entire biennium. A certain level of flexibility is provided in meeting the target, and penalties are stated for variances greater than 2 percent.

I concur with the established method of controlling amounts spent per student. I also agree with the philosophy of setting penalties to ensure compliance with legislative priorities. However, I cannot agree with the penalty clause, since it is too restrictive in that it applies after the first year of the biennium. The target level of spending is based on the biennial budget and any corresponding penalty should be based on an institution's ability to meet the target over a biennium.

Section 602(2), page 106, Community College Faculty

Section 602(2) of the bill places restrictions on the use of enhancement dollars to convert part-time faculty to full-time status at some of the community colleges. This restriction would unduly limit the flexibility of the colleges to manage faculty hiring practices to accomplish the colleges' goals and objectives.

Section 610(2), page 111, State Writing Project

Section 610(2) of the bill provides that $50,000 of the Higher Education Coordinating Board's (HECB) budget be used to establish a state writing project for public school teachers.

During a time of continued legislative demands of the HECB for centralized information, reporting, and program review involving our colleges and universities, the Legislature reduced the HECB base budget by $250,000. Veto of this proviso will help the HECB to continue high priority services to the Legislature and executives.

Section 709(3), page 119, For the Governor--Indian Claims

This subsection imposes a requirement on the Attorney General to appear for, and represent owners of, owner-occupied real estate in all cases in which a member of a tribe signatory to the agreement raises a claim of Indian title for land within the properties comprising the agreement. No precedent exists for Attorney General representation of private citizens related to property matters. Other recourse for legal assistance is available to private citizens, typically through their title insurance. Required involvement of the Attorney General in such matters would create unacceptable difficulty in the Attorney General's management of resources appropriated for the specific statutory responsibilities of the office.

Section 804, page 134, OFM Review of Compensation Plans

This section would require all agencies to route through the Office of Financial Management (OFM) any request to the Department of Personnel for reclassification or modifications of any compensation plans or schedules prior to submittal to the State Personnel Board for action. While I agree with the intent of this language, which is to strengthen the review process of actions before the State Personnel Board, as written, this section would be prohibitively difficult to administer. The Office of Financial Management currently reviews such actions of cabinet agencies based on specific criteria. The language of this section requires that all classification actions be reviewed by OFM regardless of their degree of significance. Lacking provisions to establish thresholds and limits under which to administer this review, the bureaucratic entanglements outweigh the benefits of this section.

Section 805, page 134, Personal Service Contracts

Section 805 requires the Office of Financial Management to approve in advance any General Fund-State personal service contract expenditures that exceed prior biennium percentages.

This provision is vague and unworkable. From a policy standpoint, it makes little sense to relate contract expenditures in two different biennia, because these types of expenditures are often project in nature. Administratively, the prior biennium's percentage of personal service contracts creates an arbitrary benchmark that would be difficult to calculate or impose. There are no legislative appropriations for 1989-91 personal service contracts by fund source; and final 1987-89 percentages will not be available until biennial close-out of statewide accounting records, several months after the limitations are supposedly in place.

I am also concerned by the language that exempts appropriations in the judicial agencies. This implies that all other elected official are covered by the restrictions contained in Section 805. Since the Office of Financial Management does not presently have any authority over allotments for all other elected officials, there is an apparent conflict between the appropriations act and the State Budget, Accounting and Reporting Act (RCW 43.88).

To the Honorable, the Senate
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Section 809, page 135, Biennial Funding

The statement that new programs are funded for the entire biennium, unless otherwise provided in either the appropriations act or legislative notes, raises some disturbing questions about the legal status of legislative notes. Although I recognize that this language was intended to minimize "bow-wave" impacts, agencies are already required to allot expenditures in conformance with legislative intent. Legislative notes are the work of legislative staff, not elected representatives, and these documents are sometimes prepared months after appropriations are enacted. Legislative intent should be defined by legislators in the appropriations act and not subject to retroactive elaboration.

Section 810, page 135, Gambling Revolving Fund Transfer

This section transfers $2,000,000 from the Gambling Revolving Fund to the General Fund during the 1989-91 fiscal biennium. The Gambling Revolving Fund, established as an allotted but nonappropriated fund in the Gambling Commission's enabling statute (RCW 9.46), receives revenues from licensing, penalties, forfeitures, and other gambling-specific sources to support the regulation and enforcement of charitable and social gambling activities in this state. These statutes direct that gambling activities produce a revenue stream--at local government option--for local government, but they do not expressly provide for these funds as a source of revenue for the General Fund. The transfer of funds provided by this section is inappropriate.

Veto of this section preserves the financial reserve of the Gambling Commission's operations and the Gambling Revolving Fund, and allows the Commission to continue to manage its revenue stream and the working capital requirements of the agency. I ask that license, penalty, forfeiture, and other revenue source rates be retained at existing levels but not decreased, until such point as the working capital requirements of the agency warrant increases in one or more of the rates.

Section 813, page 137, Public Safety and Education Account Transfer

This section transfers $2,000,000 from the Public Safety and Education Account (PSEA) to the General Fund on July 1, 1989. The PSEA has a history of volatile revenue collections. After the decline in the most recent revenue forecast for PSEA, allowing this transfer would require agencies expending from this account to begin the biennium with pro rata expenditure allotment reductions. This budget, combined with other legislation, provides a General Fund reserve of less than $40,000,000. I do not believe that is an adequate reserve; however, I do not feel it is appropriate to force expenditure reductions in the PSEA to add to the General Fund reserve.

To the Honorable, the Senate
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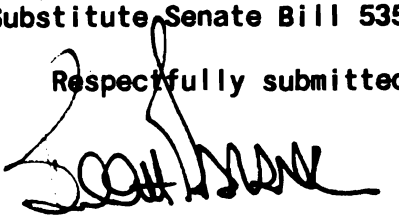
With the exceptions of sections 123(1),(3),(4),(5),(6), 125(4), 208(3), 209(1), 213(7),(8), 214(4), 218(6), 221(9),(12),(17),(18), 222(1),(2), 225(2), 230(2), 304(7), 313(4), 316(1), 503(10), 601(2), 602(2), 610(2), 709(3), 804, 805, 809, 810, and 813 of Engrossed Substitute Senate Bill 5352 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Second Substitute Senate Bill No. 5375 entitled:

"AN ACT Relating to DNA identification."

Subsection 1 of section 3 creates an oversight committee to recommend specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification data. The committee of twelve persons would be comprised of the Chief of the Washington State Patrol, three experts (forensic evidence, biomedical ethics, and civil liberties) and eight legislators appointed by the Legislature. I strongly support the purpose of this committee; however, the makeup of the committee is unbalanced.

I will appoint a committee to perform the functions set forth in section 3, including the report to the Legislature due November 1, 1989. Membership of the committee will include a more balanced group, from the fields of forensic evidence, biomedical ethics, civil liberties, medicine, the criminal justice system, and the Legislature.

Subsection 2 of section 3 requires the Washington State Patrol, in cooperation with the University of Washington School of Medicine, to develop a program for the proper administration and collection of blood samples. Although I am forced to veto this entire section, I will ask the Washington State Patrol to include this program within their plan for establishing a DNA identification system, as required by section 2.

To the Honorable, the Senate
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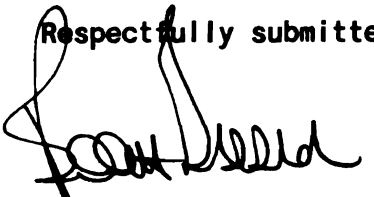
May 12, 1989
Page 2

I should bring to your attention that with the exception of section 6, the Washington State Patrol does not have specific authority to adopt rules for the DNA Identification System. I suggest the Legislature pass legislation giving the Washington State Patrol rule-making authority before the bill takes effect on July 1, 1990.

With the exception of section 3, Second Substitute Senate Bill No. 5375 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5, 14, and 21, Substitute Senate Bill No. 5443 entitled:

"AN ACT Relating to programs administered by the department of licensing."

This bill makes various policy changes in vehicle and driver laws. Section 5 grants the Department of Licensing the authority to furnish lists of registered and legal owners of motor vehicles to "business enterprises for commercial purposes...". Under the general policy set forth in the Public Disclosure Act, Initiative Measure No. 276, codified in RCW 42.17.260 (5), in order to protect the public's right to privacy and freedom from commercial intrusion, lists should not be provided for commercial purposes. This change in policy is not appropriate.

Section 14 grants the Director of the Department of Licensing, or the director's designee, the authority to issue criminal citations solely related to RCW 46.70.021 which requires dealers or manufacturers of vehicles to be licensed. Such specialized authority is inappropriate and unnecessary since criminal charges can be brought currently by taking the factural circumstances to a prosecutor. If the Legislature believes the grant of criminal citation authority is good policy for the Department of Licensing, it should consider a broad grant of authority for all its regulatory functions where criminal misdemeanor charges can be filed.

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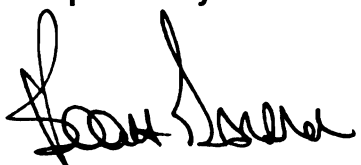
Section 21 establishes a study committee to develop recommendations regarding a system of driver's license issuance that provides increased security against fraud. It is not appropriate to delegate control over an executive department's contract decisions to a committee of the Legislature contingent on the committee's review of a study. I will direct the listed executive departments to cooperate in any legislative review of this issue.

With the exception of sections 5, 14, and 21, Substitute Senate Bill No. 5443 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 5472, entitled:

"AN ACT Relating to Vessel Dealer Registration."

Current law was established to monitor and register vessels to protect consumers in transactions associated with vessel dealers and to verify the registration of vessels for excise tax purposes. This legislation was intended to correct some minor problems with the vessel dealer licensing process.

Instead of correcting those problems, this bill causes the registration process to be more complex. In addition, no funds have been provided for the additional administrative workload on the Department of Licensing.

Additionally, I do not believe exempting one-fourth of the registered dealers from vessel dealer requirements is good policy. This type of large scale exemption will make administration of statutory compliance more difficult.

For the reasons stated above, I have vetoed Engrossed Substitute Senate Bill No. 5472 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 12, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Substitute Senate Bill No. 5474 entitled:

"AN ACT Relating to interpreters in legal proceedings."

Section 9 requires the Office of the Administrator for the Courts to create a new statutory advisory committee for certification of interpreters. The committee would advise the office regarding procedures and standards for certification of foreign language interpreters in legal proceedings. The recommendations of this committee would affect the use and availability of interpreters for state agencies, boards and commissions, courts, counties, cities, towns, and other political subdivisions covered by the act.

Section 9 limits the membership of the committee to representatives of county prosecutors, public defenders, the Bar Association, judges, and groups representing non-English-speaking persons. By precluding state agency and city and town participation on the advisory committee, the procedures and standards adopted for this new program may not adequately address the special needs of these entities.

I have asked the Administrator for the Courts to administratively create an advisory group to perform these tasks and to have representatives of all affected groups included. I believe it to be in the best interests of the program to veto section 9 and thereby allow creation of such a group under the authority of the Administrator for the Courts.

With the exception of section 9, Substitute Senate Bill No. 5474 is approved.

Respectfully submitted,

Booth Gardner
Governor

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GOVERNOR

June 1, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 213, 392, 539, 824, 884, 901(4), and 909(3), Substitute Senate Bill No. 5521 entitled:

"AN ACT Adopting the capital budget."

My reasons for vetoing these sections are as follows:

Section 213, Page 20, Asian Counseling and Referral Service

This section provides $100,000 of state contribution toward the cost of a lease development project for the Asian Counseling and Referral Service, a local non-profit agency. This agency provides, among other services, counseling for the mentally ill within the local Asian community through contract with the Department of Social and Health Services. The state Constitution prohibits the gift of public funds to any individual, association, company, or corporation. This direct appropriation, which would provide improvements to a privately owned facility to be leased by the Asian Counseling and Referral Service, appears to violate this section of the Constitution. Also, this appropriation would, to a certain extent, duplicate the Department of Social and Health Services contract which currently provides funding for the cost of facilities. Finally, this appropriation lacks language requiring a payback of the appropriated amount through a reimbursement reduction. This is inconsistent with conditions placed on the funding of a mental health evaluation and treatment facility in Snohomish County in section 259.

Section 392, page 58, Ohme Gardens

This section provides $750,000 for the acquisition and improvement of a Japanese botanical garden in Wenatchee. The project was not requested by the Parks and Recreation Commission. Additionally, I have received no information to justify the project in terms of local economic development or as a destination recreational facility. The facility is presently operated under private ownership.

Section 539, page 81, Cedar River Delta

This section provides $800,000 for the dredging of a sand bar on the Cedar River delta. While the language directs the Department of Natural Resources to assist local government in acquiring additional funding for the project, there is no indication that the state will receive any assistance from non-state sources, nor does the project have any specific matching requirements. Additionally, there has been no information put forward on the environmental impact of dredging the sand bar, or where the dredge spoils will be deposited.

Section 824, page 107, Community College System

This section defines legislative intent regarding the level of capital funding for the community college system in the 1989-95, six-year state facilities and capital plan. Since the six-year plan is an executive policy document, this section unduly limits the planning processes ability to respond to changing circumstances.

Section 884, page 117, Community Colleges - Minor Improvements

This section, in addition to making an appropriation to the community college system for minor capital improvements, also restricts the funds from being expended for computer equipment, land acquisition, or other items normally funded in the operating budget. I agree that capital funds should not pay for operating expenses and that computer equipment may not be suitable in a minor works appropriation. It is preferable that land acquisition be displayed as a separate appropriation item, and OFM will instruct agencies to do so in future budget submittals. However, within this appropriation are several site acquisition projects which appear to be proper uses of state funds. This language would penalize the colleges for simply placing the projects under the wrong project title.

Section 901(4), page 119, Puyallup Tribal Settlement

Subsection 4 requires that Substitute Senate Bill 5648 be enacted without veto prior to the encumbrance or expenditure of the $9.4 million in capital funds for the Puyallup tribal settlement. SSB 5648, which dealt with cooperation among ports to enhance trade opportunities, was partially vetoed. The veto in no way affects the State's position relative to the settlement, and should not hinder its execution.

To the Honorable, the Senate
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June 1, 1989
Page 3

Section 909(3), page 122, Trust Lands

Subsection 3 prohibits the state from selling, giving, trading or encumbering by new or renewed agreement beyond June 30, 1991, land and other capital assets acquired or dedicated for the care of blind or deaf or otherwise disabled youth, for juvenile offenders, and for persons who are mentally ill or developmentally disabled. This places an unnecessary restriction on the State's ability to manage its resources and would prevent a number of worthwhile projects.

With the exception of sections 213, 392, 539, 824, 884, 901(4), and 909(3), Substitute Senate Bill No. 5521 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 14, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 7, 9, 10, and 11, Engrossed Substitute Senate Bill No. 5566 entitled:

"AN ACT Relating to safe drinking water."

Section 7 amends RCW 70.119A.040, which was also amended by House Bill 1358, the Administrative Procedure Act revision bill. The amendment in this bill has the same intent as the amendment in House Bill 1358, but the language is conflicting. Since I have already signed House Bill 1358 into law, I am vetoing Section 7.

Section 9 amends RCW 43.20.050, which was also amended by House Bill 1857. Both bills amend the rule-making authority of the Board of Health with respect to drinking water systems. The only difference between the two amendments is that House Bill 1857 gives additional authority to the Board for regulating the sizing of pipes and storage facilities. This language is more explicit than the language in section 9 of Engrossed Substitute Senate Bill 5566. Since I have already signed House Bill 1857 into law, I am vetoing section 9.

Sections 10 and 11 amend the Public Water Supply Systems - Certification and Regulation of Operators Act, and the Public Water System Coordination Act of 1977, respectively. Both sections amend the definition of a public water supply system to exclude water systems serving fewer than five single-family residences. The current language, and the definition of public water supply system in the Safe Drinking Water Act, exclude only water systems that serve a single-family residence.

To the Honorable, the Senate
of the State of Washington
May 14, 1989
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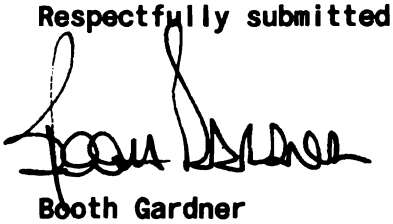
The exclusions in sections 10 and 11 would exempt over 4,000 small water systems from regulation, leaving these households without protection of their drinking water. People whose homes connect with small water systems deserve, and expect, the same quality of water as people whose homes are connected to larger systems. It is appropriate for the state, in its role of protecting public health, to assist small water systems in complying with safe drinking water regulations.

With the exception of sections 7, 9, 10, and 11, Engrossed Substitute Senate Bill No. 5566 is approved.

Respectfully submitted,



Booth Gardner
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BOOTH GARDNER
GOVERNOR

May 14, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10, Substitute Senate Bill No. 5648 entitled:

"AN ACT Relating to creation of a federation of Washington ports."

Substitute Senate Bill No. 5648 amends existing port district enabling legislation to authorize the creation of a federation of Washington ports by the Washington Public Ports Association. The legislation establishes a temporary task force to examine options for cooperation between port districts and local associate development organizations. The legislation also directs the temporary task force to identify international air cargo trends and state air cargo capabilities and facilities, and to identify alternative policies to ensure state competitiveness in air cargo facilities.

Our ports have been and remain critically important to the state's role in the international economy. Efforts to increase cooperation among the port districts and between port districts and associate development organizations to enhance state and local economic development activities are necessary and important. New air cargo transport technologies and increased volumes of international air cargo traffic may require the development of new types of facilities, which would have major implications to the state economy.

To the Honorable, the Senate
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Page 2

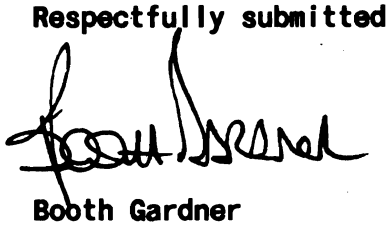
I am in agreement with the Legislature's identification of this latter issue as one deserving state involvement to identify problems and opportunities affecting the state's economy. However, the Legislature has not funded the study of air cargo trends provided for in section 10 of this bill. If the state is to anticipate the problems and opportunities we face in the international economy, the Legislature must adequately fund the associated state agency activities. I am also concerned about the practicability of examining air cargo trends through a temporary task force intended to examine cooperation between port districts and associate development organizations.

For these reasons, I am vetoing section 10 of Substitute Senate Bill No. 5648.

However, an examination of the issues identified is valuable and timely. I will explore methods of conducting such an examination on the part of the state and with the cooperation of local government and the private sector.

With the exception of section 10, Substitute Senate Bill No. 5648 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

**To the Honorable, the Senate
of the State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 17, Engrossed Second Substitute Senate Bill No. 5658 entitled:

"AN ACT Relating to risk management and the state liability account."

Engrossed Second Substitute Senate Bill No. 5658 represents a significant advance in the way in which the state handles its risk management program. I am pleased to see this legislation pass the Legislature and I anticipate that it will result in a more modern and efficient risk management program, as well as an improvement in safety for state employees and the general public. One subsection of this bill, however, is not acceptable.

Section 17 would require the Attorney General to submit a yearly report to the Legislature with information on each tort claim against the state. Much of the information that would be required would be useful to have on an annual basis, and I have no objection to most of this section. One of the subsections, however, is problematic, and in order to remove it from the bill I must veto the entire section.

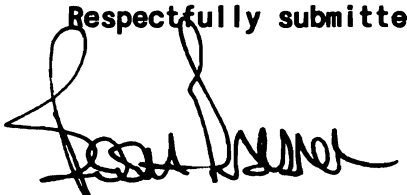
Subsection 6 of section 17 would require the Attorney General to provide information on each and every settlement offer made on a tort claim. This would provide a road map to the state's negotiating strategy to claimant's attorneys and be a serious disadvantage to the state. While those who have legitimate tort claims against the state are entitled to reasonable compensation, the state also has an obligation to settle claims without unnecessary and unjustified costs to the taxpayers of the state.

Tort claimants deserve straightforward and honest action from the state and its representatives. They do not deserve an opportunity to be privy to the state's confidential negotiating strategy relative to litigation. The confidentiality of this information is emphasized elsewhere in the bill, and appropriately so. Subsection 6 of section 17 clearly conflicts with those provisions, and the legislative intent.

The Attorney General has expressed willingness to provide much of the information requested in section 17, so most of the desired data will be available to the Legislature despite the removal of this section.

With the exception of section 17, Engrossed Second Substitute Senate Bill No. 5658 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5676, entitled:

"AN ACT Relating to Scenic and Recreational Highways."

This bill would add State Route 901 to the scenic and recreational highways system.

In 1975, the Legislative Transporation Committee recommended legislation to more comprehensively implement the scenic highway system including a committee process for reviewing proposed changes. The result of this process was the last amendments to this statute in 1975. In the absence of such a process or criteria to select a highway for this designation, I am not convinced that the Legislature has evaluated the amendments in this bill with consideration to the system as a whole. At a minimum, any additions to this system should be reviewed for compatibility with other recreation, aesthetic and conservation objectives. I urge the Legislature, prior to adding any further segments to the scenic and recreational highway system, to take steps to develop specific selection criteria to prioritize and rank the various highways that may merit consideration.

For these reasons, I am vetoing Senate Bill No. 5676 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 8, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute Senate Bill No. 5776 entitled:

"AN ACT Relating to law enforcement training."

Section 1 of this measure requires the Department of Community Development (DCD) to establish an advisory committee to study the issue of untrained and uncertified city and town law enforcement personnel. The advisory committee would be chaired by the director of DCD, while technical assistance and staff support would be provided by the Criminal Justice Training Commission (CJTC).

I believe it is important that we ensure our citizens that their law enforcement officers are properly trained. However, evidence has not been provided that this issue is of such compelling public interest that a study, conducted by a new advisory committee, should be statutorily authorized. Furthermore, it is inappropriate to have the resources of one executive agency subject to the authority of another agency director.

Section 2 of this measure requires law enforcement personnel hired after January 1, 1990, to commence training within six months of employment. Current law allows a much greater time before training must be completed. I support this change and believe it will serve to enhance the professionalism of our public safety officers.

With the exception of section 1, Substitute Senate Bill No. 5776 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 5809, entitled:

"AN ACT Relating to shopping center directional signs."

This bill changes the criteria for erecting and maintaining directional signs on state highway rights of way and is inconsistent with the intent of the original legislation. The basic purpose of erecting directional signs on state highways is to provide the public with information necessary to make a decision whether to continue driving or to exit. The public typically assumes that food, gas, and lodging services designated by signs on the highway are to be found within a reasonable distance from the roadway. This bill has the potential to mislead the public into making a decision that becomes an inconvenience rather than a convenience. It allows signing for shopping centers within five miles of an exit while existing law limits the distance to one mile.

The bill also has the effect of making the State an unwilling partner in the proliferation of signs on state highways and advertising for special interests. The size criterion is also decreased substantially. This change will result in a jungle of signs in metropolitan areas where shopping centers are typically found.

For this reason, I have vetoed Engrossed Senate Bill No. 5809.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 19, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Senate Bill No. 5874 entitled:

"AN ACT Relating to maritime commemorative observance."

This bill transfers authority for planning celebrations of certain maritime historical events from the Centennial Commission to the Washington State Historical Society. Section 5 contains an emergency clause requiring the Act to take effect immediately.

The emergency clause eliminates the possibility of a smooth transition as planning authority shifts from one entity to another. I am advised that the Washington State Historical Society intends to work with all interested parties and to build on the planning activities begun by the Centennial Commission. Removal of the emergency clause facilitates this coordination.

With the exception of section 5, Senate Bill No. 5874 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

**To the Honorable, the Senate
of the State of Washington**

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5889 entitled:

"AN ACT Relating to conservation of water."

This is an excellent program, modeled on successes in the area of energy conservation. I am not, however, convinced of the propriety of delegating a legislative function entirely to a committee. I am vetoing section 2 and recommending that the Joint Select Committee develop definitions of these terms for deliberation by the full Legislature. In the event the Legislature is unable to agree on definitions prior to the approval of the accompanying constitutional amendment, the common usage of these terms will be applied.

With the exception of section 2, Substitute Senate Bill No. 5889 is approved.

Respectfully submitted,

**Booth Gardner
Governor**

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5891 entitled:

"AN ACT Relating to water resource policy."

The purposes delineated in the 1988 legislation establishing the Joint Select Committee on Water Resource Policy are of paramount importance to the State of Washington. However, I am not convinced that the provisions relating to the specific activities of the Joint Select Committee need to be in statute. The legislature has the inherent ability to develop its own process for receiving public input.

Should any new direction in the management and allocation of water resources be recommended in the future deliberations of the Joint Select Committee, it is essential that a partnership exist between the legislative branch and the executive branch. Without such cooperation, new policy directions are not likely to occur without judicial involvement or some type of a crisis in the availability of water resources.

For this reason, I am not willing to establish in statute a consultation process that could potentially hinder the administration of existing water laws without clear new statutory direction. The prospect of interrupting the separation of powers between the legislative and executive branches of government, while at the same time attempting to forge a cooperative policy development process, does not seem warranted.

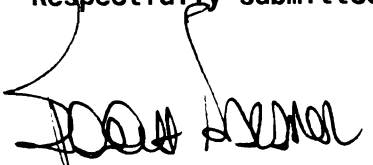
The moratoria language contained in sections 3, 4, and 5 is slated to expire on June 30, 1989. Thus the need to take specific action to delete the reference is unnecessary.

To the Honorable, the Senate
of the State of Washington
April 20, 1989
Page 2

As for the need for sections 6 and 7, these disclaimers currently exist in the chapter amended and, as such, are duplicative.

For these reasons, I am vetoing Substitute Senate Bill No. 5891 in its entirety.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 14, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10 and 11, Engrossed Substitute Senate Bill No. 5911 entitled:

"AN ACT Relating to public lands."

Sections 2 and 3 of the bill provide for a set aside of timber on State Forest Board Lands for timber firms which meet certain criteria. The proposal is intended to increase the amount of timber which is processed within the state and to create additional jobs. Criticism has been brought to my attention regarding the implementation of this set-aside program. I am inclined to sign this into law in spite of misgivings about its ability to address the problem. The success of this program relies on the Department of Natural Resources and counties to faithfully pursue implementation.

This bill creates a Joint Select Committee on Domestic Timber Processing. I urge that Committee to work with my office over the interim to monitor implementation. I would also urge the Committee to review the possibility of providing compensation to school trusts and counties for setting aside land for jobs as well as for conservation. If I am not satisfied with the program, then I believe we will be forced to go to Congress and work toward a federal solution.

Section 10 of the bill requires the Governor and the Commissioner of Public Lands to jointly report to legislative committees on responses to federal or judicial decisions which affect timber supply. This section is redundant and needless, since we have always made any responses available to the Legislature on a timely basis in the past. When requested, we have always testified before committees to report on our activities.

To the Honorable, the Senate
of the State of Washington
May 14, 1989
Page 2

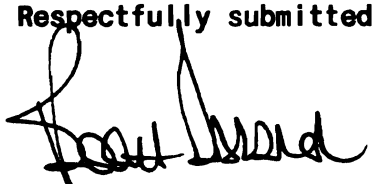
Section 11 requires the Governor and the Commissioner of Public Lands to jointly develop an official state response to Forest Service plans by August 1, 1989. Such a response must supersede any previous state response. The intent of this section is unclear and redundant. The state has already officially responded to the individual forest service management plans and these responses were made within the official public comment periods for each of the forests. We have already agreed to work with the Department of Natural Resources as well as relevant federal agencies during the next few months on this issue.

While I am vetoing these sections, I want to assure you that my office will continue to work closely with all state and federal agencies to address the problems of timber supply and we will continue to be available to report on those activities at your request.

I applaud the Legislature for the other sections of this bill, as well as other items in the budget which will enhance our state's ability to respond to the problems of timber firms, communities and employees. I think we are going in the right direction and am looking forward to continuing to work with you during the next few months.

With the exception of sections 10 and 11, Engrossed Substitute Senate Bill No. 5911 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5916 entitled:

"AN ACT Relating to the labeling of meat."

This bill allows retail meat dealers who repackage and/or regrind meat into smaller units from previously USDA inspected packages to use the label of the larger unit of meat.

At least one county has exercised its discretion to adopt a program which prohibits repackaging or regrinding where the label still shows the original cut of meat. The county policy was adopted because there is the possibility of consumer deception and no practical way to inspect the reground product to verify from which part of the animal it was originally ground or whether it was reground from a mixture of various cuts of meat.

I see no compelling reason to pre-empt the ability of local jurisdictions to regulate reground meat to protect the labeling of consumer's interest.

For the reasons stated above, I am vetoing Senate Bill No. 5916 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 3, Senate Bill No. 5926 entitled:

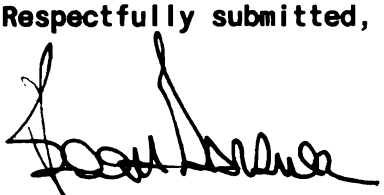
"AN ACT Relating to low-level radioactive waste."

Section 1 would send a confusing message regarding State policy on the disposal of low-level radioactive waste. State policy on this issue, which is the same as the policy stated in the federal Low-Level Radioactive Waste Amendments Act of 1985, states that the responsibility for disposal of radioactive waste is a national obligation, to be shared by all states across the nation. I am committed to the time frame established in the federal act, providing that all states must belong to a regional compact by December 31, 1992, which relieves the three states which now have sites from having to accommodate all of the nation's low-level radioactive wastes. I also want to make it clear that Washington State is not dependent on the revenue generated from fees for the disposal of radioactive waste.

Section 3 is inappropriate because Washington is a partner in the Northwest Interstate Compact. While I do not condone unnecessary or extravagant travel, the imposition of travel restrictions on the members would be contrary to establishing mutual cooperation and respect with other states.

With the exception of sections 1 and 3, Senate Bill No. 5926 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 20, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6012, entitled:

"AN ACT Relating to the leasing of surplus school property."

Section 1 of this bill would remove the restriction requiring school districts to "include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future." The stated intent of this bill is to clarify the law so school districts can enter into long-term leases of surplus property to be used for condominiums or office buildings.

The restriction in existing law is good public policy. It should not be repealed. We should not be encouraging school districts to be in the real estate business when there are current demands for school district buildings and funding of school projects.

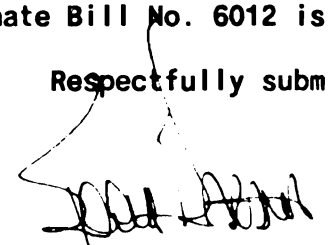
Each year the Legislature struggles with providing enough capital funding to school districts to keep up with demands for new construction. It seems inconsistent to allow districts to lock up buildings and property in long-term leases, when there is apparently no intent nor ability to ever reclaim these for school purposes. If there is no foreseeable school use, the district should surplus and sell the properties so the funds are available for other district uses.

To the Honorable, the Senate
of the State of Washington
April 20, 1989
Page 2

The existing statute provides enough flexibility so school districts can rent or lease property when it is not needed immediately. However, the existing law wisely prohibits long-term commitments which bind future school boards and limit their ability to meet the changing needs of the community.

With the exception of Section 1, Senate Bill No. 6012 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

C O R R E C T E D

May 3, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed Senate Bill No. 6076, entitled:

"AN ACT Relating to motorcycle public awareness."

Section 2 of this bill increases the examination and endorsement fees which fund the motorcycle safety education account. Section 3 contains an emergency clause making the increase effective immediately. Note the appropriation is not contained in this bill. I am supportive of this program and its intent to increase public safety for motorcyclists.

In 1983, a motorcycle safety education advisory committee was statutorily created to assist the Director of Licensing in the development of a motorcycle operator training program. In 1987, these statutes were revised to rename the committee as a board and to provide for selection criteria for members and a list of priorities for an education training program. The new board created in section 1 of this bill appears to be duplicative of the existing board and incompatible in a number of areas. If the legislature desires a different composition of members or a different size board, then future legislation could make these changes in the existing board or abolish the existing board and create a new board.

Mandating new boards and commissions should be done only after careful consideration of their need. I have instructed the Director of Licensing to ensure the intent of Engrossed Senate Bill No. 6076 is carried out by the department.

With the exception of section 1, Engrossed Senate Bill No. 6076 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 31, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 105, 209, 302, 415, 512, 714, and 814, Engrossed Senate Bill No. 6152 entitled:

"AN ACT Relating to health."

I am pleased that you have sent me a bill creating a Department of Health which encompasses the full range of health issues. You have done considerable and admirable work on this piece of legislation, and it is my pleasure to sign the majority of this bill into law.

While a great number of the programs and policies contained in this bill are sound public policy, I am very concerned for the viability of this Department. When I originally proposed a Department of Health, we carefully and conservatively estimated the costs of transition and of various new programs. However, both the funding provided for the transition in the budget bill and the appropriations for new programs in this bill are grossly inadequate, leaving an estimated shortfall of nearly $2 million. I cannot in good conscience allow this level of new unfunded programs in this Department.

Therefore, I am vetoing those sections of the bill which are not critical to the viability of the Department of Health. This message should not be construed as a statement in opposition to the policy of these sections, except where I have specifically noted. Although I have been forced to use my veto power, there remains a resource shortfall. Without vetoing the entire measure, there is no way I can eliminate the deficit. I am very disappointed that the Legislature did not fully fund this new Department and allow it to begin its duties with sufficient resources.

To the Honorable, the Senate
of the State of Washington
March 31, 1989
Page 2

Section 105 requires that the State Health Officer hold the position of Deputy Secretary within the Department of Health and be subject to Senate confirmation. The requirement of Deputy Director confirmation by the Senate is unprecedented and inappropriate. The other requirements remove administrative flexibility from the executive branch. While I agree that there should be a person employed by the Department with the expertise as defined in this section, I do not agree that the position must be a Deputy Secretary. If I do not appoint a Secretary with the qualifications required by this section, I will ask the Secretary to hire such a person to fill an appropriate position.

Section 209 mandates an increase in staff to the Board of Health. The Board has been understaffed for years, but has been unsuccessful in obtaining the funding for staff support. Currently, the Board is allowed to hire an executive director and a confidential secretary, but does not have sufficient funds to fill either of those positions. While I strongly support providing the Board of Health with needed assistance, I cannot support signing this section without the appropriate funding accompanying this mandated increase.

Section 302 requires the Department of Health to study and report on health care professional licensure needs. This is a subject deserving a coordinated review; however, I cannot support signing this section without an accompanying appropriation.

Section 415 amends RCW 18.64.044 which is also amended by section 401. Since the language within section 401 reflects the statute as amended by section 1, chapter 352, Laws of 1989 (HB 1478), I am vetoing section 415.

Section 512 requires the Department of Health to perform a biennial study of the State's expenditures on health care services, and submit that report to the Legislature. Since this study was not funded and the Legislature currently has the ability to request this type of information from each of the affected state agencies, I am vetoing this section.

Section 714 requires the Higher Education Coordinating Board (HECB) to develop a plan for increasing rural training opportunities for students in medicine and nursing by December 1, 1989. I agree that the training needed for working in rural settings is different from that needed for urban settings; however, I cannot support yet another unfunded study requirement of the HECB. Note, I would have also vetoed section 713 of this bill but we have the opportunity, given the delayed due date of that study, to come back and seek funding to carry out its purpose.

Section 814 requires the Department of Social and Health Services to monitor alcohol and drug treatment programs, to collect data on addicted persons who receive general assistance, and to contract with the University of Washington Alcoholism and Drug Abuse Institute to evaluate treatment outcomes. Although the purposes of this section are of value, no funds have been provided for these purposes. In order to collect this data, the Department would have to use a substantial portion of funds provided for treatment services. This diversion of treatment funds would impair the State's commitment to assist as many addicted persons as we can to overcome their addictions.

To the Honorable, the Senate
of the State of Washington
March 31, 1989
Page 3

I strongly urge the Legislature to consider the impact of legislation on the budget before passing legislation. The unfunded programs and studies which I am returning to you without my approval are programs of merit. I strongly encourage you to revisit these issues, and to pass them again with appropriate funding.

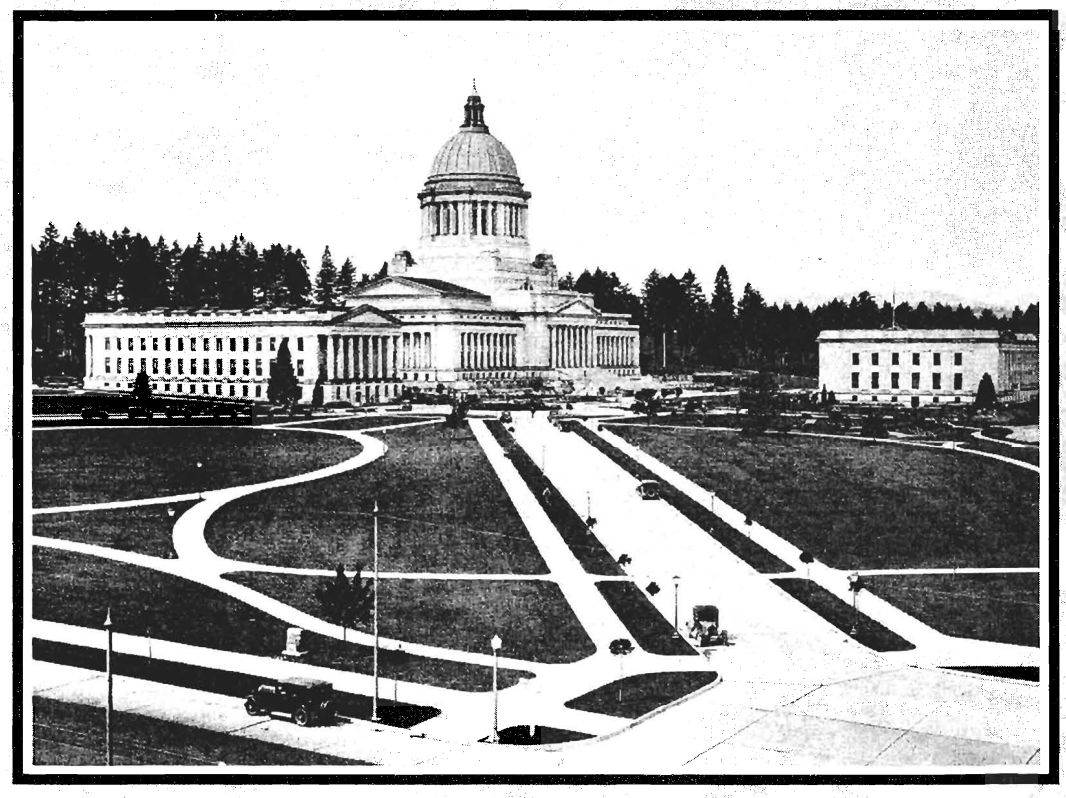
With the exception of sections 105, 209, 302, 415, 512, 714, and 814, Engrossed Senate Bill No. 6152 is approved.

Respectfully submitted,

Booth Gardner
Governor

Section III

Indexes and Appendices



The present Capitol, closest in design of any state capitol to the one in Washington D. C., was first occupied by the state legislature in March of 1927.

(Photo provided by the Washington State Historical Museum.)

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SHB 1639		Fire district regulation	63

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SHB 1651		Flood–plain management	64
HB 1656		Land development regulations	428 PV
SHB 1658		Sexual exploitation/minors	32
HB 1664		MV tinted glass use	210
SHB 1671	$f	Solid waste reform	431 PV
HB 1689	f	Licensing fees refund	68
HB 1690		Motor vehicle fuel tax	193
HB 1698	f	Precinct boundaries	278
HB 1709	f	Medical aid purchases	189
SHB 1711	f	Crime prevention training	357 PV
HB 1718		WSP/disability retirement	108
HB 1719		Retirement benefits/excess	191
HB 1729		Title 30 RCW cleanup	220
SHB 1737		Crime victims compensation	5 PV E1
SHB 1756		Telecommunicatns/extend area	282
HB 1757		Substitute teachers	263
SHB 1759		Education staff diversifictn	370
HB 1762	f	Discrimination/guide dog	61
HB 1768	$f	Building permit fees	256
HB 1769	f	Student exchange programs	290
HB 1772		Fish species names	218
SHB 1774		Ski area safety	81 PV
HB 1776	f	Volunteer firefighters fund	194
HB 1777	f	Residntial placemnt/juvenile	269
HB 1778	f	Trade show tax status	392 PV
SHB 1788	f	Puyallup tribal claims	4 E1
2SHB 1793		Alcohol/controlled substance	271 PV
HB 1794	f	State purchase/real property	356
HB 1802	f	Snohomish cnty/appeals court	328 PV
HB 1841		Instructional materials cmte	371
HB 1844	f	House–to–house sales/regs	216
SHB 1853	f	Oil spill damage assessments	388
SHB 1854	f	Water pollution damages	262 PV
SHB 1857		Public water systems	207
SHB 1858	$f	SBA 7a loan guaranty program	212
HB 1862	f	Teachers service credit	289
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HB 1872		Hitchhiking/county regulatn	288
HB 1885	f	Judicial retirement system	139
SHB 1889		Public employee immunity	413 PV
SHB 1894	f	Dental hygienists/dentists	202 PV
HB 1904		Transportation impact fees	296
HB 1909		Abandoned intangible proprty	Vetoed
HB 1912		Juvenile fingerprinting	6
HB 1917	f	Real estate appraiser law	414 PV
SHB 1952		Durable power of attorney	211
SHB 1956	f	Adoption provisions	255
SHB 1958	f	Chiropractic board members	258 PV
SHB 1965		Boarding home definition	329
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SHB 2000	f	Produce handlers standards	355	
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HB 2010		Disabled/hunt from vehicle	297 PV	
SHB 2011	f	Commercial fishing licenses	316	
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SHB 2014	f	Special ed/handicapped child	400	
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SHB 2024	f	Regulatory fairness	374 PV	
SHB 2036		Metropolitan park districts	319	
HB 2037	f	Mount Saint Helens recovery	213	
SHB 2041		Landlord–tenant law	342	
HB 2045	f	Fuel tax/mileage based	142	
HB 2051	f	Federally assisted housing	188	
HB 2053	f	Bond redemption tax levies	287	
HB 2054		Involntrly committed/release	401	
HB 2060	f	Industrial ins/horse racing	385 PV	
SHB 2066	f	Student transportatn safety	330	
SHB 2070		Building code/moved building	313 PV	
HB 2075		Headlight policy/24 hours	195	
SHB 2088		Insurer holding company	228	
HB 2118	f	Preschool–8 certificates	402	
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HB 2131	f	Mobile home electricl inspct	344	
HB 2135		Farm labor liens	229	
SHB 2136	f	Mobile home relocatn assist	201	
SHB 2137	$f	Target sectors/econ dvlopmnt	423 PV	
HB 2142		Litigation expenses/cities	285	
HB 2155		Parenting act changes	375 PV	
HB 2158	f	Cancer center/health facilty	65	
HB 2161	f	Distinguished professorship	187	
HB 2167	$f	Mobile home parks	274	
HB 2168	$f	Radioactve waste/servce chrg	376	
HB 2222		Pesticides/agric workers	380	
HB 2242		Oil spill/financl respnsblty	2	E1
HB 2244		Maternity care/low–income	10	E1
HB 2245		Basic ed salary allocations	16	E1
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SSB 5009	f	Vessel reg/exemptions	102	
2SSB 5011		Instit spouse/asset alloc	87 PV	
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SB 5023		Tariff changes/provisions	152	
SB 5030		Writs of certiorari/languge	7	
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SSB 5035	$	Insurance/foster parents	403	
SB 5037		Dirs/dom insurers/comp of bd	24	
SB 5040	f	Ctrl sub/corr fac/sntnce enh	124	
SSB 5041	f	Inmate calls/monitoring auth	31	
SB 5042	f	Coll brgn agrmts/pub/implmnt	46	
SB 5045		Corrctn laws affctd by veto	11	
SB 5046		Gender specific lang elimntd	12	
SSB 5048	f	Cncl prev child abuse/exten	304	
SB 5054	f	Minority teacher recruitment	146	
2SSB 5065	$f	Foster care/citzn review bd	17	E1
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SSB 5071		Surrogate parenting	404	
2SSB 5073		Bigotry/bias inf cntrl repos	366	
SB 5079		Variable interest rates/UCC	13	
SSB 5085	f	Financial planner regulation	391	
SSB 5088	f	Telemarketing regulation	20	
SB 5089		Transfers between supr cts	15	
SB 5090	f	Unrnkd feln/seriousnss level	99	
SSB 5097		State militia	19	
SSB 5098	f	Telecommunctn co regulation	101	
SSB 5099	f	WSP/suspension w/o pay	28	
SSB 5107	f	Vulnerable adults/registry	334	
SSB 5108		Abused child/abuser/visitn	326	
2SSB 5111	f	Work release provis/modified	89	
SB 5121	f	Mobile sub abuse aware prog		Vetoed
SSB 5126	f	Low–lvl waste/surveillance	106	
SSB 5127		Bdry review bds eliminated	84	PV
SSB 5128		Local improvmnts/notice req	243	
SB 5137	f	Nurses retire accts/transfer	116	
SSB 5138	$	MV inspct/other co/state reg	110	
SSB 5142		Yr end fisc rpts reqmt/chang	168	
SB 5143		Candidates' names/ballots	155	
SSB 5144		Co auditors/presrv documents	204	
SSB 5147		Credit servs/def revised	303	
SB 5150		POW/recognition day	128	
SSB 5151	f	Sr cit park pass extended	135	
SB 5152		Insur form filing req/amd	25	
SB 5154	f	Sanitary control/shellfish	200	
SB 5156	f	Cedar river sockeye salmon	85	PV
SB 5167	f	Campaign finance reporting	280	
SSB 5168	f	Wstrn lbry ntwrk/pvt n–prft	96	
SB 5172		Utility's credit/eqpmt loans	268	PV
SSB 5173	f	Disclosure/impropr gvt activ	284	
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SSB 5191		Good time credit statutes	248
SSB 5193	f	Optometry	36
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SSB 5208		Washington condominium act	43 PV
SSB 5213		Stat of limitn/charge accts	38
SSB 5214	f	Abuse/neglect mandatory rpt	22
SSB 5221	f	Advance college pymt prgrm	Vetoed
SB 5231		Antique firearms defined	132
SB 5233	f	Crime of burglary/provisions	412 PV
SB 5233	f	Crime of burglary/provisions	1 E2
SSB 5234	f	Crim indent sys/provis revsd	90
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SB 5250	f	Surface mining reclamation	230
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SSB 5275	$f	High voltage fields	143
SB 5277		Fire dist service charges	27
SSB 5288	f	Salmon smolt production	336
SSB 5289	$f	Regional fisheries groups	426 PV
SSB 5293	f	College classes/Clallam co	306 PV
SSB 5297		Secret ballots/open meetings	42
SB 5301	f	Factory built housing	134
SSB 5305		Equine activities immunity	292
SSB 5314	f	Sex crimes/public schools	320
SSB 5315	f	Vessel oil spills	Vetoed
SB 5329	f	License delinquency fee	170
SSB 5348	f	Fishing regulation	172
SSB 5350		Mental health commissioners	174
SSB 5352	$	1989–91 appropriations	19 PV E1
SB 5353	f	LEOFF service credit	88
SSB 5357		Insur educ provider defined	323
SSB 5362	f	Antipsychotic medications	120
SB 5368		Urban arterial priorities	160
SSB 5369	f	Mobile home availability	294
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2SSB 5372		Recreationl boating laws rev	393
SSB 5373	$	Transportation appro 1989–91	6 PV E1
2SSB 5375	$	DNA identification system	350 PV
SB 5381	f	Vehicular homicide penalties	405
SB 5393	f	Nurses/educational assistnce	115
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SB 5452	f	Vehicle license fees	156
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SB 5466	f	Building code council	246
SSB 5469	f	Alcoholism patient records	162
SSB 5472	f	Vessel dealer exemptions	Vetoed
SSB 5474		Court interpreter certificat	358 PV
SB 5480	f	Malicious harassment	95
SSB 5481	f	Impaired physician program	119
SSB 5486	f	Real estate brokers licenses	161
SSB 5488		Theft of livestock/penalties	131
SB 5492		Health care provider immunty	377
SSB 5499	f	MV liability insurance	353
SSB 5501	f	DOC/health contract providrs	157
SB 5502		Valuable materials/sale/adv	148
SSB 5506	$f	Public works bd proj/approp	181
SSB 5521	$	Capital budget	12 PV E1
SSB 5531		Excellence in ed program	77
SB 5536		State employees' benefits bd	324
SSB 5543		Nonprofit corps annual rept	291
SB 5552	f	Interstate tariff/file reqmt	186
SSB 5553		Excursion busses/deregulatn	163
SSB 5560	$f	Temporomandibular jt disordr	331
SSB 5561	f	Fin fish culture facilities	293
SSB 5566	f	Safe drinking water act	422 PV
SB 5579		Past due accounts reporting	100
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SB 5583		Wash business corp act	165
SB 5590	f	Firefighters pension fund	91
SSB 5591		Hwy ROW/unfranchised use	224
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SB 5595	f	Drug samples/distribution	164
SSB 5614	f	Substance abuse prgm/dentist	125
SB 5617	f	Teachng/math/engr/science	66
SB 5636	f	UC/state–federal relatnship	92
SSB 5641	f	Service chg/vessel contracts	112
SSB 5644	f	Milwaukee Road transfer	129
SSB 5648		Washington port federation	425 PV
2SSB 5658		Risk management program	419 PV
2SSB 5660	f	Child care grants	126
SSB 5663		County officials defense	250
SB 5668		Juvenile proceedings/venue	71
SB 5676		Route 901 scenic highway	Vetoed
SB 5679		Industrial insurance funds	190
SB 5680		RCW/obsolete language	140
SSB 5681	$f	Asbestos projects	154
SSB 5686	f	Agriculture statutes	354
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SB 5731		Governmt obligations invest	97
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SB 5736	f	School const/local funding	321
SB 5737	f	ESD's/annual leave	208
SB 5738	f	Student motivation prgms	209
SSB 5746	f	Interstate truck drivers	104
SB 5756		Sureties/public works bonds	145
SSB 5759	f	School breakfast program	239
SB 5771		Rent assignments/perfection	73
SSB 5776	f	Law enforcement training	299 PV
SSB 5782		Defrauding public utility	109
SSB 5786		Harbor line relocation	79
SSB 5790		Sale of loan servicing	98
SSB 5807	f	Indian & historic graves	44
SB 5809	f	Shopping cent directnl signs	Vetoed
SSB 5810		Hazard materl responsibility	406
SSB 5812	f	Common carrier liabil insur	264
SSB 5819	f	Poaching penalties	314
SB 5824	f	Health care payments	122
SB 5826	$f	Student teachng pilot projct	253
SSB 5827	f	Pet ID/minimize theft	359
SB 5833	f	Juvenile sentencing stds	407
SSB 5838	f	Agricultural livestock liens	67
SSB 5850	f	Funeral contracts	390
SB 5853	f	Machine gun use/penalty	231
SSB 5857	f	Disabled/fixed assets trans	265
SB 5858		School directors meetings	232
SSB 5859	f	Sch directors' associatn	325
SSB 5866	f	Credit card tax payments	378
SSB 5868		Big game permits	153
SB 5871	f	Wine retailers licenses	149
SB 5874	f	Maritime commemorative	82 PV
SSB 5886	f	Sexually transmittd diseases	123
SB 5887		Air pollution control auth	150
SSB 5889		Water utility conservation	421 PV
SSB 5891	f	Water resource policy	Vetoed
SSB 5897	f	Alcohol/drug treatment	18 E1
SSB 5903	f	Medically fragile children	183
SSB 5905	f	Building code council authty	266
SB 5907		Fire protection districts	267
SSB 5911		State timber sales	424 PV
SB 5916	f	Meat labeling	Vetoed
SB 5926	f	Hanford low–level waste plan	418 PV
SSB 5933	f	State emplyee leave sharing	93
SSB 5947		Sentences/abuse/mitigation	408
SB 5950		Child sexual abuse	317
2SSB 5960	$	Indigent defense services	409
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SB 6005	f	Domestic violence victims	411
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SSB 6013		Metro muni corps charges	389
SSB 6033	f	Hanford cleanup policy	322
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2SSB 6051	$f	Employer child care	430
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SSB 6074	$	Public facilities districts	8 E1
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SB 6095	f	Providing branch campuses	7 E1
SB 6150		Supplemental pension rates	1 E1
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2		Hazardous waste clean up	INIT 97
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4	f	Presidential primary	INIT 99
5	f	Honey bee commission	HB 1138
6		Juvenile fingerprinting	HB 1912
7		Writs of certiorari/languge	SB 5030
8		RCW/internal ref correctns	SB 5031
9		RCW/obsolete secs/repealed	SB 5032
10		RCW/double amds/repeals	SSB 5034
11		Corrctn laws affctd by veto	SB 5045
12		Gender specific lang elimntd	SB 5046
13		Variable interest rates/UCC	SB 5079
14		RCW/technical corrections	SSB 5033
15		Transfers between supr cts	SB 5089
16		County legis auth/meetings	HB 1038
17	f	Boater info/dumps/hldg tanks	SHB 1039
18	f	Conservatn dists/assessments	SHB 1192
19		State militia	SSB 5097
20	f	Telemarketing regulation	SSB 5088
21		LEOFF/disability leave	HB 1010
22	f	Abuse/neglect mandatory rpt	SSB 5214
23	$f	Plastics/marine environment	HB 1249
24		Dirs/dom insurers/comp of bd	SB 5037
25		Insur form filing req/amd	SB 5152
26		Police dogs	SSB 5014
27		Fire dist service charges	SB 5277
28	f	WSP/suspension w/o pay	SSB 5099
29		Vocatnl intructr certfctn	SSB 5266
30	f	Victims notice/sex offendrs	HB 1024
31	f	Inmate calls/monitoring auth	SSB 5041
32		Sexual exploitation/minors	SHB 1658
33		Powers of appointment	HB 1170
34		Disclaimers of interest	SHB 1169
35		Marital deduction gifts	HB 1350
36	f	Optometry	SSB 5193
37	f	Sea urchin fishng/commercial	HB 1026
38		Stat of limitn/charge accts	SSB 5213
39		Prosecutors/private practice	HB 1049
40	f	Estate tax apportionment	SHB 1168
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43	PV	Washington condominium act	SSB 5208
44	f	Indian & historic graves	SSB 5807
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47	f	Fishing licenses/commercial	HB 1025
48		WA military justice code	HB 1062
49	f	Workers' comp insurance	HB 1117
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51		Escrow agent license renewal	SHB 1287
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55			Paternity establishment	SHB 1548
56		$	Productivity board changes	HB 1480
57		$	Motor vehicle operatns/state	SHB 1355
58			Ferry contracts bond	SHB 1503
59			Bid price adjustment	SHB 1379
60			Motor freight forwarders	HB 1282
61		f	Discrimination/guide dog	HB 1762
62		f	Ferry operations	HB 1330
63			Fire district regulation	SHB 1639
64			Flood–plain management	SHB 1651
65		f	Cancer center/health facilty	HB 2158
66		f	Teachng/math/engr/science	SB 5617
67		f	Agricultural livestock liens	SSB 5838
68		f	Licensing fees refund	HB 1689
69		f	School postretirement beneft	SSB 6003
70			Moral nuisances	HB 1418
71			Juvenile proceedings/venue	SB 5668
72			Trademark registratn modify	SSB 5733
73			Rent assignments/perfection	SB 5771
74			Claims filing/nonchartr city	HB 1163
75		f	Excellence in ed awards	HB 1468
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77			Excellence in ed program	SSB 5531
78			Uncollectable acct/write off	SB 5580
79			Harbor line relocation	SSB 5786
80			Water rights/superior court	SB 5983
81	PV		Ski area safety	SHB 1774
82	PV	f	Maritime commemorative	SB 5874
83			School self–study	SB 5370
84	PV		Bdry review bds eliminated	SSB 5127
85	PV	f	Cedar river sockeye salmon	SB 5156
86	PV	f	Surplus school prop leasing	SB 6012
87	PV		Instit spouse/asset alloc	2SSB 5011
88		f	LEOFF service credit	SB 5353
89		f	Work release provis/modified	2SSB 5111
90		f	Crim indent sys/provis revsd	SSB 5234
91		f	Firefighters pension fund	SB 5590
92		f	UC/state–federal relatnship	SB 5636
93		f	State emplyee leave sharing	SSB 5933
94			Self defense	SSB 5066
95		f	Malicious harassment	SB 5480
96		f	Wstrn lbry ntwrk/pvt n–prft	SSB 5168
97			Governmt obligations invest	SB 5731
98			Sale of loan servicing	SSB 5790
99		f	Unrnkd feln/seriousnss level	SB 5090
100			Past due accounts reporting	SB 5579
101		f	Telecommunctn co regulation	SSB 5098
102		f	Vessel reg/exemptions	SSB 5009
103		f	Network telephone tax limit	SB 5990
104		f	Interstate truck drivers	SSB 5746

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107		UTC/reporting requiremnts	SB 5022
108		WSP/disability retirement	HB 1718
109		Defrauding public utility	SSB 5782
110	$	MV inspct/other co/state reg	SSB 5138
111		Tow truck regulation	SB 5440
112	f	Service chg/vessel contracts	SSB 5641
113	f	Alternative fuels	SB 5987
114	f	Registered nurses	SHB 1252
115	f	Nurses/educational assistnce	SB 5393
116	f	Nurses retire accts/transfer	SB 5137
117		Immigration consulting regs	SB 5715
118	f	Homeless children/schools	SB 6057
119	f	Impaired physician program	SSB 5481
120	f	Antipsychotic medications	SSB 5362
121	f	Health ins covrge access act	SHB 1067
122	f	Health care payments	SB 5824
123	f	Sexually transmittd diseases	SSB 5886
124	f	Ctrl sub/corr fac/sntnce enh	SB 5040
125	f	Substance abuse prgm/dentist	SSB 5614
126	f	Child care grants	2SSB 5660
127	f	Boxing and wrestling	SB 5464
128		POW/recognition day	SB 5150
129	f	Milwaukee Road transfer	SSB 5644
130		Fisheries director/authority	HB 1027
131		Theft of livestock/penalties	SSB 5488
132		Antique firearms defined	SB 5231
133		Unfit buildings/dwellings	SSB 5252
134	f	Factory built housing	SB 5301
135	f	Sr cit park pass extended	SSB 5151
136	f	Bonds/general obligation	HB 1032
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138		Pension plans/usury laws	HB 1239
139	f	Judicial retirement system	HB 1885
140		RCW/obsolete language	SB 5680
141	f	Levy reduction funds	HB 1573
142	f	Fuel tax/mileage based	HB 2045
143	$f	High voltage fields	SSB 5275
144	f	Surplus state property	SB 5403
145		Sureties/public works bonds	SB 5756
146	f	Minority teacher recruitment	SB 5054
147	f	Oregon boats fish WA waters	SSB 5419
148		Valuable materials/sale/adv	SB 5502
149	f	Wine retailers licenses	SB 5871
150		Air pollution control auth	SB 5887
151		Insurance entity status	HB 1385
152		Tariff changes/provisions	SB 5023
153		Big game permits	SSB 5868
154	$f	Asbestos projects	SSB 5681
155		Candidates' names/ballots	SB 5143
156	f	Vehicle license fees	SB 5452

PV – Partial Veto; E1 – First Special Session; E2 – Second Special Session; $ – Appropriation; f – Fiscal Note

Chapter No.		Title	Bill No.
157	f	DOC/health contract providrs	SSB 5501
158		Executive state officer	SSB 5197
159		Hydropower plan	2SSB 5174
160		Urban arterial priorities	SB 5368
161	f	Real estate brokers licenses	SSB 5486
162	f	Alcoholism patient records	SSB 5469
163		Excursion busses/deregulatn	SSB 5553
164	f	Drug samples/distribution	SB 5595
165		Wash business corp act	SB 5583
166		Postsecondary ed loans	HB 1485
167		Industrl district boundaries	HB 1286
168		Yr end fisc rpts reqmt/chang	SSB 5142
169		Assault on law officers	HB 1258
170	f	License delinquency fee	SB 5329
171		Drought relief	SSB 5196
172	f	Fishing regulation	SSB 5348
173		Handicapped persns/curb ramp	HB 1077
174		Mental health commissioners	SSB 5350
175		Administrative procedure act	HB 1358
176		Herring spawn on kelp/permts	SHB 1056
177	f	Correctns/intrastate compact	SHB 1458
178		Commercial driver's licenses	SSB 5441
179		Industrial insur investments	SB 5689
180		Financial institutions	SB 5701
181	$f	Public works bd proj/approp	SSB 5506
182		Project cost evaluation	HB 1976
183	f	Medically fragile children	SSB 5903
184		Parks/recreation tax levies	HB 2013
185	f	Correctional industries	HB 1524
186	f	Interstate tariff/file reqmt	SB 5552
187	f	Distinguished professorship	HB 2161
188	f	Federally assisted housing	HB 2051
189	f	Medical aid purchases	HB 1709
190		Industrial insurance funds	SB 5679
191		Retirement benefits/excess	HB 1719
192	f	Vehicle registration fraud	HB 1545
193		Motor vehicle fuel tax	HB 1690
194	f	Volunteer firefighters fund	HB 1776
195		Headlight policy/24 hours	HB 2075
196		St hwy facilities/damages	SB 5592
197		Skins/fur disposal	HB 1231
198	f	Hearing aid fitters/license	SHB 1250
199		Family court commissioners	HB 1400
200	f	Sanitary control/shellfish	SB 5154
201	f	Mobile home relocatn assist	SHB 2136
202 PV	f	Dental hygienists/dentists	SHB 1894
203 PV	$f	Motorcycle awareness program	SB 6076
204		Co auditors/presrv documents	SSB 5144
205	f	Mental health systems	2SSB 5400
206		Educational dist job sharing	HB 1980
207		Public water systems	SHB 1857
208	f	ESD's/annual leave	SB 5737

PV - Partial Veto; E1 - First Special Session; E2 - Second Special Session; $ - Appropriation; f - Fiscal Note

Chapter No.		Title	Bill No.
209	f	Student motivation prgms	SB 5738
210		MV tinted glass use	HB 1664
211		Durable power of attorney	SHB 1952
212	$f	SBA 7a loan guaranty program	SHB 1858
213	f	Mount Saint Helens recovery	HB 2037
214	f	Sentence review petitions	HB 1342
215		Minor party nominations	SHB 1572
216	f	House–to–house sales/regs	HB 1844
217		Taxing district boundaries	SHB 1370
218		Fish species names	HB 1772
219		Air guns prohibited/schools	HB 1072
220		Title 30 RCW cleanup	HB 1729
221		Trucks/brake requirements	HB 1042
222	f	Unclaimed property/WSP	HB 1043
223		Good samaritan statute	SHB 1388
224		Hwy ROW/unfranchised use	SSB 5591
225		Bonds/state–locl govt issue	HB 1060
226	f	Psychology examining board	HB 1241
227		District court elections	SHB 1455
228		Insurer holding company	SHB 2088
229		Farm labor liens	HB 2135
230	f	Surface mining reclamation	SB 5250
231	f	Machine gun use/penalty	SB 5853
232		School directors meetings	SB 5858
233 PV	f	Students at risk programs	SHB 1444
234 PV		Civil liability immunity	SHB 1254
235	$f	Korean conflict memorial	HB 1189
236	f	Cultures/languages/diversity	HB 2129
237		Interagency outdoor recreatn	HB 1354
238	f	Public disclosure exemptions	HB 1395
239	f	School breakfast program	SSB 5759
240	f	MV inspection/maintenance	SHB 1104
241		Water ski safety	SHB 1007
242		Legend drugs/purchase	SHB 1115
243		Local improvmnts/notice req	SSB 5128
244		Small works roster creation	SHB 1386
245	f	Tuition fees	SHB 1415
246	f	Building code council	SB 5466
247		Medications/imprinting	SHB 1337
248		Good time credit statutes	SSB 5191
249		Cities electrical utilities	HB 1198
250		County officials defense	SSB 5663
251		Crops/UCC secured transactns	HB 1047
252	f	Offender financial obligatns	SHB 1542
253	$f	Student teachng pilot projct	SB 5826
254		Financial aid–1/2 time stdnt	HB 1445
255	f	Adoption provisions	SHB 1956
256	$f	Building permit fees	HB 1768
257		Poultry labeling/uncooked	HB 1993
258 PV	f	Chiropractic board members	SHB 1958
259	f	Indeterminate sentencing brd	SHB 1457
260	f	Medical care provisions	SHB 1560

PV – Partial Veto; E1 – First Special Session; E2 – Second Special Session; $ – Appropriation; f – Fiscal Note

Chapter No.		Title	Bill No.
261		Voter registration/cancel	HB 1996
262 PV	f	Water pollution damages	SHB 1854
263		Substitute teachers	HB 1757
264	f	Common carrier liabil insur	SSB 5812
265	f	Disabled/fixed assets trans	SSB 5857
266	f	Building code council authty	SSB 5905
267		Fire protection districts	SB 5907
268 PV		Utility's credit/eqpmt loans	SB 5172
269	f	Residntial placemnt/juvenile	HB 1777
270 PV	f	Alcoholism/drug treatment	SHB 1619
271 PV		Alcohol/controlled substance	2SHB 1793
272	f	Retirement systems/COLAs	SHB 1322
273		Altering pension funding	SSB 5418
274	$f	Mobile home parks	HB 2167
275	f	Coll barg/court emplyees	HB 1020
276		Criminal procedure revision	HB 1070
277		Convention centers financing	HB 1631
278	f	Precinct boundaries	HB 1698
279	f	Econ dev finance authority	SHB 1553
280	f	Campaign finance reporting	SB 5167
281		Adoption information	SHB 1183
282		Telecommunicatns/extend area	SHB 1756
283	f	Limousine operators	SSB 5184
284	f	Disclosure/impropr gvt activ	SSB 5173
285		Litigation expenses/cities	HB 2142
286	f	Livestock provisions	HB 2001
287	f	Bond redemption tax levies	HB 2053
288		Hitchhiking/county regulatn	HB 1872
289	f	Teachers service credit	HB 1862
290	f	Student exchange programs	HB 1769
291		Nonprofit corps annual rept	SSB 5543
292		Equine activities immunity	SSB 5305
293	f	Fin fish culture facilities	SSB 5561
294	f	Mobile home availability	SSB 5369
295	f	Charter boats/state waters	SSB 5265
296		Transportation impact fees	HB 1904
297 PV		Disabled/hunt from vehicle	HB 2010
298		Port district land improvmnt	SHB 2012
299 PV	f	Law enforcement training	SSB 5776
300	f	Nursing assistants	HB 1253
301 PV		Vehicle auctioneer license	SHB 1221
302 PV	f	Public utility taxation	SHB 1305
303		Credit servs/def revised	SSB 5147
304	f	Cncl prev child abuse/exten	SSB 5048
305 PV	f	Fshng lic/recrtnl/when reqrd	SHB 1028
306 PV	f	College classes/Clallam co	SSB 5293
307		Co–op assoc/incorporation	SSB 5018
308		Water/sewer districts	SHB 1217
309	f	PERS service credits	SHB 1408
310 PV	$f	Senior citizen/teacher aide	HB 1334
311 PV	f	State budget changes	SHB 1031
312		Small business growth	SSB 5241

PV - Partial Veto; E1 - First Special Session; E2 - Second Special Session; $ - Appropriation; f - Fiscal Note

Chapter No.		Title	Bill No.
313 PV		Building code/moved building	SHB 2070
314	f	Poaching penalties	SSB 5819
315	f	Indoor air quality/pub bldg	SHB 1504
316	f	Commercial fishing licenses	SHB 2011
317		Child sexual abuse	SB 5950
318	f	Custodial interference	SSB 6009
319		Metropolitan park districts	SHB 2036
320	f	Sex crimes/public schools	SSB 5314
321	f	School const/local funding	SB 5736
322	f	Hanford cleanup policy	SSB 6033
323		Insur educ provider defined	SSB 5357
324		State employees' benefits bd	SB 5536
325	f	Sch directors' associatn	SSB 5859
326		Abused child/abuser/visitn	SSB 5108
327	f	Ferry system salary survey	HB 1520
328 PV	f	Snohomish cnty/appeals court	HB 1802
329		Boarding home definition	SHB 1965
330	f	Student transportatn safety	SHB 2066
331	$f	Temporomandibular jt disordr	SSB 5560
332 PV	f	Sex crimes against children	SHB 1065
333		Nonclaim statutes revision	SHB 1173
334	f	Vulnerable adults/registry	SSB 5107
335		Family day care zoning	SB 5185
336	f	Salmon smolt production	SSB 5288
337 PV	f	Vehicle laws	SSB 5443
338	f	Mammograms/hlth ins coverage	SHB 1074
339	f	Gender equity/athletics	HB 2016
340	f	Athletes/tuition–fee waivers	SHB 2020
341		Gender equality/higher ed	SHB 1430
342		Landlord–tenant law	SHB 2041
343 PV	f	Manufactured homes status	SHB 1630
344	f	Mobile home electricl inspct	HB 2131
345	f	Neurodevelpmentl therapy/ins	HB 1085
346	f	Underground storage tanks	SHB 1086
347	f	Motor vechicles warranties	HB 1103
348 PV	f	Water use efficiency	SHB 1397
349 PV	f	Waterfront sewer systems	SHB 1369
350 PV	$	DNA identification system	2SSB 5375
351 PV		Municipal annexations	SHB 1251
352	f	Pharmacy board regulations	HB 1478
353	f	MV liability insurance	SSB 5499
354	f	Agriculture statutes	SSB 5686
355	f	Produce handlers standards	SHB 2000
356	f	State purchase/real property	HB 1794
357 PV	f	Crime prevention training	SHB 1711
358 PV		Court interpreter certificat	SSB 5474
359	f	Pet ID/minimize theft	SSB 5827
360 PV	f	Support enforcement	SHB 1635
361		Deed of trust foreclosures	SB 5246
362	f	Forest protection	SHB 1569
363		Public housing authorities	HB 1618
364		Judicial info system fund	SHB 1414

PV – Partial Veto; E1 – First Special Session; E2 – Second Special Session; $ – Appropriation; f – Fiscal Note

Chapter No.		Title	Bill No.
365		Hound stamp	SHB 1426
366		Bigotry/bias inf cntrl repos	2SSB 5073
367		Judicial conduct commission	SSB 5186
368	f	Industrial insurnce coverage	HB 1518
369	f	Steroids/regulating use	SHB 1558
370		Education staff diversifictn	SHB 1759
371		Instructional materials cmte	HB 1841
372 PV	f	Nursing home care/quality	SHB 1864
373 PV		Contempt of court laws	SHB 1983
374 PV	f	Regulatory fairness	SHB 2024
375 PV		Parenting act changes	HB 2155
376	$f	Radioactve waste/servce chrg	HB 2168
377		Health care provider immunty	SB 5492
378	f	Credit card tax payments	SSB 5866
379	f	Home for aged/tax exemptn	SHB 1097
380		Pesticides/agric workers	HB 2222
381	$f	Child care/employr involvmnt	SHB 1133
382	$f	Court reporter certification	SHB 1208
383		Oil storage tank leaks	2SHB 1180
384	f	Natural gas/city tax	SHB 1574
385 PV	f	Industrial ins/horse racing	HB 2060
386	f	Medical test sites licensure	SSB 5713
387	f	HIV testing for insurance	SSB 6048
388	f	Oil spill damage assessments	SHB 1853
389		Metro muni corps charges	SSB 6013
390	f	Funeral contracts	SSB 5850
391	f	Financial planner regulation	SSB 5085
392 PV	f	Trade show tax status	HB 1778
393		Recreationl boating laws rev	2SSB 5372
394	f	Home detention/burglars	HB 1019
395	f	Collateral attacks/convictns	SHB 1071
396		Public transportatn report	HB 1438
397	f	Capital facilities account	HB 1467
398	f	Vehicle permit fees	HB 1502
399		Solid waste disposal	SHB 1568
400	f	Special ed/handicapped child	SHB 2014
401		Involntrly committed/release	HB 2054
402	f	Preschool–8 certificates	HB 2118
403	$	Insurance/foster parents	SSB 5035
404		Surrogate parenting	SSB 5071
405	f	Vehicular homicide penalties	SB 5381
406		Hazard materl responsibility	SSB 5810
407	f	Juvenile sentencing stds	SB 5833
408		Sentences/abuse/mitigation	SSB 5947
409	$	Indigent defense services	2SSB 5960
410	f	Juvenile offender assaults	SB 5991
411	f	Domestic violence victims	SB 6005
412 PV	f	Crime of burglary/provisions	SB 5233
413 PV		Public employee immunity	SHB 1889
414 PV	f	Real estate appraiser law	HB 1917
415 PV	f	MV dealers/manufacturers	HB 1645
416 PV	f	Medical support enforcement	SHB 1547

PV – Partial Veto; E1 – First Special Session; E2 – Second Special Session; $ – Appropriation; f – Fiscal Note

Chapter No.			Title	Bill No.
417	PV	$	WA marketplace program	2SHB 1476
418	PV	f	Hanford low–level waste plan	SB 5926
419	PV		Risk management program	2SSB 5658
420	PV	f	Developmently disabld adults	SHB 1051
421	PV		Water utility conservation	SSB 5889
422	PV	f	Safe drinking water act	SSB 5566
423	PV	$f	Target sectors/econ dvlopmnt	SHB 2137
424	PV		State timber sales	SSB 5911
425	PV		Washington port federation	SSB 5648
426	PV	$f	Regional fisheries groups	SSB 5289
427	PV	$f	Long–term health care	SHB 1968
428	PV		Land development regulations	HB 1656
429		f	Yakima river water conservtn	SSB 5984
430		$f	Employer child care	2SSB 6051
431	PV	$f	Solid waste reform	SHB 1671

FIRST SPECIAL SESSION

1	E1		Supplemental pension rates	SB 6150
2	E1		Oil spill/financl respnsblty	HB 2242
3	PV	E1 $	Appropriations 87–89 Gov	SHB 1479
4	E1	f	Puyallup tribal claims	SHB 1788
5	PV	E1	Crime victims compensation	SHB 1737
6	PV	E1 $	Transportation appro 1989–91	SSB 5373
7	E1	f	Providing branch campuses	SB 6095
8	E1	$	Public facilities districts	SSB 6074
9	PV	E1	Creating Dept. of Health	SB 6152
10	E1		Maternity care/low–income	HB 2244
11	E1	f	Family and medical leave	SHB 1581
12	PV	E1 $	Capital budget	SSB 5521
13	E1	f	Hazardous waste siting	HB 1182
14	E1		Bond sales/budget 1989–91	SHB 1484
15	E1	$	Appropriatns/capital project	HB 1512
16	E1		Basic ed salary allocations	HB 2245
17	E1	$f	Foster care/citzn review bd	2SSB 5065
18	E1	f	Alcohol/drug treatment	SSB 5897
19	PV	E1 $	1989–91 appropriations	SSB 5352

SECOND SPECIAL SESSION

1	E2	f	Crime of burglary/provisions	SB 5233
2	E2		Parenting act/tech correctn	HB 2247
3	E2		Tech corr/child care fund	SB 6155

PV – Partial Veto; E1 – First Special Session; E2 – Second Special Session; $ – Appropriation; f – Fiscal Note

Executive Agencies

Department of Ecology
Christine Gregoire, Director

Department of General Administration
Wendy Holden, Director

Health Care Authority
Margaret T. Stanley, Administrator

Department of Licensing
Mary Faulk, Director

Department of Retirement Systems
George E. Northcroft, Director

Department of Social and Health Services
Richard J. Thompson, Secretary

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Washington State University
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Jean L. Beschel
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Western Washington University
Mary Kay Becker
James C. Waldo

State School for the Deaf
Beverly J. Ogburn

State School for the Blind
Dolorita K. Reandeau
Ruby N. Ryles
Larry Watkinson

State Board for Community College Education
Marian May Gerstle
Antonio Santoy
Dr. Max M. Snyder

Higher Education Coordinating Board
John Fluke
Pearl McElheran

Higher Education Facilities Authority
Rev. William J. Sullivan

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Carol B. James

Big Bend Community College District No. 18
Paul Hirai

Centralia Community College District No. 12
Joseph P. Enbody
James E. Sherrill
Kathy Simonis

Columbia Basin Community College District No. 19
Charles K. Michener

Edmonds Community College District No. 23
Edith A. Lawrence
Vaughn A. Sherman
Majel A. Wilson

Everett Community College District No. 5
Virginia E. Sprenkle

Grays Harbor Community College District No. 2
William Keith Herrell

Highline Community College District No. 9
Thomas H. Nixon

Lower Columbia Community College District No. 13
Myrna J. Emerick

Olympic Community College District No. 3
Betty Eager

Peninsula Community College District No. 1
Mary Ann Grant

Pierce Community College District No. 11
Robert Kozuki

Seattle Community College District No. 6
Phyllis G. Kenney
Dr. Cynthia K. Rekdal

Shoreline Community College District No. 7
James E. Massart

Skagit Valley Community College District No. 4
W. Kelley Moldstad

Gubernatorial Appointments Confirmed

South Puget Sound Community College District No. 24
Julie A. Grant
Norm Schut
Earlyse Swift
Harold T. (Hal) Wolfe

Spokane Community College District No. 17
Donald L. Olson
James G. Walton

Tacoma Community College District No. 22
Anne M. Wade
Robert Yamashita

Wenatchee Valley Community College District No. 15
T. W. Small, Jr.

Whatcom Community College District No. 21
Fielding Formway

Yakima Valley Community College District No. 16
Coralee Mattingly

Apprenticeship Council
Bruce F. Brennan

Basic Health Plan Agency
Thomas Kobler

Child Support Schedule Commission
Robert J. Hoyden
W. James Kennedy
Wayne M. King
Michel E. Lacasse
Judith Parker
Denise Read
Judge Anthony Wartnik

Clemency and Pardons Board
Reginald T. Roberts
Trudi Schmidli-Sutherland

Forest Practices Appeals Board
Dr. Martin R. Kaatz

Gambling Commission
Thomas P. Keefe

Housing Finance Commission
Dennis E. Chilberg
Larry Kowbel

Human Rights Comission
Catherine M. Haas

Investment Board
James Cason
Gary Moore
James F. Ryan

Liquor Control Board
Michael Murphy

Lottery Commission
Barbara Bryant
Roy M. Kalich
Carl M. Ooka

Personnel Appeals Board
Charles Alexander

Personnel Board
Thomas M. Burns
Betty Woods

Board of Pharmacy
Joyce A. Gillie
Joseph M. Honda
Barbara Vanderkolk

Pollution Control Hearings Board
Harold S. (Hal) Zimmerman

Public Disclosure Commission
Alma Misako Kimura
Eugene K. Struthers

Puget Sound Water Quality Authority
Hugh D. Spitzer
Dr. Sheri Tonn
Terry Williams

Sentencing Guidelines Commission
Doug Blair
Eileen P. Farley
Judge James Gavin
Margaret Laidlaw
Jon Ostlund

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Isabelle S. Lamb

Tax Appeals Board
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Transportation Commision
Norman V. McKibben

❖ 1989 Regular Session of the Fifty-First Legislature ❖

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Mike Heavey ..... Assistant Majority Leader
Jim Jesernig ..... Majority Whip
Grace Cole ..... Assistant Majority Whip
Randy Dorn ..... Assistant Majority Whip
Karen Fraser ..... Assistant Majority Whip
Holly Myers ..... Assistant Majority Whip
Doug Sayan ..... Democratic Caucus Vice Chair/Secretary

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Jean Marie Brough ..... Minority Floor Leader
Louise Miller ..... Minority Whip
Fred May ..... Assistant Minority Floor Leader
Steve Fuhrman ..... Assistant Minority Floor Leader
Mike Patrick ..... Republican Organization Leader
Shirley Hankins ..... Republican Organization Leader
Sally Walker ..... Republican Caucus Vice Chair
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Dennis Karras ..... Deputy Chief Clerk
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Linda A. Smith ..... Majority Assistant Whip

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Nita Rinehart ..... Democratic Assistant Floor Leader
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** Temporary Replacement for Senator Arlie U. DeJarnatt*