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VOLUME II

1987 Regular Session
Convened January 12, 1987
Adjourned Sine Die April 26, 1987

1987 First Special Session
Convened April 27, 1987
Adjourned Sine Die May 21, 1987

1987 Second Special Session
Convened August 10, 1987
Adjourned Sine Die August 10, 1987

1987 Third Special Session
Convened October 10, 1987
Adjourned Sine Die October 10, 1987



Joseph E. King, Speaker
John L. O'Brien, Speaker Pro Tempore
Alan Thompson, Chief Clerk
Sharon L. Case, Assistant Chief Clerk
Eljo Sutherland, Minute/Journal Clerk
Patsy Ellis, Minute/Journal Clerk

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NINETY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 14, 1987

The House was called to order at 9:30 a.m. by the Speaker. (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Ballard, Braddock, Bristow, Locke, Lux, L. Smith and Sutherland. Representatives Ballard, Locke and L. Smith were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kristina Peterson and Dwayne Christopher. Prayer was offered by The Reverend Ron Marrs, Minister of Westwood Baptist Church of Olympia.

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

MESSAGES FROM THE SENATE

April 13, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO.	42,
SUBSTITUTE HOUSE BILL NO.	55,
SUBSTITUTE HOUSE BILL NO.	60,
HOUSE BILL NO.	66,
HOUSE BILL NO.	136,
HOUSE BILL NO.	142,
SUBSTITUTE HOUSE BILL NO.	147,
SUBSTITUTE HOUSE BILL NO.	186,
HOUSE BILL NO.	205,
SUBSTITUTE HOUSE BILL NO.	232,
SUBSTITUTE HOUSE BILL NO.	298,
HOUSE BILL NO.	406,
SUBSTITUTE HOUSE BILL NO.	424,
SUBSTITUTE HOUSE BILL NO.	522,
SUBSTITUTE HOUSE BILL NO.	585,
HOUSE BILL NO.	628,
SUBSTITUTE HOUSE BILL NO.	648,
HOUSE BILL NO.	658,
HOUSE BILL NO.	865,
HOUSE BILL NO.	1067,
HOUSE BILL NO.	1090,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO.	4407,
SUBSTITUTE SENATE BILL NO.	5299,
SECOND SUBSTITUTE SENATE BILL NO.	5515,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 13, 1987

Mr. Speaker:

The Senate has failed to pass SUBSTITUTE HOUSE BILL NO. 1165 as amended by the Senate.

Sidney R. Snyder, Secretary.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5405, by Committee on Parks & Ecology (originally sponsored by Senators Talmadge, Bluechel, Newhouse, Sellar, Benitz, McDonald and Cantu)

Defining "hazardous substance" for purposes of the worker and community right to know act.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass with the following amendment:

On page 1, line 16 after "enforce" insert "the Washington industrial safety and health act, chapter 49.17 RCW, at least as effectively as"

On motion of Ms. Rust, the committee amendment was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5405 as amended by the House, and the bill passed the House by the following vote: Yeas, 90; absent, 5; excused, 3.

Voting yea: Representatives Allen, Amondson, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Appelwick, Braddock, Bristow, Lux, Sutherland - 5.

Excused: Representatives Ballard, Locke, Smith L - 3.

Substitute Senate Bill No. 5405 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Appelwick and Lux appeared at the bar of the House.

SENATE BILL NO. 5412, by Senators Talmadge and Newhouse

Extending nurse/patient privilege to registered nurses carrying out treatment prescribed by osteopathic physicians.

The bill was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5412, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Braddock, Bristow, Sutherland - 3.

Excused: Representatives Ballard, Locke, Smith L - 3.

Senate Bill No. 5412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives L. Smith and Sutherland appeared at the bar of the House.

SENATE BILL NO. 5469, by Senators Talmadge, Nelson and Halsan; by request of Office of the Code Reviser and Department of Trade and Economic Development
Correcting obsolete statutory references relating to the department of trade and economic development.

The bill was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5469, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Braddock, Bristow - 2.

Excused: Representatives Ballard, Locke - 2.

Senate Bill No. 5469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Braddock appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5514, by Committee on Governmental Operations (originally sponsored by Senators Talmadge, von Reichbauer, Nelson and Bender)
Revising competitive bidding requirements for water and sewer districts.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 27, 1987.)

On motion of Mr. Cooper, the committee amendments were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5514 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Bristow - 1.

Excused: Representatives Ballard, Locke - 2.

Substitute Senate Bill No. 5514 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5764, by Senators Talmadge, McCaslin, Zimmerman and Halsan

Adopting the Washington sunrise act.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Ms. H. Sommers, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5764 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dary, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Hargrove - 1.

Absent: Representative Bristow - 1.

Excused: Representatives Ballard, Locke - 2.

Engrossed Senate Bill No. 5764 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 6048, by Committee on Judiciary (originally sponsored by Senators Talmadge, Nelson, Newhouse, McCaslin, Moore and Bottiger)

Revising provisions on civil actions and liabilities.

The bill was read the second time.

Mr. Crane moved adoption of the following amendments by Representatives Crane and Locke:

On page 1, beginning on line 19, strike all material down to and including "repealed." on page 2, line 24.

Renumber the remaining parts and sections consecutively and correct internal references accordingly.

On page 30, after line 9, insert the following:

"NEW SECTION. Sec. 1306. The judicial council shall conduct a study on the benefits and detriments of requiring mandatory arbitration in superior court, including but not limited to:

(1) The monetary jurisdictional limit at which the interests of judicial administration and the interest of the parties are best served;

(2) The minimum qualifications of an arbitrator;

(3) The amount and method of compensation for an arbitrator; and

(4) Any other issues the council deems appropriate.

The judicial council shall report its findings and recommendations, including proposed legislation, to the judiciary committees of the senate and house of representatives by January 1, 1988."

Mr. Crane spoke in favor of the amendments, and Representatives Armstrong and Heavey spoke against them.

Mr. Crane spoke again in favor of the amendments, and Ms. H. Sommers opposed them.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Crane and Locke to Substitute Senate Bill No. 6048, and the amendments were not adopted by the following vote: Yeas, 35; nays, 59; absent, 2; excused, 2.

Voting yea: Representatives Amondson, Barnes, Basich, Beck, Belcher, Betrozoff, Brough, Crane, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Hankins, Holland, Leonard, Lewis, Lux, McLean, Miller, O'Brien, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Smith C, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, and Mr. Speaker - 35.

Voting nay: Representatives Allen, Appelwick, Armstrong, Baugher, Braddock, Brekke, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Ebersole, Fisher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Madsen, May, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Silver, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky - 59.

Absent: Representatives Bristow, Sommers D - 2.

Excused: Representatives Ballard, Locke - 2.

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

On page 35, after line 20 insert the following section:

"Sec. 1901. Section 14, chapter 27, Laws of 1981 and RCW 4.22.060 are each amended to read as follows:

(1) A party prior to entering into a release, covenant not to sue, covenant not to enforce judgment, or similar agreement with a claimant shall give five days' written notice of such intent to all other parties and the court. The court may for good cause authorize a shorter notice period. The notice shall contain a copy of the proposed agreement. A hearing shall be held on the issue of the reasonableness of the amount to be paid with all parties afforded an opportunity to present evidence. A determination by the court that the amount to be paid is reasonable must be secured. If an agreement was entered into prior to the filing of the action, a hearing on the issue of the reasonableness of the amount paid at the time it was entered into may be held at any time prior to final judgment upon motion of a party.

The burden of proof regarding the reasonableness of the settlement offer shall be on the party requesting the settlement.

(2) A release, covenant not to sue, covenant not to enforce judgment, or similar agreement entered into by a claimant and a person liable discharges that person from all liability for contribution, but it does not discharge any other persons liable upon the same claim unless it so provides. However, the claim of the releasing person against other persons is reduced by the amount paid pursuant to the agreement unless the amount paid was unreasonable at the time of the agreement in which case the claim shall be reduced by an amount determined by the court to be reasonable.

(3) A determination that the amount paid for a release, covenant not to sue, covenant not to enforce judgment, or similar agreement was unreasonable shall not affect the validity of the agreement between the released and releasing persons nor shall any adjustment be made in the amount paid between the parties to the agreement."

Renumber the remaining sections consecutively.

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

On motion of Mr. Padden, the following amendment to the title of the bill was adopted:

On page 1, line 14 of the title after "4.24.005," strike "and 51.24.030" and insert "51.24.030, and 4.22.060"

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Armstrong, Padden and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6048 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Wang - 1.

Absent: Representative Bristow - 1.

Excused: Representatives Ballard, Locke - 2.

Substitute Senate Bill No. 6048 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5678, by Senators Fleming, Patterson, Gaspard, Bauer, Tanner, Zimmerman and Bailey

Authorizing nonresident fees to be waived for deaf students at community colleges.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 85th Day, April 6, 1987.)

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

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grimm and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5678 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Bristow - 1.

Excused: Representatives Ballard, Locke - 2.

Senate Bill No. 5678 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6013, by Committee on Human Services & Corrections (originally sponsored by Senators Kreidler and Wojahn)
Establishing the office of child care resources.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

On motion of Mr. Grimm, the committee amendments were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grimm, Brekke and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6013 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Bristow - 1.

Excused: Representatives Ballard, Locke - 2.

Engrossed Substitute Senate Bill No. 6013 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. McMullen, the House advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5444, by Senators Moore, Metcalf, Vognild, Pullen, Conner, von Reichbauer, Bender, Barr, Talmadge, Deccio, Johnson, Garrett, Owen, Rasmussen, West, Smitherman, Patterson, Craswell, Tanner, Nelson, Bailey, Bauer, Zimmerman, Hayner and Sellar

Challenging the delegation of authority to create money.

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

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

POINT OF INQUIRY

Mr. Lux yielded to question by Ms. Haugen.

Ms. Haugen: Representative Lux, I have a concern about how much this might cost us. I see that we are going to have an attorney here. Can you give us any idea of how much this will cost the state to end up going to fight Congress?

Mr. Lux: Representative Haugen, the bill did go to Ways & Means and there was a fiscal note of, I think, \$68,000, or somewhere in that neighborhood, for the referendum. I think it was understood that in the budget of the Secretary of State, there is moneys for initiatives and referendums already there and apparently they felt that this will be enough because all of the referendums and all of the initiatives don't make it. I think there are nine initiatives that have been filed and I imagine they expect two or three of those to have enough signatures and then this would be another referendum, so there may be two or three of those. Apparently that is figured into the Secretary of State's budget already.

Ms. Haugen: I guess I'm curious to know how much the attorney would cost after the folks vote for this.

Mr. Lux: You mean the lawsuit. Well, at that point there have been some estimates, of course, but there again I don't know that--I guess, obviously, lawsuits cost money and attorneys--that's economic development in this state, to keep attorneys busy.

Representatives Haugen, Allen and Fisch spoke against passage of the bill, and Representatives Crane, J. Williams, Padden, Heavey, Valle, L. Smith, Grimm and Nealey spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5444, and the bill passed the House by the following vote: Yeas, 77; nays, 17; absent, 2; excused, 2.

Voting yea: Representatives Amondson, Basich, Baugher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprengle, Sutherland, Taylor, Valle, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 77.

Voting nay: Representatives Allen, Appelwick, Armstrong, Barnes, Beck, Belcher, Fisch, Haugen, Hine, Nutley, Peery, Rust, Sommers H, Todd, Unsoeld, Vekich, and Mr. Speaker - 17.

Absent: Representatives Bristow, Wang - 2.

Excused: Representatives Ballard, Locke - 2.

Senate Bill No. 5444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Ballard appeared at the bar of the House.

ENGROSSED SENATE BILL NO. 5178 AS AMENDED BY THE HOUSE, by Senators Moore, Metcalf, Bender, Johnson, Smitherman, Pullen, Newhouse and Fleming

Authorizing limited commodity brokers license and providing additional exceptions to RCW 21.30.020.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5178 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 3; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Heavey, Sprengle, Wilson K - 3.

Absent: Representative Bristow - 1.

Excused: Representative Locke - 1.

Engrossed Senate Bill No. 5178 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4642, by Representatives Hankins, Jesernig, Hargrove, Fisch and Sanders

WHEREAS, Mary Peters and Sherry Schaaf have been named to the 1987 National Honor Roll of science teachers by the Association of Science-Technology Centers and the Pacific Science Center; and

WHEREAS, Mary Peters and Sherry Schaaf have been recognized for their exemplary and creative use of science center resources and the exhibits, van programs, materials and staff of the Pacific Science Center; and

WHEREAS, Mary Peters is a sixth grade science teacher at Tupteal Elementary School in West Richland, Washington and has coordinated the science van program visits to Tupteal School and has become a science consultant to other teachers; and

WHEREAS, Sherry Schaaf is an eighth grade science teacher at Forks Junior/Senior High School who has organized astronomy field trips to the Pacific Science Center for ten years; and

WHEREAS, Mary Peters and Sherry Schaaf, along with 38 other persons being named to the 1987 National Honor Roll, will be flown to Washington, D.C. on April 8, 1987, during National Science and Technology Week of April 5 through 11, 1987, to receive their awards from the Congressional Science, Space and Technology Committee; and

WHEREAS, The Association of Science-Technology Centers, a national organization of science and technology centers and museums, has established the National Honor Roll to recognize classroom science teachers for praiseworthy efforts to increase their student's knowledge and understanding of science;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Mary Peters and Sherry Schaaf for their outstanding efforts as science teachers to utilize science center resources to enhance the science education of their students and serve as models for other teachers; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the Association of Science-Technology Centers and the Pacific Science Center for their dedication to providing the best resources available for science-technology education; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mary Peters, Sherry Schaaf, and the Directors of the Association of Science-Technology Centers and the Pacific Science Center.

Ms. Hankins moved adoption of the resolution. Representatives Hankins and Hargrove spoke in favor of the resolution and it was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4643, by Representatives Wineberry, O'Brien, Niemi, Taylor, Miller, S. Wilson, Brough, Heavey, P. King and Locke

WHEREAS, The Alvin Ailey American Dance Theater has performed for an estimated 15,000,000 people in forty-eight states, forty-five countries, and on six continents since its inception in 1959; and

WHEREAS, The Alvin Ailey Dance Theater has pioneered in the long-term residency program established by the National Endowment for the Arts, when its first residency program was held in Atlanta, Georgia in 1977; and

WHEREAS, This premier dance ensemble will be celebrating its 30th anniversary; and

WHEREAS, The Alvin Ailey Dance Foundation administers the Alvin Ailey American Dance Theater, the Alvin Ailey American Dance Center, and the Alvin Ailey Repertory Ensemble, the junior resident company of the school which also offers a full-time dance certificate program, a merit scholarship program as well as open enrollment for all classes and it registers more than 2,000 students annually from around the world; and

WHEREAS, The Alvin Ailey Dance Theater has received many awards and honors including the Gold Medal from the International Dance Festival in Paris in 1970; and

WHEREAS, The dance theater has appeared in almost every major theater in the world including the Metropolitan Opera House; and

WHEREAS, The Seattle Arts Commission, the City of Seattle, the National Endowment for the Arts, and the Philip Morris Company have made a joint grant providing for the dance program to be presented at the University of Washington Meany Hall bringing approximately 30 dancers to the City of Seattle; and

WHEREAS, The Alvin Ailey Dance Company will bring much pleasure and enjoyment to the many citizens of Seattle who attend the performances;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives extend its heartfelt congratulations and best wishes for many more successful years to the Alvin Ailey American Dance Company on its 30th anniversary; and

BE IT FURTHER RESOLVED, That the sponsoring agencies be commended for bringing this excellent dance theater to the City of Seattle; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Alvin Ailey American Dance Theater and to the agencies responsible for bringing them to Washington State.

On motion of Mr. Wineberry, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4641, by Representatives Schoon, Wineberry, Silver, Brough, Holm, D. Sommers, B. Williams, Bumgarner, Amondson, Day, Doty, Beck, Moyer, Hankins, Ballard, Brooks, May, Cantwell, J. Williams, Wang, Fisher and Sanders

WHEREAS, Frances J. Johnson of Tacoma, Washington, has been chosen as the Washington State 1987 Small Business Person of the Year by the United States Small Business Administration; and

WHEREAS, Frances J. Johnson is the founder and Chief Executive Officer of InterAcc of Fife, Washington, a full service agency specializing in bookkeeping, accounting and data processing, and placing office support and executive personnel; and

WHEREAS, Frances J. Johnson was selected as the Washington State winner from nominations received from trade associations, banks, chambers of commerce and others across the state; and

WHEREAS, Such award is made annually and is based on a number of factors including the company's staying power, growth in sales and employment, financial strength and community service; and

WHEREAS, Frances J. Johnson started her business with a vision, building it into a successful venture, and she represents the spirit of small business entrepreneurship in Washington State; and

WHEREAS, Frances J. Johnson's and Washington State's other 89,000 small businesses make enormous contributions to our state's economy and are the source of most of the new jobs, innovative products, goods and services which significantly improve our quality of life; and

WHEREAS, Frances J. Johnson will attend activities and ceremonies in Washington, D.C., during May 10-16, 1987, proclaimed by President Reagan as "Small Business Week" and having the theme "Small Business: America's Growth Industry";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Frances J. Johnson for her commitment to small business and for being named Washington State 1987 Small Business Person of the Year; and

BE IT FURTHER RESOLVED, That the House of Representatives commend small businesses throughout the State of Washington for their contributions to our economy and quality of life; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately sent by the Chief Clerk of the House of Representatives to Frances J. Johnson and the Director of the United States Small Business Association.

On motion of Mr. Schoon, the resolution was adopted.

Representatives Bristow and Locke appeared at the bar of the House.

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

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5130, by Committee on Commerce & Labor (originally sponsored by Senators Warnke and Conner)

Revising provisions on sales of liquor by the bottle by class H licensees.

The bill was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5130, and the bill passed the House by the following vote: Yeas, 95; nays, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Hargrove, Heavey, Sutherland - 3.

Substitute Senate Bill No. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5380, by Senators Gaspard, Saling, Warnke, von Reichbauer, Vognild, Johnson, Bottiger, Conner, Bauer, Stratton, Nelson, Newhouse and Rasmussen

Providing cost-of-living adjustment of retirement benefits.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Grimm, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Unsoeld, Silver and Hine spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5380 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5380 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5416, by Senators Peterson, Patterson and Hansen; by request of Department of Transportation

Changing requirements for establishment of certain limited access facilities.

The bill was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5416, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5479, by Committee on Education (originally sponsored by Senators Gaspard, Bauer, Bender, Williams, Talmadge, DeJarnatt, Wojahn and Smitherman; by request of Office of the Governor)

Providing for the improvement of teachers and schools.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Grimm moved adoption of the committee amendment.

Mr. Holland moved adoption of the following amendments by Representatives Holland, Lux, Patrick, Crane, Leonard and Todd to the committee amendment:

On page 3, line 27 of the amendment after "education" strike all material through "1988" on line 28.

On page 6, line 22 after "(2)" strike all material through "1988." on line 24.

On page 6, line 27 after "the" strike "1988-89" and insert "1987-88"

Representatives Holland and Todd spoke in favor of the amendments to the amendment, and Representatives Ebersole, Betrozoff and Walker opposed them.

The amendments to the committee amendment were not adopted.

Representative Rayburn was excused.

Mr. Vekich moved adoption of the following amendments by Representatives Vekich, Bristow, Zellinsky, Niemi and Braddock to the committee amendment:

On page 10, beginning on line 15 strike all of sections 201 through 207.

On page 16, beginning on line 15 strike all of sections 210 through 212.

On page 19, beginning on line 34, strike all of section 217.

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Vekich, Taylor, Schoon, and Niemi spoke in favor of the amendments to the amendment, and Representatives Ebersole, Betrozoff, Pruitt, Cole, K. Wilson, Todd, Peery and Brough opposed them.

Mr. Taylor spoke again in favor of the amendments, and Mr. Ebersole again opposed them.

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

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Vekich and others to Engrossed Substitute Senate Bill No. 5479, and the amendments were not adopted by the following vote: Yeas, 48; nays, 49; excused, 1.

Voting yea: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Crane, Doty, Fisch, Fisher, Fuhrman, Hankins, Heavey, Holland, Jesernig, King P, Kremen, Lewis, Madsen, May, McLean, Miller, Moyer, Nealey, Nelson, Niemi, Padden, Patrick, Prince, Rasmussen, Schoon, Silver, Smith C, Sommers D, Sommers H, Taylor, Vekich, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 48.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Betzoff, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Ferguson, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, King R, Leonard, Locke, Lux, McMullen, Meyers, Nutley, O'Brien, Peery, Pruitt, Rust, Sanders, Saryan, Schmidt, Scott, Smith L, Spanel, Sprengle, Sutherland, Todd, Unsold, Valle, Walk, Walker, Wang, Wilson K, Wineberry, and Mr. Speaker - 49.

Excused: Representative Rayburn - 1.

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

On page 18, line 19 before "school" strike "1990-91" and insert "1988-89"

Representatives Ebersole and Leonard spoke in favor of the amendment to the amendment, and it was adopted.

Mr. Holland moved adoption of the following amendment by Representatives Holland, Ebersole and Basich to the committee amendment:

On page 22, after line 9 of the amendment insert the following:

"NEW SECTION, Sec. 303. A new section is added to chapter 28A.03 RCW to read as follows:

(1) The superintendent of public instruction, through the state clearinghouse for education information, resources, and research, shall collect and disseminate to all school districts and other interested parties, information about: (a) Existing school or school district model programs designed to enhance students' personal confidence and contribute to increased student performance; and (b) school organizational systems, including the 'home room' concept, which tend to provide the structure and time necessary for students and teachers to recognize and appreciate their respective individuality.

(2) Teachers are encouraged to utilize the resources of the office of the superintendent of public instruction, including the clearinghouse, to acquire information about the relationship between personal confidence and student development and performance.

NEW SECTION, Sec. 304. (1) Further academic research on the relationship of personal confidence to school performance and on factors which can influence student self-confidence, including class size, is critical to improving the learning environment. The state's public and private institutions of higher education and the Washington state institute for public policy are encouraged to support or undertake research on issues concerning the relationship between personal confidence and student achievement.

(2) Kindergarten through twelfth grade and higher education personnel are encouraged to apply for funds under RCW 28A.67.115 to support projects demonstrating the relationship between improved self-confidence and student performance."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Holland and Basich spoke in favor of the amendment to the amendment, and it was adopted.

The committee amendment as amended was adopted.

Mr. Grimm moved adoption of the committee amendment to the title of the bill.

On motion of Mr. Holland, the following amendment to the title amendment was adopted:

On page 23, line 5 of the title amendment, after "28A.71.210;" insert "adding a new section to chapter 28A.03 RCW;"

The committee amendment to the title as amended was adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole, Betzoff, Taylor, Miller, Todd, Valle and Peery spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5479 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Fuhrman, Smith L - 2.

Excused: Representative Rayburn - 1.

Engrossed Substitute Senate Bill No. 5479 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5063, by Committee on Ways & Means (originally sponsored by Senators Talmadge, Nelson, Newhouse, Bottiger, Moore, Vognid, Gaspard, Deccio and Rasmussen)

Revising provisions relating to information on child and adult abuse.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

On motion of Mr. Locke, the committee amendments were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5063 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Rayburn - 1.

Second Substitute Senate Bill No. 5063 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5129, by Senators Talmadge, Garrett, Lee and Stratton

Authorizing revenue bonds for a toll bridge on First Avenue South in Seattle.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 3, 1987.)

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

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Baugher, Barnes and Heavey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5129 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Rayburn - 1.

Senate Bill No. 5129 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5299,
SECOND SUBSTITUTE SENATE BILL NO. 5515.

MESSAGE FROM THE SENATE

April 14, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE JOINT MEMORIAL NO. 8008 and passed the joint memorial as amended by the House.

Sidney R. Snyder, Secretary.

On motion of Mr. Appelwick, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5863, AS AMENDED BY THE HOUSE, by Senators Warnke, Garrett and Rasmussen

Prohibiting the refusal or expulsion of mobile homes from a mobile home park because of the age of the mobile home.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5863 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Barnes, Holland, Sanders - 3.

Excused: Representative Rayburn - 1.

Engrossed Senate Bill No. 5863 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5911, by Committee on Ways & Means (originally sponsored by Senator McDermott)

Providing for the acquisition and management of natural resource conservation areas.

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

Representatives Appelwick, Cole, Ferguson and Spanel spoke in favor of passage of the bill, and Representatives Basich, J. Williams and Barnes opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5911, and the bill passed the House by the following vote: Yeas, 53; nays, 42; absent, 2; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Belcher, Betrozoff, Brekke, Brough, Bumgarner, Cole, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Holm, Jacobsen, King R. Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, O'Brien, Pruitt, Rust, Sayan, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Voting nay: Representatives Amondson, Ballard, Barnes, Basich, Baugher, Beck, Braddock, Brooks, Cantwell, Chandler, Cooper, Doty, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Jesernig, King P, Kremen, Lewis, May, McLean, Nealey, Nutley, Padden, Patrick, Peery, Prince, Rasmussen, Sanders, Schmidt, Silver, Smith C, Smith L, Sutherland, Walker, Williams B, Williams J, Wilson S, Winsley - 42.

Absent: Representatives Bristow, Schoon - 2.

Excused: Representative Rayburn - 1.

Substitute Senate Bill No. 5911, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Rayburn appeared at the bar of the House.

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

SECOND READING

ENGROSSED SENATE JOINT RESOLUTION NO. 8212, by Senators Gaspard, Paterson, Rinehart and Saling

Authorizing the investment of public land permanent funds.

The resolution was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Grimm spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Resolution No. 8212, and the resolution passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Heavey - 1.

Engrossed Senate Joint Resolution No. 8212, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5107, by Committee on Transportation (originally sponsored by Senators Conner, Barr, Peterson, Patterson, Vognild, Bauer and Deccio)

Levying motor vehicle excise tax only for the actual license period.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Baugher, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5107 as amended by the House, and the bill passed the House by the following vote: Yeas, 90; nays, 8.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Ballard, Brough, Bumgarner, Fuhrman, Hankins, Holland, McLean, Prince - 8.

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

SUBSTITUTE SENATE BILL NO. 5520, by Committee on Governmental Operations (originally sponsored by Senators Halsan and McCaslin)

Limiting improvements financed by improvement districts to two hundred percent of the amount originally proposed at the time the district was created.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 6, 1987.)

Mr. Cooper moved adoption of the committee amendment.

On motion of Mr. Cooper, the following amendment by Representatives Cooper, Ferguson and Nutley to the committee amendments was adopted:

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

"Where, before the effective date of this section, a municipality established a reserve fund under this section that did not provide for a credit or reimbursement of the money remaining in the reserve fund to the owners of the lots, tracts, or parcels of property subject to the assessments, the balance in the reserve fund shall be distributed, after payment in full and retirement of all local improvement district bonds and other obligations secured by the reserve fund, to those owners of the lots, tracts, or parcels of property subject to the assessments at the time the final installment or assessment payment on the lot, tract, or parcel was made. No owner is eligible to receive reimbursement for a lot, tract, or parcel if a lien on an unpaid assessment, or an installment thereon, that was imposed on such property remains in effect at the time the reimbursement is made or was foreclosed on the property. The amount to be distributed to the owners of each lot, tract, or parcel that is eligible for reimbursement shall be equal to the balance in the reserve fund, multiplied by the assessment imposed on the lot, tract, or parcel, divided by the total of all the assessments on the lots, tracts, or parcels eligible for reimbursement."

The Speaker stated the question before the House to be the committee amendments as amended.

Representatives Cooper and Ferguson spoke in favor of the committee amendments as amended, and they were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cooper and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5520 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Hine - 1.

Substitute Senate Bill No. 5520 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5013, by Senators Garrett, Zimmerman and Halsan

Permitting counties and cities to vacate public roads and streets abutting water under certain circumstances.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Cooper moved adoption of the committee amendment.

On motion of Ms. Haugen, the following amendment by Representatives Haugen and Nelson to the committee amendment was adopted:

On page 3 of the committee amendment, line 24, after "education" insert "; or

(c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated"

On motion of Mr. Heavey, the following amendment by Representatives Heavey, Haugen, Nelson, Sanders and Ferguson to the committee amendment was adopted:

On page 4, line 6 of the committee amendment, after "chapter" insert ", where in addition of the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection"

Mr. Nelson moved adoption of the following amendment by Representatives Nelson and Haugen to the committee amendment:

On page 4, beginning on line 21 of the committee amendment, strike "acquiring additional moorage or launching sites, or improving existing sites or new sites for such purposes" and insert "or acquiring additional moorage or launching sites"

Representatives Nelson and Haugen spoke in favor of the amendment to the amendment, and Representatives Leonard and Ferguson opposed it.

Mr. Nelson spoke again in favor of the amendment.

The amendment to the committee amendment was adopted.

Ms. Cole moved adoption of the following amendment to the committee amendment:

On page 4 of the amendment, after line 24, insert the following:

"Sec. 3. Section 7, chapter 185, Laws of 1969 ex. sess. and RCW 36.87.130 are each amended to read as follows:

No county shall vacate a county road or part thereof which abuts on a body of salt or fresh water unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses. However, a county may vacate a portion of a county road right of way which abuts a body of salt water if: (1) The right of way is not developed or maintained as a road; (2) the county legislative authority makes findings that the right of way is not usable for public port, boat moorage or launching, park, viewpoint, recreational, educational, or other public purposes, and that the proposed vacation is in the public interest; and (3) the same person or persons own the property immediately adjacent to both sides of that portion of the right of way that is sought to be vacated and the tidelands in front of where the right of way abuts the body of salt water."

POINT OF ORDER

Ms. Haugen: Mr. Speaker, I ask you to rule on the amendment as to whether it fits under the title of the bill.

SPEAKER'S RULING

The Speaker: Representative Haugen, I find that the language that you are asking me to rule on the scope and object of, is within the original bill. You are asking me to address a constitutional question, which I can't address. Therefore, I find your point is not well taken.

Ms. Cole spoke in favor of the amendment to the amendment, and Representatives Heavey, Haugen and Ferguson opposed it.

The amendment to the amendment was not adopted.

The Clerk read the following amendment by Representative Bristow to the committee amendment:

On page 4 of the amendment, after line 24, insert the following:

"Sec. 3. Section 7, chapter 185, Laws of 1969 ex. sess. and RCW 36.87.130 are each amended to read as follows:

No county shall vacate a county road or part thereof which abuts on a body of salt ((or fresh)) water unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses. However, a county may vacate a portion of a county road right of way which abuts a body of salt water if: (1) The right of way is not developed or maintained as a road; (2) the county legislative authority makes findings that the right of way is not usable for public port, boat moorage or launching, park, viewpoint, recreational, educational, or other public purposes, and that the proposed vacation is in the public interest; and (3) the same person or persons own the property immediately adjacent to both sides of that portion of the right of way that is sought to be vacated and the tidelands in front of where the right of way abuts the body of salt water."

With the consent of the House, Mr. Bristow withdrew the amendment to the amendment.

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

On page 4 of the amendment, after line 24, insert the following:

"Sec. 3. Section 7, chapter 185, Laws of 1969 ex. sess. and RCW 36.87.130 are each amended to read as follows:

No county shall vacate a county road or part thereof which abuts on a body of salt ((or fresh)) water unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses."

Mr. Bristow spoke in favor of the amendment to the amendment, and Ms. Haugen opposed it.

The amendment to the committee amendment was not adopted.

The Speaker stated the question before the House to be the committee amendment as amended.

Mr. Cooper spoke in favor of the amendment as amended, and it was adopted.

On motion of Mr. Cooper, the committee amendment to the title of the bill was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen, Leonard and Ferguson spoke in favor of passage of the bill and Representatives Heavey and Taylor opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5013 as amended by the House, and the bill passed the House by the following vote: Yeas, 57; nays, 41.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Baugher, Beck, Belcher, Betrozoff, Brekke, Brooks, Bumgarner, Cooper, Crane, Day, Doty, Ferguson, Gallagher, Haugen, Hine, Holland, Holm, Jacobsen, King R, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Schmidt, Scott, Smith L, Sommers D, Sommers H, Sutherland, Todd, Unsoeld, Waik, Walker, Wang, Williams J, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Barnes, Basich, Braddock, Bristow, Brough, Cantwell, Chandler, Cole, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Heavey, Jesernig, King P, Kremen, Locke, Nealey, Niemi, Padden, Patrick, Rust, Sanders, Sayan, Schoon, Silver, Smith C, Spanel, Sprengle, Taylor, Valle, Vekich, Williams B, Wilson K, Winsley - 41.

Senate Bill No. 5013 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Beck and Wang were excused.

MESSAGES FROM THE SENATE

April 10, 1987

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 67,
HOUSE BILL NO. 110.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 13, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 188,
HOUSE BILL NO. 194,
HOUSE BILL NO. 197,
HOUSE BILL NO. 199,
HOUSE BILL NO. 200,
HOUSE BILL NO. 203,
ENGROSSED HOUSE BILL NO. 248,
HOUSE BILL NO. 250,
HOUSE BILL NO. 261,
SUBSTITUTE HOUSE BILL NO. 347,
HOUSE BILL NO. 352,
HOUSE BILL NO. 374,
HOUSE BILL NO. 379,
HOUSE BILL NO. 431,
SECOND SUBSTITUTE HOUSE BILL NO. 480,
HOUSE BILL NO. 559,
SUBSTITUTE HOUSE BILL NO. 656.

SUBSTITUTE HOUSE BILL NO. 732,
 SUBSTITUTE HOUSE BILL NO. 746,
 HOUSE BILL NO. 753,
 HOUSE BILL NO. 1027,
 HOUSE BILL NO. 1204,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 14, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 329,
 ENGROSSED HOUSE BILL NO. 403,
 SUBSTITUTE HOUSE BILL NO. 415,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 465,
 HOUSE BILL NO. 643,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 665,
 SUBSTITUTE HOUSE BILL NO. 669,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 67,
 HOUSE BILL NO. 110,
 SUBSTITUTE HOUSE BILL NO. 153,
 SUBSTITUTE HOUSE BILL NO. 188,
 HOUSE BILL NO. 194,
 HOUSE BILL NO. 197,
 HOUSE BILL NO. 199,
 HOUSE BILL NO. 200,
 HOUSE BILL NO. 203,
 HOUSE BILL NO. 248,
 HOUSE BILL NO. 250,
 HOUSE BILL NO. 261,
 HOUSE BILL NO. 326,
 SUBSTITUTE HOUSE BILL NO. 329,
 SUBSTITUTE HOUSE BILL NO. 347,
 HOUSE BILL NO. 352,
 HOUSE BILL NO. 374,
 HOUSE BILL NO. 379,
 SUBSTITUTE HOUSE BILL NO. 391,
 HOUSE BILL NO. 399,
 HOUSE BILL NO. 403,
 SUBSTITUTE HOUSE BILL NO. 415,
 HOUSE BILL NO. 431,
 SUBSTITUTE HOUSE BILL NO. 465,
 SECOND SUBSTITUTE HOUSE BILL NO. 480,
 SUBSTITUTE HOUSE BILL NO. 506,
 HOUSE BILL NO. 559,
 HOUSE BILL NO. 643,
 SUBSTITUTE HOUSE BILL NO. 656,
 SUBSTITUTE HOUSE BILL NO. 665,
 SUBSTITUTE HOUSE BILL NO. 669,
 SUBSTITUTE HOUSE BILL NO. 677,
 SUBSTITUTE HOUSE BILL NO. 732,
 SUBSTITUTE HOUSE BILL NO. 746,
 HOUSE BILL NO. 753,
 SUBSTITUTE HOUSE BILL NO. 970,
 HOUSE BILL NO. 985,
 HOUSE BILL NO. 1027,
 HOUSE BILL NO. 1204.

MESSAGE FROM THE SENATE

April 14, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5824 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

SECOND READING

HOUSE BILL NO. 1037, by Representatives Walk, Patrick, Todd, Fisher, Sanders, Gallagher, Ferguson and Miller

Revising motor vehicle related taxes.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1037 was substituted for House Bill No. 1037, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1037 was read the second time.

Mr. S. Wilson moved adoption of the following amendments:

On page 4, line 28 after "rate of" strike "five" and insert "three and one-third"

On page 4, line 30 after "fuel" strike ", and the proceeds from this additional tax rate," and insert "from July 1, 1987 through June 30, 1988. After that date, the additional tax rate shall be five cents per gallon. The proceeds from the additional tax rate imposed under this subsection."

On page 6, line 6 after "(1)" insert "From July 1, 1987"

On page 6, line 8 after "(2)" insert "From July 1, 1987"

On page 6, line 11 after "(3)" insert "From July 1, 1987"

On page 6, line 15 after "(4)" insert "Beginning July 1, 1988"

Mr. S. Wilson spoke in favor of the amendments, and Mr. Walk opposed them.

Mr. S. Wilson spoke again in favor of the amendments.

The amendments were not adopted.

Mr. S. Wilson moved adoption of the following amendments:

On page 4, line 28, after "~~82.36.025~~)" strike all material down through "the" on line 30 and insert "The following incremental additional motor fuel tax rates shall apply to the sale, distribution, or use of motor vehicle fuel:

(a) Effective July 1, 1987, one-half cent per gallon;

(b) Effective July 1, 1989, an additional one-half cent per gallon;

(c) Effective July 1, 1991, an additional one and one-half cents per gallon; and

(d) Effective July 1, 1993, an additional one-half cent per gallon.

The"

On page 4, line 35, after "fund" strike all material through "act" on line 36, and insert "and shall be used to pay the principal and interest on bonds issued under section 4 of this 1987 act"

On page 5, line 17, strike "and section 4(1) of this 1987 act"

On page 5, line 22, after "~~82.36.025(4)~~" strike all material down through "act" on line 29 and insert "; and

(6) For payment of the principal and interest on bonds issued under section 4 of this 1987 act"

On page 5, line 33, strike "(8)" and insert "(6)"

On page 5, beginning on line 36, strike all material down through line 19 on page 6 and insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 47.10 RCW to read as follows:

In order to provide funds necessary for the location, design, right of way and construction of selected transportation improvements there shall be issued and sold a total of six hundred sixty-four million dollars of general obligation bonds of the state of Washington for the following purposes:

(1) Twenty-nine million dollars for the rural arterial program;

(2) One hundred thirty-three million dollars for transportation improvement projects as provided in section 13 of this act;

(3) One hundred thirty-three million dollars for major transportation improvements throughout the state that are identified as Category C improvements, and for selected major noninterstate construction and reconstruction projects that are included as Category A improvements, as set forth in RCW 47.05.030;

(4) Three hundred sixty-nine million dollars for local interest state transportation projects as proposed by the Washington state transportation commission and approved by the legislature.

NEW SECTION. Sec. 5. A new section is added to chapter 47.10 RCW to read as follows:

(1) Bonds authorized in section 4(1) of this act shall be issued and sold upon the request of the county road administration board and the proceeds shall be deposited in the rural arterial trust account in the motor vehicle fund.

(2) Bonds authorized in section 4(2) of this act shall be issued and sold upon the request of the transportation improvement board and the proceeds shall be deposited in the transportation improvement account.

(3) Bonds authorized in section 4(3) of this act shall be issued and sold upon the request of the Washington state transportation commission and the proceeds shall be deposited in the motor vehicle fund.

(4) Bonds authorized in section 4(4) of this act shall be issued and sold upon the request of the Washington state transportation commission and the proceeds shall be deposited in the local interest state transportation account in the motor vehicle fund, hereby created.

NEW SECTION, Sec. 6. A new section is added to chapter 47.10 RCW to read as follows:

Upon request being made by the respective agencies, the state finance committee shall supervise and provide for the issuance and sale of the bonds authorized in section 4 of this act in accordance with chapter 39.42 RCW. The amount of such bonds issued and sold in any biennium shall not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the authorized construction projects.

NEW SECTION, Sec. 7. A new section is added to chapter 47.10 RCW to read as follows:

Bonds issued under section 4 of this act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in section 9 of this act from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under section 4 of this act and the legislature hereby agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under section 4 of this act.

NEW SECTION, Sec. 8. A new section is added to chapter 47.10 RCW to read as follows:

Any funds required to repay the bonds authorized in section 4 of this act or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels pursuant to RCW 82.36.025(5) and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for debt service purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

NEW SECTION, Sec. 9. A new section is added to chapter 47.10 RCW to read as follows:

Both principal of and interest on the bonds authorized by section 4 of this act shall be payable from the transportation bond retirement fund, hereby created in the state treasury.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from moneys deposited in the motor vehicle fund under RCW 82.36.025(5) and deposit in the transportation bond retirement fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION, Sec. 10. A new section is added to chapter 47.10 RCW to read as follows:

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels under RCW 82.36.025(5) shall prove more than is required for the payment of interest on bonds when due, or current retirement bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds.

NEW SECTION, Sec. 11. A new section is added to chapter 47.10 RCW to read as follows:

The bonds authorized in section 4 of this act constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations."

Renumber the sections consecutively and correct internal references accordingly.

On page 8, line 7, after "fund," strike "created in section 4 of this act" and insert "hereby created in the motor vehicle fund"

Representatives S. Wilson, May and Schmidt spoke in favor of the amendments, and Representatives Walk and Patrick opposed them.

The amendments were not adopted.

Ms. Brough moved adoption of the following amendment by Representatives Brough and Betrozoff:

On page 6, after line 5, strike all material down through line 19 and insert the following:

"(1) Through June 30, 1993, two-thirds cent shall be deposited in the rural arterial trust account in the motor vehicle fund.

(2) Through June 30, 1993, one and two-thirds cents shall be deposited in the transportation improvement account hereby created in the motor vehicle fund.

(3) Through June 30, 1993, one and one-third cents shall be deposited in the motor vehicle fund and shall be expended solely for highway purposes of the state, subject to the conditions imposed by chapter 47.05 RCW.

(4) One and one-third cents shall be deposited in the local interest state transportation account hereby created in the motor vehicle fund for local interest state transportation projects as proposed by the Washington state transportation commission and approved by the legislature."

Representatives Brough and Betrozoff spoke in favor of the amendment and Representatives Walk and Barnes opposed it.

The amendment was not adopted.

Mr. Baugher moved adoption of the following amendments by Representatives Baugher, Prince, Nealey, Jesernig, Grant, Chandler, Bristow, Dellwo, Fuhrman, Sayan and Basich:

On page 6, line 6, strike "one-third" and insert "two-thirds"

On page 6, line 15, strike "two-thirds" and insert "one-third"

On page 6, after line 19, insert the following:

"Sec. 5. Section 5, chapter 49, Laws of 1983 1st ex. sess. and RCW 36.79.050 are each amended to read as follows:

At the beginning of each fiscal biennium, the board shall establish apportionment percentages for the five regions defined in RCW 36.79.030 in the manner prescribed in RCW 36.79.040 for that biennium. The apportionment percentages shall be used once each calendar quarter by the board to apportion funds credited to the rural arterial trust account that are available for expenditure for rural major and minor collector projects. The funds so apportioned shall remain apportioned until expended on construction and improvement projects in accordance with rules of the board. Within each region, funds shall be allocated by the board to counties for the construction and improvement of specific rural arterial projects on major and minor collectors in accordance with the procedures set forth in this chapter.

Sec. 6. Section 6, chapter 49, Laws of 1983 1st ex. sess. and RCW 36.79.060 are each amended to read as follows:

The board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the rural arterial trust account to counties;

(2) Adopt reasonably uniform design standards for county major and minor collectors that meet the requirements for trucks transporting commodities;

(3) Report biennially on the first day of November of the even-numbered years to the legislative transportation committee and the house and senate transportation committees regarding the progress of counties in developing plans for their rural major and minor collector construction and improvement programs and the allocation of rural arterial trust funds to the counties.

Sec. 7. Section 8, chapter 49, Laws of 1983 1st ex. sess. and RCW 36.79.080 are each amended to read as follows:

In preparing their respective six-year programs relating to rural arterial (~~(improvements)~~) construction, counties shall select specific priority (~~(improvement)~~) construction projects for each functional class of arterial based on the rating of each arterial section proposed to be (~~(improved)~~) constructed in relation to other arterial sections within the same functional class, taking into account the following:

(1) Its structural ability to carry loads imposed upon it;

(2) Its capacity to move traffic at reasonable speeds;

(3) Its adequacy of alignment and related geometrics;

(4) Its accident experience; and

(5) Its fatal accident experience.

The six-year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121.

NEW SECTION, Sec. 8. A new section is added to chapter 36.79 RCW to read as follows:

One-half of the amount deposited in the rural arterial trust account in the motor vehicle fund under section 4(1) of this act shall be expended for the improvement of specific rural major and minor collectors identified by application of the state-wide county pavement management system in accordance with rules adopted by the board.

Sec. 9. Section 14, chapter 49, Laws of 1983 1st ex. sess. as amended by section 1, chapter 113, Laws of 1984 and RCW 36.79.140 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction and improvement program scheduled to be performed during the biennial period beginning the following July 1st. Subject

to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account: PROVIDED HOWEVER, That counties of the seventh class are exempt from this eligibility restriction. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080."

Renumber the sections consecutively and correct internal references accordingly.

Mr. Baugher spoke in favor of the amendments, and Mr. Betrozoff opposed them.

The amendments were adopted.

Ms. Brough moved adoption of the following amendment by Representatives Brough and Betrozoff:

On page 8, after line 16, strike all material down through line 1, page 9 and insert the following:

"The amount available in the transportation improvement account for improvement projects shall be allocated to counties, to cities, and to transportation benefit districts, for county, city, and multi-agency arterial improvement projects.

To be eligible to receive these funds, a project must be (1) consistent with state, regional, and local transportation plans, (2) necessitated by existing or reasonably foreseeable congestion levels attributable to economic development or growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions.

Within one year after board approval of an application for funding, a county, city, or transportation benefit district shall provide written certification to the board of the pledged local and/or private funding. Funds allocated to an applicant which does not certify its funding within one year after approval may be reallocated by the board."

Ms. Brough spoke in favor of the amendment and Mr. Walk opposed it.

The amendment was not adopted.

The Clerk read the following amendment by Representatives Holland, Prince, Silver, May, Fuhrman, J. Williams, Chandler, Nealey, L. Smith, Hankins, Beck and Bumgarner:

On page 38, beginning on line 29 strike section 55 and insert the following:

"NEW SECTION. Sec. 55. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

With the consent of the House, Mr. Holland withdrew the amendment.

The following amendments to the title of the bill were adopted:

On page 1, line 2 of the title, after "46.68.090," insert "36.79.050, 36.79.060, 36.79.080, 36.79.140."

On page 1, line 9 of the title, after "47.26.150;" insert "adding a new section to chapter 36.79 RCW;"

The bill was ordered engrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk, Sanders and Baugher spoke in favor of passage of the bill, and Representatives S. Wilson, Betrozoff and Amondson opposed it.

POINT OF INQUIRY

Mr. Heavey asked Representative Walk to yield to question and he refused.

Ms. Schmidt spoke against passage of the bill, and Mr. Baugher spoke again in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1037, and the bill failed to pass the House by the following vote: Yeas, 33; nays, 63; excused, 2.

Voting yea: Representatives Allen, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Cantwell, Ferguson, Gallagher, Grimm, Hine, King P, King R, Locke, Madsen, McMullen, Meyers, Niemi, O'Brien, Patrick, Prince, Sanders, Sayan, Scott, Spanel, Sutherland, Todd, Unsoeld, Valle, Vekich, Waik, and Mr. Speaker - 33.

Voting nay: Representatives Amondson, Appelwick, Ballard, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, Kremen, Leonard, Lewis, Lux, May, McLean, Miller, Moyer, Nealey, Nelson, Nutley, Padden, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Sprenkle, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 63.

Excused: Representatives Beck, Wang - 2.

Engrossed Substitute House Bill No. 1037, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. Appelwick, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Substitute House Bill No. 1037 failed to pass the House.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which Substitute House Bill No. 1037 failed to pass the House, and the motion was carried by the following vote: Yeas, 68; nays, 28; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Holm, Jacobsen, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 68.

Voting nay: Representatives Allen, Amondson, Brooks, Bumgarner, Chandler, Cooper, Doty, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Jesernig, Lewis, May, Moyer, Nealey, Padden, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Walker, Williams B, Williams J - 28.

Excused: Representatives Beck, Wang - 2.

MOTION

On motion of Mr. McMullen, further consideration of Engrossed Substitute House Bill No. 1037 was deferred, and the bill was ordered held on the third reading calendar.

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

INTRODUCTION AND FIRST READING

HB 1228 by Representatives Armstrong, McMullen and P. King

AN ACT Relating to criminal penalties for, criminal sentences for, education regarding, and treatment for alcohol and substance abuse; amending RCW 9.94A.030, 66.44.270, 69.50.401, 69.50.406, 26.28.080, 66.08.180, 66.24.320, 66.24.330, 48.21.160, 48.21.180, 48.44.240, and 48.46.350; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 69.50 RCW; adding a new chapter to Title 69 RCW; creating a new section; repealing RCW 48.21.170; providing effective dates; and declaring an emergency.

MOTIONS

Mr. McMullen moved that the rules be suspended and House Bill No. 1228 be advanced to second reading and read the second time in full.

Representatives Patrick and McMullen spoke in favor of the motion, and it was carried.

On motion of Mr. McMullen, further consideration of the bill was deferred, and it was ordered held on the second reading calendar.

MOTION

Mr. McMullen moved that the Committee on Judiciary be relieved of HOUSE CONCURRENT RESOLUTION NO. 4409 and the resolution be placed on the second reading calendar.

Ms. Brough spoke in favor of the motion and it was carried.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:30 a.m., Wednesday, April 15, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 15, 1987

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Belcher, Bristow and Grimm.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Megan Black and Michael Worden. Prayer was offered by The Reverend Ron Marrs, Minister of Westwood Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

April 14, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 706,
 SUBSTITUTE HOUSE BILL NO. 750,
 SUBSTITUTE HOUSE BILL NO. 763,
 SUBSTITUTE HOUSE BILL NO. 783,
 HOUSE BILL NO. 843,
 SUBSTITUTE HOUSE BILL NO. 1069.

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 706,
 SUBSTITUTE HOUSE BILL NO. 750,
 SUBSTITUTE HOUSE BILL NO. 763,
 SUBSTITUTE HOUSE BILL NO. 783,
 HOUSE BILL NO. 843,
 SUBSTITUTE HOUSE BILL NO. 1069.

REPORT OF STANDING COMMITTEE

April 14, 1987

SSB 5456 Prime Sponsor, Committee on Transportation: Adopting the supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Schmidt, C. Smith, D. Sommers, Sutherland, Vekich, J. Williams, K. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Spanel and Todd.

Absent: Representatives Prince and S. Wilson.

Passed to Committee on Rules for second reading.

The Speaker called on Mr. O'Brien to preside.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1049 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds the existing statutes that establish the criteria for determining when a person is guilty of driving a motor vehicle under the influence of intoxicating liquor or drugs are constitutional and do not require any additional criteria to ensure their legality. However, the legislature recognizes that there are circumstances, such as when a suspected drunken driver is unconscious or dead, when a direct determination of the alcoholic content of the person's blood is desirable to determine legal rights and responsibilities. The purpose of this act is to provide an additional method of defining the crime of driving while intoxicated. This act is not an acknowledgment that the existing breath alcohol standard is legally improper or invalid.

Sec. 2. Section 1, chapter 176, Laws of 1979 ex. sess. as amended by section 2, chapter 153, Laws of 1986 and RCW 46.61.502 are each amended to read as follows:

A person is guilty of driving while under the influence of intoxicating liquor or any drug if ~~((he))~~ the person drives a vehicle within this state while:

(1) ~~((He))~~ The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of ~~((his))~~ the person's breath~~((-blood, or other bodily substance))~~ made under RCW 46.61.506 ~~((as now or hereafter amended))~~; or

(2) ~~((He))~~ The person has 0.10 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood made under RCW 46.61.506; or

~~((3))~~ ~~((He))~~ (4) The person is under the influence of or affected by intoxicating liquor or any drug; or ~~((3))~~ ~~((He))~~ (4) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Sec. 3. Section 2, chapter 176, Laws of 1979 ex. sess. as amended by section 3, chapter 153, Laws of 1986 and RCW 46.61.504 are each amended to read as follows:

A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if ~~((he))~~ the person has actual physical control of a vehicle within this state while:

(1) ~~((He))~~ The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of ~~((his))~~ the person's breath~~((-blood, or other bodily substance))~~ made under RCW 46.61.506~~((as now or hereafter amended))~~; or

(2) ~~((He))~~ The person has 0.10 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood made under RCW 46.61.506; or

~~((3))~~ ~~((He))~~ (4) The person is under the influence of or affected by intoxicating liquor or any drug; or ~~((3))~~ ~~((He))~~ (4) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, ~~((he))~~ the person has moved the vehicle safely off the roadway.

Sec. 4. Section 3, chapter 1, Laws of 1969 as last amended by section 4, chapter 153, Laws of 1986 and RCW 46.61.506 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood~~((:))~~ or breath~~((;- or other bodily substance))~~ is less than 0.10 percent by weight of alcohol in his blood or 0.10 grams of alcohol per two hundred ten liters of the person's breath, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

Sec. 5. Section 27, chapter 165, Laws of 1983 as last amended by section 2, chapter 64, Laws of 1986 and RCW 46.61.517 are each amended to read as follows:

The refusal of a person to submit to a test of the alcoholic content of ~~((his))~~ the person's blood or breath under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial.

Sec. 6. Section 2, chapter 267, Laws of 1985 as amended by section 6, chapter 153, Laws of 1986 and RCW 88.02.095 are each amended to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a negligent manner, except a commercial vessel which has or is required to have a valid marine document as a vessel of the United States and is operating in the navigable waters of the United States. For the purpose of this section, to 'operate in a negligent manner' shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property.

(2) A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while:

(a) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath ~~((blood, or other bodily substance))~~ made under RCW 46.61.506; or

(b) The person has 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506 ; or

(c) The person is under the influence of or affected by intoxicating liquor or any drug; or

~~((c))~~ (d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for ~~((blood))~~ breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) For the purposes of this section, 'vessel' means any watercraft used or capable of being used as a means of transportation on the water.

(4) For the purpose of this section, 'vessel operator' means a person who is in actual physical control of a vessel.

(5) A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Sec. 7. Section 6, chapter 232, Laws of 1983 as amended by section 1, chapter 153, Laws of 1986 and RCW 9.41.098 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of ~~((his))~~ the person's breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state game commission for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "content;" strike the remainder of the title and insert "amending RCW 46.61.502, 46.61.504, 46.61.506, 46.61.517, 88.02.095, and 9.41.098; and creating a new section."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House refused to concur in the Senate amendments to House Bill No. 1049, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) appointed Representatives Armstrong, Heavey and Padden as conferees on House Bill No. 1049.

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

THIRD READING

SENATE BILL NO. 5936, by Senators Rasmussen, Newhouse, Talmadge, Kiskaddon, Vognild, Lee and Halsan

Prohibiting contingent-fee lobbying contracts.

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

Representatives Fisher and Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5936, and the bill passed the House by the following vote: Yeas, 95; absent, 3.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld,

Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Belcher, Bristow, Grimm - 3.

Senate Bill No. 5936, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Belcher appeared at the bar of the House.

SENATE JOINT MEMORIAL NO. 8000, by Senators Halsan, Benitz, Stratton, Newhouse, Owen, Deccio and Barr

Requesting Congress review United States Forest Service designation of spotted owl habitat.

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

Representatives Sutherland, Amondson, Hargrove and Doty spoke in favor of passage of the memorial, and Representatives Rust and Nelson spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8000, and the memorial passed the House by the following vote: Yeas, 68; nays, 28; absent, 2.

Voting yea: Representatives Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jesernig, King P, Kremen, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Sutherland, Taylor, Vekich, Waik, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 68.

Voting nay: Representatives Allen, Appelwick, Armstrong, Belcher, Brekke, Cole, Crane, Ebersole, Fisher, Hine, Jacobsen, King R, Leonard, Locke, Lux, Nelson, Niemi, Pruitt, Rust, Scott, Spanel, Sprenkle, Todd, Unsoeld, Valle, Wang, Wilson K, Wineberry - 28.

Absent: Representatives Bristow, Grimm - 2.

Senate Joint Memorial No. 8000, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5533 AS AMENDED BY THE HOUSE, by Committee on Natural Resources (originally sponsored by Senators DeJarnatt, Bluechel, Owen, Zimmerman, Bottiger, Kiskaddon, Conner, Nelson, Tanner, Moore, Rinehart, Williams and Garrett)

Directing the preparation of an ocean resources assessment for Washington.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5533 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Bristow, Grimm - 2.

Engrossed Substitute Senate Bill No. 5533 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bristow and Grimm appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 116 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 121, Laws of 1983 and RCW 58.17.040 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the (~~governing body of the~~) city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations (~~PROVIDED, That when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the county auditor's office on each lot, parcel, or tract created pursuant to the binding site plan; PROVIDED FURTHER, That the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract; AND PROVIDED FURTHER, That sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW~~);

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the (~~governing body of the~~) city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and

(7) A division which is made by subjecting a portion of a parcel or tract of land to chapter 64.32 RCW if a city, town, or county has approved a binding site plan for all of such land.

NEW SECTION. Sec. 2. A new section is added to chapter 58.17 RCW to read as follows:

A city, town, or county may adopt by ordinance procedures for the divisions of land by use of a binding site plan as an alternative to the procedures required by this chapter. The ordinance shall be limited and only apply to one or more of the following: (1) The use of a binding site plan to divisions for sale or lease of commercially or industrially zoned property as provided in RCW 58.17.040(4); (2) divisions of property for lease as provided for in RCW 58.17.040(5); and (3) divisions of property as provided for in RCW 58.17.040(7). Such ordinance may apply the same or different requirements and procedures to each of the three types of divisions and shall provide for the alteration or vacation of the binding site plan, and may provide for the administrative approval of the binding site plan.

The ordinance shall provide that after approval of the general binding site plan for industrial or commercial divisions subject to a binding site plan, the approval for improvements and finalization of specific individual commercial or industrial lots shall be done by administrative approval.

The binding site plan, after approval, and/or when specific lots are administratively approved, shall be filed with the county auditor with a record of survey. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. The number of lots, tracts, parcels, sites, or divisions shall not exceed the number of lots allowed by the local zoning ordinances.

All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW.

Sec. 3. Section 6, chapter 271, Laws of 1969 ex. sess. as amended by section 3, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.060 are each amended to read as follows:

The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions, or revision thereof. Such regulations shall be adopted by ordinance and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

Ordinances requiring surveys may permit short plat approval before commencement of the survey, contingent upon completion of the survey, prior to filing the short plat. If the survey reveals a discrepancy in boundary lines, the short plat shall not be given final approval until the discrepancy has been rectified and the title quieted.

NEW SECTION. Sec. 4. A new section is added to chapter 58.17 RCW to read as follows:

No plat shall be approved by any city, town, or county where the survey required under RCW 58.17.060 or 58.17.160 reveals a discrepancy in boundary lines until the discrepancy has been rectified and the title has been quieted."

On page 1, line 1 of the title, after "plats;" strike the remainder of the title and insert "amending RCW 58.17.040 and 58.17.060; and adding new sections to chapter 58.17 RCW." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House refused to concur in the Senate amendments to Substitute House Bill No. 116, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Haugen, Nutley and L. Smith as conferees on Substitute House Bill No. 116.

MESSAGE FROM THE SENATE

April 10, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5058, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House insisted on its position on Substitute Senate Bill No. 5058 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives H. Sommers, Peery and Hankins as conferees on Substitute Senate Bill No. 5058.

MESSAGE FROM THE SENATE

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5061 on page 3, line 8, refuses to concur in the House amendment to page 3, line 9 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Dellwo, the House insisted on its position on Substitute Senate Bill No. 5061 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Walk, Spanel and Padden as conferees on Substitute Senate Bill No. 5061.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 135 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 31, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 21, Laws of 1985 and RCW 27.26.020 are each amended to read as follows:

There is hereby established the western library network, hereinafter called the network, which shall consist of the western library network computer system, telecommunications systems, interlibrary systems, and reference and referral systems.

Responsibility for the network shall reside with the Washington state library commission (~~except for certain automated data processing components as provided for and defined in chapter 43.105 RCW. PROVIDED: That all components, systems and programs operated pursuant to this section shall be approved by the data processing authority created pursuant to chapter 43.105 RCW~~). The commission shall adopt and promulgate policies, rules, and regulations consistent with the purposes and provisions of this chapter pursuant to chapter 34.04 RCW, the administrative procedure act, except that nothing in this chapter shall abrogate the authority of a participating library, institution, or organization to establish its own policies for collection development and use of its library resources.

Sec. 2. Section 2, chapter 110, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 21, Laws of 1985 and RCW 43.105.110 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the 'western library network computer system revolving fund' referred to (~~in RCW 43.105.120 as 'fund'~~) as the 'fund'.

The fund shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, computer software, products, and services rendered to users and licensees of the western library network computer system. All gifts, grants, donations, and other moneys received by the network shall be deposited in the fund. All expenditures from the fund shall be authorized by law.

Sec. 3. Section 4, chapter 110, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 21, Laws of 1985 and RCW 43.105.130 are each amended to read as follows:

The (~~data processing authority and the~~) state library commission shall develop (~~jointly~~) a schedule of user fees for users of the western library network computer system and a schedule of charges for the network's products and licenses for the purpose of distributing and apportioning to such users, buyers, and licensees the full cost of operation and continued development of data processing and data communication services related to the network. Such schedule shall generate sufficient revenue to cover the costs relating to the library network of:

(1) The acquisition of data processing and data communication services, supplies, and equipment handled or rented by the data processing authority or under its authority by any other state data processing service center designee;

(2) The payment of salaries, wages, and other costs including but not limited to the acquisition, operation, and administration of acquired data processing services, supplies, and equipment; and

(3) The promotion of network products and services.

As used in this section, the term 'supplies' shall not be interpreted to delegate or abrogate the state purchasing and material control director's responsibilities and authority to purchase supplies as provided for in chapter 43.19 RCW.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 110, Laws of 1975-'76 2nd ex. sess., section 3, chapter 21, Laws of 1985 and RCW 43.105.100;

(2) Section 3, chapter 110, Laws of 1975-'76 2nd ex. sess., section 5, chapter 21, Laws of 1985 and RCW 43.105.120;

(3) Section 18, chapter 197, Laws of 1983, section 9, chapter 21, Laws of 1985 and RCW 43.131.289; and

(4) Section 44, chapter 197, Laws of 1983, section 10, chapter 21, Laws of 1985 and RCW 43.131.290.

NEW SECTION. Sec. 5. The following sections are each recodified as new sections in chapter 27.26 RCW:

(1) RCW 43.105.110;

(2) RCW 43.105.130;

(3) RCW 43.105.140; and

(4) RCW 43.105.150.

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

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987."

On page 1, line 1 of the title, after "network;" strike the remainder of the title and insert "amending RCW 27.26.020, 43.105.110, and 43.105.130; recodifying RCW 43.105.110, 43.105.130, 43.105.140, and 43.105.150; repealing RCW 43.105.100, 43.105.120, 43.131.289, and 43.131.290; providing an effective date; and declaring an emergency." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House refused to concur in the Senate amendments to House Bill No. 135, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Peery, H. Sommers and Hankins as conferees on House Bill No. 135.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5088, by Committee on Judiciary (originally sponsored by Senators Owen, Warnke, Nelson, Barr and Moore)

Including court conferred visitation rights under protection of custodial interference statute.

The bill was read the second time.

Mr. Locke moved adoption of the following amendments by Representatives Locke and Patrick:

On page 1, line 7 strike ",." and insert "((:)) :

(a)"

On page 1, line 9 after "custody" strike everything through "with" on line 10 and insert "of"

On page 1, line 13 beginning with "((ef))" strike everything through "with" and insert "of"

On page 1, line 13 after "person" insert "; or

(b) the relative, with the intent to deny access to such person by a parent or other person having visitation rights granted pursuant to a court order, takes, entices, retains, detains or conceals the person for a period of four hours or more from the parent or other person having visitation rights granted pursuant to a court order if the parent or other person has first obtained a court order, separate from the court order granting custody or visitation, requiring the person to comply with the visitation rights granted by a court"

Representatives Locke, Patrick, Armstrong, Miller and Niemi spoke in favor of the amendments, and Representatives Padden, Crane, Heavey and P. King opposed them.

Mr. Locke spoke again in favor of the amendments, and Mr. Heavey again opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Locke and Patrick to Substitute Senate Bill No. 5088, and the amendments were not adopted by the following vote: Yeas, 49; nays, 49.

Voting yea: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Ebersole, Fisher, Gallagher, Grimm, Hankins, Haugen, Hine, Holm, Jacobsen, King R. Leonard, Locke, Lux, McLean, McMullen, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Unsoeld, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 49.

Voting nay: Representatives Amundson, Ballard, Barnes, Basich, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Grant, Hargrove, Heavey, Holland, Jesernig, King P. Kremen, Lewis, Madsen, May, Meyers, Moyer, Nealey, Padden, Peery, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Todd, Valle, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 49.

The bill was passed to Committee on Rules for third reading.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, by Committee on Ways & Means (originally sponsored by Senators Wojahn, Talmadge, Kreidler, Fleming, Kiskaddon and Nelson; by request of Office of the Governor)

Providing for services for the protection of children.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. Brekke moved adoption of the committee amendment.

On motion of Mr. Locke, the following amendments by the Committee on Ways & Means to the Human Services Committee amendment were adopted:

On page 35 of the amendment, after line 4 strike all of new section 15.

On page 36 of the title amendment, beginning on line 5 after "74.15.060;" strike the remainder of the title and insert "and reenacting and amending RCW 13.34.060."

Mr. Hargrove moved adoption of the following amendments by Representatives Hargrove and K. Wilson to the committee amendment:

On page 4, beginning on line 8 of the amendment, strike all material down to and including line 16.

On page 4, line 17 of the amendment strike "further"

On page 4, line 32 strike "best interests" and insert "safety"

On page 14, line 36 strike "best interests" and insert "safety"

On page 14, beginning on line 37 of the amendment after "child," strike all material down to and including "status," on line 4, page 15.

Representatives Hargrove, Brekke, K. Wilson, Sutherland and Padden spoke in favor of the amendments, and Representatives Leonard, Niemi and Ebersole opposed them.

Ms. Leonard again opposed the amendments to the amendment, and Mr. Hargrove spoke again in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Hargrove and K. Wilson to the committee amendment to Engrossed Second Substitute Senate Bill No. 5659, and the amendments were adopted by the following vote: Yeas, 61; nays, 37.

Voting yea: Representatives Amondson, Ballard, Barnes, Basich, Beck, Betrozoff, Brekke, Bristow, Brooks, Chandler, Cooper, Day, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, King P, Kremen, Lewis, Locke, Madsen, May, McMullen, Meyers, Moyer, Nealey, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Saryan, Silver, Smith C, Smith L, Sommers D, Sommers H, Sutherland, Taylor, Vekich, Walk, Williams B, Wilson K, Wilson S, and Mr. Speaker - 61.

Voting nay: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Braddock, Brough, Bumgarner, Cantwell, Cole, Crane, Dellwo, Ebersole, Fisher, Jacobsen, King R, Leonard, Lux, McLean, Miller, Nelson, Niemi, Nutley, Schmidt, Schoon, Scott, Spanel, Sprengle, Todd, Unsoeld, Valle, Walker, Wang, Williams J, Wineberry, Winsley, Zellinsky - 37.

Mr. Hargrove moved adoption of the following amendments by Representatives Hargrove and Brekke to the committee amendment:

On page 23, line 19 of the amendment, strike "practitioner" and insert "licensed physician of the parents' choice"

On page 23, line 21 of the amendment after "incorrect," insert "If the parents fail to designate a second physician, the department may make the selection."

Representatives Hargrove and Brekke spoke in favor of the amendments to the committee amendment, and they were adopted.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove and Brekke to the committee amendment:

On page 24, line 22 after "wishes," insert "Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardized the course of the investigation."

Representatives Hargrove and Brekke spoke in favor of the amendment to the committee amendment, and it was adopted.

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

On page 35, after line 24 insert:

NEW SECTION, Sec. 16. A new section is added to chapter 74.14A RCW to read as follows:

(1) Each local office of the division of children and family services, or its successor, within the department of social and health services shall establish an accountability board to review petitions regarding the decisions, conduct, or performance of the employees of the local office.

(2) Members of each accountability board shall be appointed by a committee consisting of:

(a) A member of the legislative authority of each county in the office's service area; and

(b) A member of the legislative authority of each city within the office's service area.

(3) The committee shall accept applications for membership on the accountability board from any persons who (a) are not employed by the division of children and family services or any other child care agency, and (b) have not had under the care, custody, or control of the divisions of children and family services within the previous two years any children of their own or other children entrusted to their care. In making appointments to the board, the committee shall consider the criminal history of the applicant, who shall consent to release of such information to the committee.

(4) Members of the board shall not serve in excess of one year unless other applicants are not available. The committee may dismiss a member of the board for good cause, including the improper release of any confidential information obtained in the course of the board's work.

(5) Each accountability board may adopt bylaws or rules governing its procedures consistent with this section and section 17 of this act. The department shall assign an employee to serve as a resource person for each board.

NEW SECTION, Sec. 17. A new section is added to chapter 74.14A RCW to read as follows:

(1) A board of accountability established under section 16 of this act shall review any petition alleging wrongdoing based on the decisions, performance, or conduct of a local employee of the division of children and family services if:

(a) The petition is brought by a parent whose child has been removed from the home by action of an employee of the division and the child is currently in an out-of-home placement. At the time the child is removed, the department shall directly notify the child's parents, orally or in writing, that a petition may be filed with the accountability board as provided in this section;

(b) The parent has first registered a written complaint with the area manager of the division office involved in the case. The area manager shall respond in writing to the complaint within twenty days. If the response is not satisfactory or timely, the parent may then petition the board.

(c) The parent states in the petition the names and ages of the children involved, the specific wrongdoing by the division employee, the desired action, and what steps the parent has taken to resolve the problem. A copy of the complaint to the area manager and response, if any, shall be attached to the petition.

(2) The board may provide forms for petitions but shall accept a petition in any form that substantially meets the requirements of this section. Following acceptance of the petition, the board may at its discretion, review any information in the file, and conduct interviews with the parents and division employees. All information reviewed by the board shall be confidential.

(3) The board shall respond in writing to the parent within forty-five days from the date a valid petition is filed. In its response, the board shall state whether or not it believes there was any wrongdoing based on the division employee's decisions, performance, or conduct. The board shall recommend what action, if any, is indicated, which may include returning the child to the parent or recommending a reprimand, suspension, termination, or further training of an employee. A copy of the board's response shall become part of the division's file on the case, one copy shall be sent to the court having jurisdiction on the case, and one copy shall be sent to the director of the division.

(4) The remedies provided by this section are cumulative and are in addition to any other remedies provided by law."

Representatives Padden, Moyer and Barnes spoke in favor of the amendment to the amendment, and Representatives Brekke, Leonard, Ebersole and H. Sommers opposed it.

Mr. Padden spoke again in favor.

The amendment to the amendment was not adopted.

The committee amendment as amended was adopted.

On motion of Ms. Brekke, the committee amendment as amended to the title of the bill was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke, Hargrove, Winsley, K. Wilson, Leonard, Ebersole, Padden and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5659 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Wang - 1.

Engrossed Second Substitute Senate Bill No. 5659 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5252, by Committee on Ways & Means (originally sponsored by Senators Bailey, Saling, Gaspard, Lee, Kiskaddon, von Reichbauer, Zimmerman, Bender, Rinehart, Bauer, Smitherman, Vogniid, Nelson, Johnson and Moore)

Establishing a primary prevention program for child abuse and neglect.

The bill was read the second time. Committee on Ways & Means recommendation: Majority do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

On motion of Mr. Locke, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5252 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Second Substitute Senate Bill No. 5252 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Leonard, Ebersole, Armstrong and P. King

Seeking a continuation of the Washington Task Force on Permanency Planning's efforts to review the juvenile code.

The resolution was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Ms. Leonard spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the adoption of House Concurrent Resolution No. 4409, and the resolution was adopted by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Concurrent Resolution No. 4409, having received the constitutional majority, was declared adopted.

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

The Speaker called the House to order.

SECOND READING

ENGROSSED SENATE BILL NO. 5032, by Senators Owen and Kreidler

Redefining what constitutes an antique slot machine.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang, Walker and Brough spoke in favor of the bill.

Ms. Walker spoke again in favor.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5032, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Barnes - 1.

Engrossed Senate Bill No. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5163, by Committee on Human Services & Corrections (originally sponsored by Senator Wojahn)

Changing provisions relating to midwives.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Braddock moved adoption of the committee amendments.

On motion of Mr. Sayan, the following amendment by Representatives Sayan, Ballard, B. Williams, Braddock, Locke and Prince to the committee amendment was adopted:

On page 8, after line 12 of the amendment, insert the following:

"Sec. 7. Section 12, chapter 168, Laws of 1983 and RCW 43.24.086 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational or business licensing program be fully borne by the members of that profession, occupation or business. The director of licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations or businesses administered by the business and professions administration in the department of licensing. In fixing said fees, the director shall set the fees for each such program at a sufficient level to defray the costs of administering that program. All such fees shall be fixed by rule adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW.

(2) Notwithstanding subsection (1) of this section, no fee for any profession with fewer than one hundred active licensees may be increased by more than one hundred dollars or fifty percent, whichever is greater, during any biennium."

The Speaker stated the question before the House to be the adoption of the committee amendment as amended.

Representatives Braddock and Moyer spoke in favor of the amendment as amended, and it was adopted.

Mr. Braddock moved adoption of the committee amendment to the title of the bill.

On motion of Mr. Sayan, the following amendment to the committee title amendment was adopted:

On page 8, line 27 of the title amendment, after "18.50.060," strike "and 18.50.140" and insert "18.50.140, and 43.24.086"

The committee amendment to the title as amended was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5163 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5163 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4656, by Representatives P. King, Cantwell, Sprenkle, Rust, Cole and Miller

WHEREAS, The Miss Northshore Scholarship Pageant was held March 14, 1987 and is the official preliminary to the Miss Washington and Miss America Pageants; and

WHEREAS, Three thousand dollars worth of scholarships are awarded to contestants from the Miss Northshore Pageant and over five million dollars a year are given to scholarships for young women; and

WHEREAS, The pageants are a showcase for young women to display their talents, voice their opinions and share their experiences; and

WHEREAS, Winners are selected for their intelligence, talent, charm and poise, as well as their grace and beauty; and

WHEREAS, Kara Minifie was bestowed the honor of Queen, Jeri Kay Buno was first runner up, Paulette Himmelspach was second runner up, and Seafair Representative Jami Anderson was Miss Congeniality, and Beth Newbill, Rachel Barns and Lisa Simmermon as the court; and

WHEREAS, Bev Pearson and Bob Williams are coexecutive directors of the Miss Northshore Pageant;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes and honors Kara Minifie, Jeri Kay Buno, Paulette Himmelspach, Jami Anderson, Beth Newbill, Rachel Barns, Lisa Simmermon and directors Bev Pearson and Bob Williams; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Kara Minifie, Jeri Kay Buno, Paulette Himmelspach, Jami Anderson, Beth Newbill, Rachel Barns, Lisa Simmermon, Bev Pearson and Bob Williams.

Mr. P. King moved adoption of the resolution. Representatives P. King and Cantwell spoke in favor of the resolution and it was adopted.

The Speaker recognized Queen Minifie and her court.

The House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5550, by Senators Talmadge, Nelson, Halsan, Deccio, Hayner and West; by request of Department of Corrections

Revising provisions relating to sexual offenders.

The bill was read the second time.

Mr. Cooper moved adoption of the following amendments by Representatives Cooper, Crane, Padden, Valle and K. Wilson:

On page 4, line 28 strike "if" and insert "Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if"

On page 5, line 19 strike "if" and insert "Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if"

Representatives Cooper and Padden spoke in favor of the amendments, and they were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5550 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine,

Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5550 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1228, by Representatives Armstrong, McMullen and P. King

Changing provisions relating to criminal penalties for, criminal sentences for, education regarding, and treatment for alcohol and substance abuse.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Armstrong and Padden spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1228, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5089, by Committee on Judiciary (originally sponsored by Senators Halsan, Vognild, Talmadge, Bailey, Stratton, Newhouse, Benitz, Kreidler, Bauer, Johnson, Gaspard and Moore)

Prescribing penalties for homicide by abuse.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Locke moved that the House do not adopt the committee amendments.

Representatives Locke, Padden and Brough spoke in favor of the motion and the motion was carried, the committee amendments were not adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Armstrong, Padden, McMullen, Lewis, Leonard, Niemi and Locke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5089, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan,

Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5217, by Senators Wojahn, Zimmerman, Kreidler, Fleming, Kiskaddon, Lee and Johnson; by request of Department of Personnel

Establishing wellness program for state employees.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, April 1, 1987.)

Ms. H. Sommers moved adoption of the committee amendments.

Ms. Silver moved adoption of the following amendment to the committee amendment:

On page 3, after line 12 insert:

"(3) No wellness program or activity that involves or requires organized or systematic physical exercise may be implemented or conducted during normal working hours."

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

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Silver to the committee amendment to Engrossed Senate Bill No. 5217, and the amendment to the amendment was adopted by the following vote: Yeas, 56; nays, 41; absent, 1.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Cooper, Crane, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Holland, King P, Lewis, Lux, May, McLean, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Silver, Smith C, Smith L, Sommers D, Sommers H, Sprengle, Sutherland, Taylor, Valle, Walker, Williams J, Wilson K, Wilson S, and Mr. Speaker - 56.

Voting nay: Representatives Allen, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Day, Dellwo, Ebersole, Fisher, Grimm, Hargrove, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, McMullen, Nelson, Niemi, Pruitt, Rasmussen, Rust, Sayan, Schoon, Scott, Spanel, Todd, Unsoeld, Vekich, Walk, Wang, Williams B, Wineberry, Winsley, Zellinsky - 41.

Absent: Representative Madsen - 1.

Ms. Belcher moved adoption of the following amendment by Representatives Belcher, Unsoeld, Madsen and Jacobsen to the committee amendment:

On page 4, after line 34, insert the following:

"Sec. 4. Section 1, chapter 150, Laws of 1979 ex. sess. as amended by section 1, chapter 182, Laws of 1980 and RCW 41.04.340 are each amended to read as follows:

As used in this section the term 'eligible employee' means any employee of the state, other than teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained: PROVIDED, That no employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month.

An attendance incentive program is established for all eligible employees. In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each ((four)) three full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of ((four)) three days for every one day's monetary compensation.

At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each ((four)) three full days of accrued sick leave: PROVIDED, That community college districts may delay until July 1, 1981, payment due any eligible employee or employee's estate: PROVIDED FURTHER, That there shall be added to any such delayed payment interest at the rate of eight percent per year.

Moneys received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

This section shall be administered, and rules shall be promulgated to carry out its purposes, by the state personnel board and the higher education personnel board for persons subject to chapters 41.06 and 28B.16 RCW, respectively, and by their respective personnel authorities for other eligible employees: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right."

POINT OF ORDER

Ms. Silver: Mr. Speaker, I request a ruling on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Silver, the Speaker has examined both the Engrossed Senate Bill 5217 and the amendment offered by Representative Belcher and others. The bill deals with improving health among state employees and developing and administering a voluntary state employee wellness program. While the bill does reference briefly a more productive workforce, the amendment deals with the state employees' attendance incentive program. I find that the amendment is not germane to the original bill; it is outside the scope and object of the original bill. Your point is well taken, Representative Silver.

The committee amendment as amended was adopted.

On motion of Ms. H. Sommers, the committee amendment to the title of the bill was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brooks, H. Sommers, Ebersole, Hankins and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5217 as amended by the House, and the bill passed the House by the following vote: Yeas, 81; nays, 17.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, May, McLean, Padden, Schmidt, Smith L, Sommers D, Williams J - 17.

Engrossed Senate Bill No. 5217 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5801, by Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Relating to industrial insurance.

The bill was read the second time.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Patrick, R. King, Sprenkle, Allen, Fisch, Ebersole, Meyers, Winsley, Wineberry, Vekich, Sayan, Day, Dellwo, Cantwell, Hargrove, Lewis, L. Smith, Walker, Madsen, Jesernig, P. King and Lux to Engrossed Substitute Senate Bill No. 5801:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the employment of fire fighters exposes them to smoke, fumes, and toxic or chemical substances. The legislature recognizes that fire

fighters as a class have a higher rate of respiratory disease than the general public. The legislature therefore finds that respiratory disease should be presumed to be occupationally related for industrial insurance purposes for fire fighters.

The legislature also finds that fire fighters and law enforcement officers are required to respond to emergencies in a rapid manner to save lives, reduce property damage, and protect the public. As a result, these officers are often subject to extreme mental and physical stress and life-threatening circumstances during the course of their employment. The legislature therefore finds that the judicial doctrine requiring unusual exertion for compensation in heart attack injuries should be abrogated for these workers.

NEW SECTION. Sec. 2. (1) In the case of fire fighters as defined in RCW 41.26.030(4)(a), (b), and (c) who are covered under Title 51 RCW, there shall exist a prima facie presumption that respiratory disease is an occupational disease under RCW 51.08.140. This presumption of occupational disease may be rebutted by a preponderance of the evidence controverting the presumption. Controverting evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(2) The presumption established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than sixty months following the last date of employment.

Sec. 3. Section 51.08.100, chapter 23, Laws of 1961 and RCW 51.08.100 are each amended to read as follows:

(1) 'Injury' means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical conditions as result therefrom.

(2) In the case of fire fighters as defined in RCW 41.26.030(4)(a), (b), and (c) who are covered under Title 51 RCW, and law enforcement officers as defined in RCW 41.26.030(3) who are covered under Title 51 RCW, for the purpose of heart attacks the definition of 'injury' shall be construed without regard to whether the member's exertion was usual or unusual.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are each added to chapter 51.32 RCW."

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers, Heavey, Hine, Haugen, Ferguson and Sanders to the Wang amendment:

Strike the amendment and insert the following:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the employment of fire fighters exposes them to smoke, fumes, and toxic or chemical substances. The legislature recognizes that fire fighters as a class have a higher rate of respiratory disease than the general public. The legislature therefore finds that respiratory disease should be presumed to be occupationally related for industrial insurance purposes for fire fighters.

NEW SECTION. Sec. 2. (1) In the case of fire fighters as defined in RCW 41.26.030(4)(a), (b), and (c) who are covered under Title 51 RCW and who have ten or more years of service, there shall exist a prima facie presumption that respiratory disease is an occupational disease under RCW 51.08.140. This presumption of occupational disease may be rebutted by a preponderance of the evidence controverting the presumption. Evidence of smoking tobacco products shall be given special consideration in favor of rebutting the presumption.

(2) The presumption established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than sixty months following the last date of employment.

(3) For the purposes of this section only, the amount of permanent and temporary disability benefits payable under RCW 51.32.060 and 51.32.090 shall be reduced by the amount that the member, or former member, is receiving from a monthly retirement allowance, whether for service or disability retirement, as authorized under chapter 41.26 RCW.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are each added to chapter 51.32 RCW.

Sec. 4. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 5, chapter 58, Laws of 1986 and by section 1, chapter 59, Laws of 1986 and RCW 51.32.060 are each reenacted and amended to read as follows:

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(1) If married at the time of injury, sixty-five percent of his or her wages but not less than two hundred fifteen dollars per month.

(2) If married with one child at the time of injury, sixty-seven percent of his or her wages but not less than two hundred fifty-two dollars per month.

(3) If married with two children at the time of injury, sixty-nine percent of his or her wages but not less than two hundred eighty-three dollars.

- (4) If married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month.
- (5) If married with four children at the time of injury, seventy-three percent of his or her wages but not less than three hundred twenty-nine dollars per month.
- (6) If married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month.
- (7) If unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month.
- (8) If unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month.
- (9) If unmarried with two children at the time of injury, sixty-four percent of his or her wages but not less than two hundred fifty-three dollars per month.
- (10) If unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month.
- (11) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month.
- (12) If unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month.
- (13) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.
- (14) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.
- (15) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.
- (16) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation shall not apply to the payments provided for in subsection (14) of this section.
- (17) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.
- (18) The benefits provided by this section are subject to modification under RCW 51.32.067 and section 2 of this 1987 act.
- Sec. 5. Section 2, chapter 59, Laws of 1986 and RCW 51.32.090 are each amended to read as follows:
- (1) When the total disability is only temporary, the schedule of payments contained in subsections (1) through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.
- (2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.
- (3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent. However, during the period a worker returns to light-duty work, receives disability leave supplement payments pursuant to RCW 41.04.500 through 41.04.530, and is otherwise eligible for compensation under this section, the worker shall continue to receive such compensation at the rate provided under RCW 51.32.060 (1) through (13).
- (4) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his

or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

Once the worker returns to work under the terms of this subsection, he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury; PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages. This limitation does not apply to disability leave supplement payments made pursuant to RCW 41.04.500 through 41.04.530.

(7) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018.

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

(9) The benefits provided by this section are subject to modification under RCW 51.32.--- (section 2 of this 1987 act).

Sec. 6. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 59, Laws of 1986 and by section 5 of this 1987 act and RCW 51.32.090 are each reenacted to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1) through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent.

(4) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

Once the worker returns to work under the terms of this subsection, he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury; PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018.

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

(9) The benefits provided by this section are subject to modification under RCW 51.32.--- (section 2 of this 1987 act).

NEW SECTION. Sec. 7. Section 6 of this act shall take effect on June 30, 1989."

Representatives H. Sommers, Ferguson, Haugen and Heavey spoke in favor of the amendment to the Wang amendment, and Representatives Wang, Patrick, Sayan and R. King opposed it.

The amendment to the Wang amendment was not adopted.

The Speaker stated the question before the House to be the amendment by Representatives Wang and others.

Representatives Wang, Patrick, Meyers and Hine spoke in favor of the amendment, and Representatives Schoon and Brooks opposed it.

The amendment was adopted.

On motion of Mr. Wang, the following amendment to the title of the bill was adopted:

On page 1, line 1 of the title after "insurance," strike the remainder of the title and insert "amending RCW 51.08.100; and adding new sections to chapter 51.32 RCW."

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang, Sprenkle and Sayan spoke in favor of passage of the bill, and Representatives Schoon, Doty, Meyers and C. Smith opposed it.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5801 as amended by the House, and the bill passed the House by the following vote: Yeas, 68; nays, 30.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 68.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Holland, Jacobsen, Locke, May, McLean, Moyer, Nealey, Padden, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Williams J, Wilson S - 30.

Engrossed Substitute Senate Bill No. 5801 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. Appelwick to preside.

Mr. McMullen demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 902 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 4, chapter 31, Laws of 1935 and RCW 41.08.050 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all full paid employees of the fire department of each city, town or municipality coming within its purview, ~~((including the chief of that department))~~ except that individuals appointed as fire chief after July 1, 1987, may be excluded by the legislative body of the city, town, or municipality. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in, or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter.

Sec. 2. Section 4, chapter 13, Laws of 1937 and RCW 41.12.050 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all full paid employees of the police department of each city, town or municipality coming within its purview, ~~((including the chief of that department))~~ except that individuals appointed as police chief after July 1, 1987, to a department with six or more commissioned officers, including the police chief, may be excluded by the legislative body of the city, town or municipality. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter.

NEW SECTION. Sec. 3. The intent of sections 4 through 6 and 8 through 10 of this act is to require certain qualifications for candidates for the office of chief of police; chief law enforcement officer; marshal; director of public safety, who in part oversees law enforcement personnel or activities; or constable.

The legislature finds that over the past century the field of law enforcement has become increasingly complex and many new techniques and resources have evolved both socially and technically. In addition the ever-changing requirements of law, both constitutional and statutory provisions protecting the individual and imposing responsibilities and legal liabilities of law enforcement officers and the government of which they represent, require an increased level of training and experience in the field of law enforcement.

The legislature, therefore finds that minimum requirements are reasonable and necessary to seek and hold the offices or office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable and that such requirements are in the public interest.

NEW SECTION. Sec. 4. (1) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, is ineligible unless that person:

- (a) Is a citizen of the United States of America;
 - (b) Has obtained a high school diploma or general equivalency diploma;
 - (c) Has not been convicted under the laws of this state, another state, or the United States of a felony;
 - (d) Has not been convicted of a gross misdemeanor or any crime involving moral turpitude within five years of the date of application;
 - (e) Has received at least a general discharge under honorable conditions from any branch of the armed services for any military service, if the person was in the military service;
 - (f) Has completed at least two years of regular, uninterrupted, full-time commissioned law enforcement employment involving enforcement responsibilities with a government law enforcement agency; and
 - (g) The person has been certified as a regular and commissioned enforcement officer through compliance with this state's basic training requirement or equivalency.
- (2) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, shall provide a sworn statement under penalty of perjury to the appointing authority stating that the person meets the requirements of this section.

NEW SECTION. Sec. 5. Before making an appointment in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, the appointing agency shall complete a thorough background investigation of the candidate according to standards set by the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 6. In the case of a vacancy in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, all requirements and procedures of sections 4 and 5 of this act shall be followed in filling the vacancy.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act are each added to chapter 35.21 RCW.

NEW SECTION. Sec. 8. (1) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, is ineligible unless that person:

- (a) Is a citizen of the United States of America;
- (b) Has obtained a high school diploma or general equivalency diploma;

(c) Has not been convicted under the laws of this state, another state, or the United States of a felony;

(d) Has not been convicted of a gross misdemeanor or any crime involving moral turpitude within five years of the date of application;

(e) Has received at least a general discharge under honorable conditions from any branch of the armed services for any military service, if the person was in the military service;

(f) Has completed at least two years of regular, uninterrupted, full-time commissioned law enforcement employment involving enforcement responsibilities with a government law enforcement agency; and

(g) The person has been certified as a regular and commissioned enforcement officer through compliance with this state's basic training requirement or equivalency.

(2) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, shall provide a sworn statement under penalty of perjury to the appointing authority stating that the person meets the requirements of this section.

NEW SECTION. Sec. 9. Before making an appointment in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, the appointing agency shall complete a thorough background investigation of the candidate according to standards set by the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 10. In the case of a vacancy in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, all requirements and procedures of sections 8 and 9 of this act shall be followed in filling the vacancy.

NEW SECTION. Sec. 11. Sections 8 through 10 of this act are each added to chapter 35A.21 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 41.08.050 and 41.12.050; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House insisted on its position on Substitute House Bill No. 902 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Haugen, Cooper and L. Smith as conferees on Substitute House Bill No. 902.

MESSAGE FROM THE SENATE

April 10, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House refused to recede from its amendments to Engrossed Substitute Senate Bill No. 5024, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Wang, Cole and Patrick as conferees on Engrossed Substitute Senate Bill No. 5024.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 707 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. Section 3, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.030 are each amended to read as follows:

Program goals of the Washington conservation corps include:

(1) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources with emphasis given to projects which address the following state-wide priorities:

(a) Timber, fish and wildlife management plan;

(b) Watershed management plan;

(c) 1989 centennial celebration and tourism;

(d) Puget Sound water quality;

(e) United States-Canada fisheries treaty;

(f) Public access to and environmental education about natural resources through recreational facilities;

(g) Recreational trails;

(2) Development of the state's youth resources through meaningful work experiences;

(3) Making outdoor and historic resources of the state available for public enjoyment;

(4) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;

(5) Assisting agencies in carrying out statutory assignments with limited funding resources; and

(6) Providing needed public services in both urban and rural settings.

Sec. 2. Section 4, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.040 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Public lands' means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.

(2) 'Corps' means the Washington conservation corps.

(3) 'Corps member' means an individual enrolled in the Washington conservation corps.

(4) 'Corps member leaders' or 'specialists' means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.

(5) 'Council' means the Washington conservation corps coordinating council.

Sec. 3. Section 20, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.190 are each amended to read as follows:

The agencies listed in RCW 43.220.020 shall convene a conservation corps coordinating council to meet as needed (~~on the call of the employment security department~~) to establish consistent work standards and placement and evaluation procedures of corps programs. The coordinating council shall be composed of administrative personnel of the (~~implementing~~) agencies. The coordinating council shall serve to reconcile problems that arise in the implementation of the corps programs and develop coordination procedures for emergency responses of corps members.

Sec. 4. Section 1, chapter 230, Laws of 1985 and RCW 43.220.210 are each amended to read as follows:

The (~~department of employment security~~) Washington conservation corps coordinating council shall select, review, approve, and evaluate the success of projects (~~and work agreements~~) under this chapter (~~and chapter 50.65 RCW. The Washington conservation corps coordinating council, as created by RCW 43.220.190 shall recommend work projects to the employment security department for approval~~).

Recruitment, job training and placement services shall, wherever possible, be contracted through local educational institutions and/or nonprofit corporations.

Such contracts may include, but not be limited to, general education development testing, preparation of resumes and job search skills.

All contracts or agreements entered into by agencies listed in RCW 43.220.020 shall be reviewed by the council for compliance with legislative intent as set forth in this section.

Sec. 5. Section 22, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.900 are each amended to read as follows:

The Washington conservation corps shall cease to exist and chapter 43.220 RCW shall expire on July 1, (~~1987~~) 1995, unless extended by law for an additional fixed period of time.

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

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "corps;" strike the remainder of the title and insert "amending RCW 43.220.030, 43.220.040, 43.220.190, 43.220.210, and 43.220.900; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Vekich, the House refused to concur in the Senate amendments to House Bill No. 707 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Vekich, Sayan and Beck as conferees on House Bill No. 707.

SENATE AMENDMENT TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 743 with the following amendment:

On page 7, line 10 after "subdivision." strike all material down through "biennium." on line 20.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Vekich, the House refused to concur in the Senate amendment to Engrossed Substitute House Bill No. 743 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Vekich, Cantwell and Schoon as conferees on Engrossed Substitute House Bill No. 743.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 353 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 15.04.040, chapter 11, Laws of 1961 as amended by section 11, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 15.04.040 are each amended to read as follows:

Inspectors-at-large shall pass such an examination by the director as will satisfy him they are qualified in knowledge and experience to carry on the work in the districts to which they are assigned. They shall be assigned to a horticultural inspection district and may be transferred from one district to another. Their salaries and travel expenses, as shown by vouchers verified by them and countersigned by the director, shall be paid by warrants drawn upon the state treasurer, horticultural inspection district funds, the horticultural inspection trust fund, or from county appropriations(~~(- PROVIDED: That, not less than twenty-five percent of their total salary shall be paid by warrants drawn upon the state treasurer. Such travel expenses shall be reimbursed in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended).~~).

Sec. 2. Section 15.04.100, chapter 11, Laws of 1961 as last amended by section 1, chapter 203, Laws of 1986 and RCW 15.04.100 are each amended to read as follows:

The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed three hundred thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) (~~Pay portions of salaries of inspectors-at-large as provided under RCW 15.04.040;~~

(3)) Assist horticulture inspection districts in temporary financial distress as result of less than normal production of horticultural commodities: PROVIDED, That districts receiving such assistance shall make repayment to the trust fund as district funds shall permit:

((4)) (3) Pay necessary administrative expenses for the commodity inspection division attributable to the supervision of the horticulture inspection services.

Sec. 3. Section 15.24.070, chapter 11, Laws of 1961 as last amended by section 3, chapter 203, Laws of 1986 and RCW 15.24.070 are each amended to read as follows:

The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chairman and such other officers as it deems advisable; and to adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations hereof;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and products thereof;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation; ((and))

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient; and

(10) To borrow money and incur indebtedness.

Sec. 4. Section 15.24.190, chapter 11, Laws of 1961 and RCW 15.24.190 are each amended to read as follows:

((The state shall not be liable for the acts of the commission or on its contracts. No member of the commission or any employee or agent thereof shall be liable on its contracts. All liabilities incurred by the commission shall be payable only from the funds collected hereunder.)) Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission, and no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof, or against any member, employee, or agent of the commission in his or her individual capacity. Except as otherwise provided in this chapter, neither the members of the commission nor its employees may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, save for their own individual acts of dishonesty or crime. No such person or employee may be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint, and no member is liable for the default of any other member.

Sec. 5. Section 7, chapter 256, Laws of 1961 as last amended by section 2, chapter 261, Laws of 1985 and RCW 15.65.070 are each amended to read as follows:

The director shall publish notice of any hearing called for the purpose of considering and acting upon any proposal for a period of not less than two days in ((a newspaper of general circulation in Olympia and such other)) one or more newspapers of general circulation as the director may prescribe. No such public hearing shall be held prior to five days after the last day of such period of publication. Such notice shall set forth the date, time and place of said hearing, the agricultural commodity and the area covered by such proposal; a concise statement of the proposal; a concise statement of each additional subject upon which the director will hear evidence and make a determination, and a statement that, and the address where, copies of the proposal may be obtained. The director shall also mail a copy of such notice to all producers and handlers within the affected area who may be directly affected by such proposal and whose names and addresses appear, on the day next preceding the day on which such notice is published, upon lists of such persons then on file in the department.

Sec. 6. Section 17, chapter 256, Laws of 1961 and RCW 15.65.170 are each amended to read as follows:

If the director determines that the requisite assent has been given he shall issue and put any order or amendment thereto into force, whereupon each and every provision thereof shall have the force of law. Issuance shall be accomplished by publication of a notice for one day in a newspaper of general circulation ((in Olympia and)) in the affected area ((of)). The notice ((stating)) shall state that the order has been issued and put into force and where copies of such order may be obtained. If the director determines that the requisite assent has not been

given no further action shall be taken by the director upon the proposal, and the order contained in the final decision shall be without force or effect.

Sec. 7. Section 25, chapter 256, Laws of 1961 as last amended by section 9, chapter 261, Laws of 1985 and RCW 15.65.250 are each amended to read as follows:

For the purpose of nominating candidates to be voted upon for election to such board memberships, the director shall call separate meetings of the affected producers and handlers within the affected area and in case elections shall be by districts he shall call separate meetings for each district. However, at the inception any marketing agreement or order nominations may be at the issuance hearing. Nomination meetings shall be called annually and at least thirty days in advance of the date set for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers and/or handlers according to the list thereof maintained by the director pursuant to RCW 15.65.200. However, if the agreement or order provides for election by districts such written notice need be given only to the producers or handlers residing in or whose principal place of business is within such district. Nonreceipt of notice by any interested person shall not invalidate proceedings at such meetings. Any qualified person may be nominated orally for membership upon such board at the said meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five producers or handlers, as the case may be, entitled to have participated in said meeting.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers or handlers. The notice shall call for nominations in accordance with the marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

When only one nominee is nominated for any position on the board the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

Sec. 8. Section 47, chapter 256, Laws of 1961 and RCW 15.65.470 are each amended to read as follows:

~~((The marketing act revolving fund shall be deposited in such banks and financial institutions as))~~ The director or his or her designee ~~((may select throughout the state which shall give to the director or his designee surety bonds executed by surety companies authorized to do business in the state, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each such bank or financial institution))~~ shall designate financial institutions which are qualified public depositories under chapter 39.58 RCW as depository or depositories of money received for the marketing act revolving fund. All moneys received by the director or his or her designee or by any administrator, board or employee, except an amount of petty cash for each day's needs as fixed by the regulations, shall be deposited each day ~~((and as often during the day as advisable))~~ in ~~((the authorized depository))~~ a designated depository.

Sec. 9. Section 39, chapter 256, Laws of 1961 as amended by section 13, chapter 261, Laws of 1985 and RCW 15.65.390 are each amended to read as follows:

There is hereby levied, and the director or his designee shall collect, upon each and every affected unit of any agricultural commodity specified in any marketing agreement or order an annual assessment which shall be paid by the producer thereof upon each and every such affected unit stored in frozen condition or sold or marketed or delivered for sale or marketed by him, and which shall be paid by the handler thereof upon each and every such unit purchased or received for sale, processing or distribution, or stored in frozen condition, by him: PROVIDED, That such assessment shall be paid by producers only, if only producers are regulated by such agreement or order, and by handlers only, if only handlers are so regulated, and by both producers and handlers if both are so regulated. Such assessments shall be expressed as a stated amount of money per unit or as a percentage of the receipt price at the first point of sale. The total amount of such annual assessment to be paid by all producers of such commodity, or by all handlers of such commodity shall not exceed four percent of the total market value of all affected units stored in frozen condition or sold or marketed or delivered for sale or marketing by all producers of such units during the year to which the assessment applies. ~~((However, the total amount of such annual assessment upon producers, or handlers, or both producers and handlers, of the below listed commodities shall not exceed the amounts per unit or the percentage of selling price stated after the names of the respective commodities below:~~

~~((1) Wheat, maximum, one-quarter cent per bushel;))~~

Sec. 10. Section 40, chapter 256, Laws of 1961 and RCW 15.65.400 are each amended to read as follows:

In every marketing agreement and order the director shall prescribe the ~~((per unit))~~ rate of such assessment ~~((and))~~. Such assessment shall be expressed as a stated amount of money per unit or as a percentage of the receipt price at the first point of sale. Such rate may be at the

full amount of, or at any lesser amount than the amount hereinabove limited. Such rate may be altered or amended from time to time, but only upon compliance with the procedural requirements of this chapter. In every such marketing agreement, order and amendment the director shall base his determination of such rate upon the volume and price of sales of affected units (or units which would have been affected units had the agreement or order been in effect) during a period which the director determines to be a representative period. The ~~((per unit))~~ rate of assessment prescribed in any such agreement, order or amendment shall for all purposes and times be deemed to be within the limits of assessment above provided until such time as such agreement or order is amended as to such rate.

Sec. 11. Section 11, chapter 133, Laws of 1969 as last amended by section 2, chapter 190, Laws of 1986 and RCW 16.67.120 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, there is hereby levied an assessment of fifty cents per head on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: PROVIDED, That if the assessment levied pursuant to this section is greater than one percent of the sales price, the animal is exempt from the assessment unless the federal order implementing the national beef promotion and research program establishes an assessment on these animals: PROVIDED FURTHER, That if such sale is accompanied by a brand inspection by the department such assessment shall be collected at the same time, place and in the same manner as brand inspection fees. Such fees shall be collected by the livestock services division of the department and transmitted to the commission: PROVIDED FURTHER, That, if such sale is made without a brand inspection by the department the assessment shall be paid by the seller and transmitted directly to the commission not later than thirty days following the sale.

(2) While the federal order implementing the national beef promotion and research program is in effect, the assessment to be levied and the procedures for its collection shall be as required by the federal order and as described by rules adopted by the commission.

NEW SECTION. Sec. 12. A new section is added to chapter 15.86 RCW to read as follows:

The director may adopt rules establishing a certification program for producers of organic food. The rules may govern, but are not limited to governing: The number and scheduling of on-farm visits, both announced and unannounced, by certification personnel; recordkeeping requirements; and the submission of product samples for chemical analysis. The rules shall include a fee schedule that will provide for the recovery of the full cost of the certification program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section, and no appropriation is required for disbursement from the fund. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 13. Section 4, chapter 139, Laws of 1959 as last amended by section 3, chapter 305, Laws of 1983 and RCW 20.01.040 are each amended to read as follows:

No person may act as a commission merchant, dealer, broker, cash buyer, agent, or boom loader without a license. Any person applying for such a license shall file an application with the director on or before January 1st of each year. The application shall be accompanied by ~~((the following license fee:~~

~~(1) Commission merchant, one hundred forty-five dollars;~~

~~(2) Dealer, one hundred forty-five dollars;~~

~~(3) Limited dealer, one hundred dollars;~~

~~(4) Broker, one hundred dollars;~~

~~(5) Cash buyer, forty dollars;~~

~~(6) Agent, fifteen dollars;~~

~~(7) Boom loader, ten dollars)) a license fee as prescribed by the director by rule.~~

Sec. 14. Section 27, chapter 297, Laws of 1981 and RCW 43.23.200 are each amended to read as follows:

~~The ((dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director)) chief chemist of the department of agriculture dairy and food laboratory and the chief chemist of the department of agriculture ((chemistry)) chemical and hop laboratory shall be the official chemists of the department of agriculture. Official chemists of the department shall provide laboratory services and analyze all substances that the director of agriculture may send to them and report to the director without unnecessary delay the results of any analysis so made. When called upon by the director, they or any of the additional chemists provided for pursuant to RCW 43.23.205 shall assist in any prosecution for the violation of any law enforced by the department. ((The dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director shall provide such laboratory services without additional compensation other than their expenses incurred in the performance of such work.))~~

Sec. 15. Section 9-307, chapter 157, Laws of 1965 ex. sess. as last amended by section 13, chapter 412, Laws of 1985 and RCW 62A.9-307 are each amended to read as follows:

(1) A buyer in ordinary course of business (subsection (9) of RCW 62A.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a

security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, unless made pursuant to a commitment entered into without knowledge of the purchase.

~~((4) Notwithstanding subsection (1) of this section, any person registered under the Federal Packers and Stockyard Act, 7 U.S.C. 181, who sells livestock for another for a fee or commission or who purchases livestock or livestock byproducts with the intent to resell takes free of a security interest created by the seller, even though the security interest is perfected, when such person is without knowledge of the security interest. For the purposes of this subsection, a person has knowledge if:~~

~~(a) Notice is furnished by the seller as provided in RCW 16.57.240; or~~

~~(b) A statement of the security interest is filed pursuant to chapter 16.59 RCW.))~~

Sec. 16. Section 28, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.270 are each amended to read as follows:

Every egg handler or dealer who pays assessments required under the provisions of this chapter on a monthly basis in lieu of seals shall be subject to audit by the director ~~((on an annual basis or more frequently if necessary))~~ at such frequency as is deemed necessary by the director. The cost to the director for performing such audit shall be chargeable to and payable by the egg handler or dealer subject to audit. Failure to pay assessments when due or refusal to pay for audit costs may be cause for a summary suspension of an egg handler's or dealer's license and a charge of one percent per month, or fraction thereof shall be added to the sum due the director, for each remittance not received by the director when due. The conditions and charges applicable to egg handlers and dealers set forth herein shall also be applicable to payments due the director for facsimiles of seals placed on egg containers.

Sec. 17. Section 4, chapter 124, Laws of 1963 as last amended by section 20, chapter 305, Laws of 1983 and RCW 22.09.040 are each amended to read as follows:

Application for a license to operate a warehouse under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a grain dealer license under the provisions of this chapter;

(6) The location of each warehouse the applicant intends to operate and the location of the headquarters or main office of the applicant;

(7) The bushel storage capacity of each such warehouse to be licensed;

(8) The schedule of fees to be charged at each warehouse for the handling, conditioning, storage, and shipment of all commodities during the licensing period;

(9) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director pursuant to chapter 34.04 RCW. All financial statement information required by this subsection shall be confidential information not subject to public disclosure;

(10) Whether the application is for a terminal, subterminal, or country warehouse license;

(11) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(12) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 18. Section 21, chapter 305, Laws of 1983 and RCW 22.09.045 are each amended to read as follows:

Application for a license to operate as a grain dealer under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons in this state authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a warehouse license under this chapter;

(6) The location of each business location from which the applicant intends to operate as a grain dealer in the state of Washington whether or not the business location is physically within the state of Washington, and the location of the headquarters or main office of the application;

(7) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW. However, if the applicant is a subsidiary of a larger company, corporation, society, or cooperative association, both the parent company and the subsidiary company must submit a financial statement to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW. All financial statement information required by this subsection shall be confidential information not subject to public disclosure;

(8) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(9) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 19. Section 16, chapter 305, Laws of 1983 and RCW 22.09.011 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) 'Department' means the department of agriculture of the state of Washington.

(2) 'Director' means the director of the department or his duly authorized representative.

(3) 'Person' means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(4) 'Agricultural commodities,' hereinafter referred to as 'commodities,' means, but is not limited to, all the grains, peas, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products.

(5) 'Warehouse,' also referred to as a public warehouse, means any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure located in this state that is used or useable for the storage of agricultural products, and in which commodities are received from the public for storage, handling, conditioning, or shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.

(6) 'Terminal warehouse' means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) 'Subterminal warehouse' means any warehouse that performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated before shipment to a terminal warehouse.

(8) 'Station' means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and that are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area that can be reasonably audited by the department as a station under this chapter and that has been established as such by the director by rule adopted under chapter 34.04 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for the station are maintained at the warehouse located in Washington.

(9) 'Inspection point' means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(10) 'Warehouseman' means any person owning, operating, or controlling a warehouse in the state of Washington.

(11) 'Depositor' means (a) any person who deposits a commodity with a Washington state licensed warehouseman for storage, handling, conditioning, or shipment, or (b) any person who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of the deposit of a commodity with a Washington state licensed warehouseman or (c) any producer whose agricultural commodity has been sold to a grain dealer through the dealer's place of business located in the state of Washington, or any Washington producer whose agricultural commodity has been sold to or is under the control of a grain dealer.

((which dealer has negotiated the sale of the commodity or has control of the commodity in the)) whose place of business is located outside the state of Washington.

(12) 'Historical depositor' means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original historical depositor with reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

(13) 'Grain dealer' means any person who, through his place of business located in the state of Washington, solicits, contracts for, or obtains from a producer, title, possession, or control of any agricultural commodity for purposes of resale, or any person who solicits, contracts for, or obtains from a Washington producer, title, possession, or control of any agricultural commodity for purposes of resale.

(14) 'Producer' means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of a commodity produced on that land.

(15) 'Warehouse receipt' means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW.

(16) 'Scale weight ticket' means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (15) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and showing the warehouse's name and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(17) 'Put through' means agricultural commodities that are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(18) 'Conditioning' means, but is not limited to, the drying or cleaning of agricultural commodities.

(19) 'Deferred price contract' means a contract for the sale of commodities that conveys the title and all rights of ownership to the commodities represented by the contract to the buyer, but allows the seller to set the price of the commodities at a later date based on an agreed upon relationship to a future month's price or some other mutually agreeable method of price determination. Deferred price contracts include but are not limited to those contracts commonly referred to as delayed price, price later contracts, or open price contracts.

(20) 'Shortage' means that a warehouseman does not have in his possession sufficient commodities at each of his stations to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him for the station.

(21) 'Failure' means:

(a) An inability to financially satisfy claimants in accordance with this chapter and the time limits provided for in it;

(b) A public declaration of insolvency;

(c) A revocation of license and the leaving of an outstanding indebtedness to a depositor;

(d) A failure to redeliver any commodity to a depositor or to pay depositors for commodities purchased by a licensee in the ordinary course of business and where a bona fide dispute does not exist between the licensee and the depositor;

(e) A failure to make application for license renewal within sixty days after the annual license renewal date; or

(f) A denial of the application for a license renewal.

Sec. 20. Section 47, chapter 305, Laws of 1983 and RCW 22.09.345 are each amended to read as follows:

(1) The department may give written notice to the warehouseman or grain dealer to submit to inspection, and/or furnish required reports, documents, or other requested information, under such conditions and at such time as the department may deem necessary whenever a warehouseman or grain dealer fails to:

(a) Submit his books, papers, or property to lawful inspection or audit;

(b) Submit required reports or documents to the department by their due date; or

(c) Furnish the department with requested information, including but not limited to correction notices.

(2) If the warehouseman or grain dealer fails to comply with the terms of the notice within twenty-four hours from the date of its issuance, or within such further time as the department may allow, the department shall levy a fine of fifty dollars per day from the final date for compliance allowed by this section or the department. In those cases where the failure to comply continues for more than thirty days or where the director determines the failure to comply creates a threat of loss to depositors, the department may, in lieu of levying further fines petition the superior court of the county where the licensee's principal place of business in Washington is located, as shown by the license application, for an order:

(a) Authorizing the department to seize and take possession of all books, papers, and property of all kinds used in connection with the conduct or the operation of the warehouseman's or grain dealer's business, and the books, papers, records, and property that pertain specifically, exclusively, and directly to that business; and

(b) Enjoining the warehouseman or grain dealer from interfering with the department in the discharge of its duties as required by this chapter.

(3) All necessary costs and expenses, including attorneys' fees, incurred by the department in carrying out the provisions of this section may be recovered at the same time and as part of the action filed under this section.

Sec. 21. Section 50, chapter 305, Laws of 1983 and RCW 22.09.371 are each amended to read as follows:

(1) When a depositor stores a commodity with a warehouseman or sells a commodity to a grain dealer, the depositor has a first priority statutory lien on the commodity or the proceeds therefrom or on commodities owned by the warehouseman or grain dealer if the depositor has written evidence of ownership disclosing a storage obligation or written evidence of sale. The lien arises at the time the title is transferred from the depositor to the warehouseman or grain dealer, or if the commodity is under a storage obligation, the lien arises at the commencement of the storage obligation. The lien terminates when the liability of the warehouseman or grain dealer to the depositor terminates or if the depositor sells his commodity to the warehouseman or grain dealer, then thirty days after the ~~((time of the sale))~~ date title passes. If, however, the depositor is tendered payment by check or draft, then the lien shall not terminate until forty days after the ~~((time of sale))~~ date title passes.

(2) The lien created under this section shall be preferred to any lien or security interest in favor of any creditor of the warehouseman or grain dealer, regardless of whether the creditor's lien or security interest attached to the commodity or proceeds before or after the date on which the depositor's lien attached under subsection (1) of this section.

(3) A depositor who claims a lien under subsection (1) of this section need not file any notice of the lien in order to perfect the lien. If, however, the depositor is not paid per the terms of the contract, they must notify the department within ten days of default.

(4) The lien created by subsection (1) of this section is discharged, except as to the proceeds therefrom and except as to commodities owned by the warehouseman or grain dealer, upon sale of the commodity by the warehouseman or grain dealer to a buyer in the ordinary course of business.

Sec. 22. Section 52, chapter 305, Laws of 1983 and RCW 22.09.391 are each amended to read as follows:

Upon the failure of a grain dealer or warehouseman, the statutory lien created in RCW 22.09.371 shall be liquidated by the department to satisfy the claims of depositors in the following manner:

(1) The department shall take possession of all commodities in the warehouse, including those owned by the warehouseman or grain dealer, and those that are under warehouse receipts or any written evidence of ownership that discloses a storage obligation by a failed warehouseman, including but not limited to scale weight tickets, settlement sheets, and ledger cards. These commodities shall be distributed or sold and the proceeds distributed to satisfy the outstanding warehouse receipts or other written evidences of ownership. If a shortage exists, the department shall distribute the commodities or the proceeds from the sale of the commodities on a prorated basis to the depositors. To the extent the commodities or the proceeds from their sale are inadequate to satisfy the claims of depositors with evidence of storage obligations, the depositors have a first priority lien against any proceeds received from commodities sold while under a storage obligation or against any commodities owned by the failed warehouseman or grain dealer.

(2) Depositors possessing written evidence of the sale of a commodity to the failed warehouseman or grain dealer, including but not limited to scale weight tickets, settlement sheets, deferred price contracts, or similar commodity delivery contracts, who have completed delivery and ~~((pricing))~~ passed title during a thirty-day period immediately before the failure of the failed warehouseman or grain dealer have a second priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodity, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy the claim of depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer, each depositor shall receive a pro rata share thereof.

(3) Upon the satisfaction of the claims of depositors qualifying for first or second priority treatment, all other depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer have a third priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodities, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy these claims, each depositor shall receive a pro rata share thereof.

(4) The director of agriculture may represent depositors whom, under RCW 22.09.381, the director has determined have claims against the failed warehouseman or failed grain dealer

in any action brought to enjoin or otherwise contest the distributions made by the director under this section.

Sec. 23. Section 52, chapter 124, Laws of 1963 and RCW 22.09.520 are each amended to read as follows:

Whenever any commodity shall be delivered to a warehouse under this chapter, and the scale ticket or warehouse receipt issued therefor provides for the return of a like amount of like kind, grade, and class to the holder thereof, such delivery shall be a bailment and not a sale of the commodity so delivered. In no case shall such commodities be liable to seizure upon process of any court in an action against such bailee, except action by the legal holder of the warehouse receipt to enforce the terms thereof. Such commodities, in the event of failure or insolvency of such bailee, shall be applied exclusively to the redemption of such outstanding warehouse receipts and scale weight tickets covering commodities so stored with such bailee. The commodities on hand in any warehouse or warehouses with a particular license, as provided in RCW 22.09.030, shall be applied to the redemption and satisfaction of warehouse receipts and scale weight tickets which were issued pursuant to the particular license. Commodities in special piles or special bins shall be applied exclusively against the warehouse receipts or scale weight tickets issued therefor.

NEW SECTION. Sec. 24. A new section is added to chapter 22.09 RCW to read as follows:

Every person who fails to comply with this chapter, or any rule adopted under it, may be subjected to a civil penalty, as determined by the director, in an amount of not more than one thousand dollars for every such violation. Each and every violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the penalty provided for in this section.

NEW SECTION. Sec. 25. A new section is added to chapter 69.04 RCW to read as follows:

All retail sales of fresh or frozen lamb products which are imported from another country shall be labelled with the country of origin. For the purposes of this section 'imported lamb products' shall include but not be limited to, live lambs imported from another country but slaughtered in the United States.

NEW SECTION. Sec. 26. A new section is added to chapter 15.04 RCW to read as follows:

The department of agriculture is authorized to develop, in cooperation with Washington State University and other state agencies, an informational guide to programs offered by state and federal agencies which would be of assistance to farm families. The informational guide shall be made available to farmers and ranchers through county extension offices, farm organizations, and other appropriate means.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

- (1) Section 14, chapter 412, Laws of 1985 and RCW 16.59.010;
- (2) Section 15, chapter 412, Laws of 1985 and RCW 16.59.020;
- (3) Section 17, chapter 412, Laws of 1985 and RCW 16.59.030;
- (4) Section 18, chapter 412, Laws of 1985 and RCW 16.59.040;
- (5) Section 16, chapter 412, Laws of 1985 and RCW 16.59.050;
- (6) Section 19, chapter 412, Laws of 1985 and RCW 16.59.060;
- (7) Section 20, chapter 412, Laws of 1985 and RCW 16.59.070; and
- (8) Section 24, chapter 412, Laws of 1985 and RCW 16.59.900.

NEW SECTION. Sec. 28. Sections 15 and 27 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "agriculture;" strike the remainder of the title and insert "amending RCW 15.04.040, 15.04.100, 15.24.070, 15.24.190, 15.65.070, 15.65.170, 15.65.250, 15.65.470, 15.65.390, 15.65.400, 16.67.120, 20.01.040, 43.23.200, 62A.9-307, 69.25.270, 22.09.040, 22.09.045, 22.09.011, 22.09.345, 22.09.371, 22.09.391, and 22.09.520; adding a new section to chapter 15.04 RCW; adding a new section to chapter 15.86 RCW; adding a new section to chapter 22.09 RCW; adding a new section to chapter 69.04 RCW; repealing RCW 16.59.010, 16.59.020, 16.59.030, 16.59.040, 16.59.050, 16.59.060, 16.59.070, and 16.59.900; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rayburn, the House refused to concur in the Senate amendments to Substitute House Bill No. 353 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Rayburn, Grant and Nealey as conferees on Substitute House Bill No. 353.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2 with the following amendments:

On page 4, line 17 after "signed by" strike "fifteen" and insert "ten"

On page 8, line 20 after "thereof." insert "A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners."

On page 10, line 27 after "signed by" strike "fifteen" and insert "ten" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 2.

Representatives Haugen and May spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3 with the following amendments:

On page 2, line 15 after "(a)" insert "The employer shall elicit on a written form from all new employees as to their having been retired from a retirement system listed in RCW 41.50.030."

Renumber the remaining subsections consecutively.

On page 2, line 17 following "retiree" insert "from information received in subparagraph (a)"

On page 2, line 20 after "actual" insert "employer" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to House Bill No. 3.

Representatives Locke and Schoon spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 3 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 3 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 4 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature intends to restore the law relating to the release of public records largely to that which existed prior to the Washington Supreme Court decision in 'In re Rosier,' 105 Wn.2d 606 (1986). The intent of this legislation is to make clear that: (1) Absent statutory provisions to the contrary, agencies possessing records should in responding to requests for disclosure not make any distinctions in releasing or not releasing records based upon the identity of the person or agency which requested the records, and (2) agencies having public records should rely only upon statutory exemptions or prohibitions for refusal to provide public records. Further, to avoid unnecessary confusion, 'privacy' as used in section 2 of this 1987 act is intended to have the same meaning as the definition given that word by the Supreme Court in 'Hearst v. Hoppe,' 90 Wn.2d 123, 135 (1978).

NEW SECTION, Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

A person's 'right to privacy,' 'right of privacy,' 'privacy,' or 'personal privacy,' as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records.

Sec. 3. Section 26, chapter 1, Laws of 1973 as amended by section 14, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.260 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (5) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.04 RCW.

Sec. 4. Section 27, chapter 1, Laws of 1973 as amended by section 15, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.270 are each amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.17.260(5) or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

Sec. 5. Section 34, chapter 1, Laws of 1973 as amended by section 20, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.340 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is ((required)) in accordance with a statute that exempts or prohibits disclosure in whole or in part of specific information or records.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

NEW SECTION. Sec. 6. A new section is added to chapter 42.17 RCW to read as follows:

A law enforcement authority may not request inspection or copying of records of any person, which belong to a public utility district or a municipally owned electrical utility, unless the authority provides the public utility district or municipally owned electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Information obtained in violation of this rule is inadmissible in any criminal proceeding.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.*

On line 2 of the title, after "law;" strike the remainder of the title and insert "amending RCW 42.17.260, 42.17.270, and 42.17.340; adding new sections to chapter 42.17 RCW; and creating a new section." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Fisher moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 4.

Representatives Fisher and Sanders spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 4 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 4 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 4 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 25 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. By January 1, 1988, the office of financial management shall submit a report to the committees on ways and means of the senate and house of representatives describing a system to control the initial acquisition and replacement of furniture by state agencies. The system shall include proposed criteria for justifying furniture purchases by state agencies, a uniform accounting and reporting system for such purchases; and a centralized inventory and acquisition system that would fill state agency furniture requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate.

Sec. 2. Section 4, chapter 183, Laws of 1982 and RCW 1.30.040 are each amended to read as follows:

It shall be the duty of the law revision commission:

(1) To examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law, surveying alternative remedies, and recommending needed reforms.

(2) To receive and consider proposed changes in the law recommended by the American law institute, the commissioners for the promotion of uniformity of legislation in the United States, any bar association, or other learned bodies.

(3) To receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(4) To recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state, civil and criminal, into harmony with modern conditions.

(5) To recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the supreme court of the state or the supreme court of the United States.

(6) To promote utilization of sound principles of legal drafting to achieve clarity and precision in legal documents and in the statutory law and administrative rules and regulations.

~~((7) To report its proceedings annually to the legislature on or before January 15, and, if it deems advisable, to accompany its report with proposed legislation to carry out any of its recommendations.))~~

Sec. 3. Section 9, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 139, Laws of 1981 and RCW 9.46.090 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall, from time to time, make reports to the governor and the legislature covering such matters in connection with this chapter as ~~((he)) the governor and the legislature may require~~~~((and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter as soon as possible after the close of the fiscal year, which)).~~ These reports shall be ~~((a))~~ public documents and contain such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the commission appointed pursuant to RCW 9.46.040 may conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and may make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the type and amount of tax that ought to be applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

Sec. 4. Section 75, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 287, Laws of 1985 and RCW 13.40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter: PROVIDED, That days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release ~~((and notify each member of the legislature))~~ at the end of each calendar year if any such early releases have occurred during that year as a result of excessive in-residence population. In no event shall a serious offender, as defined in RCW 13.40.020(1) be granted release under the provisions of this subsection.

(3) Following the juvenile's release pursuant to subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months. Such a parole program shall be mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal may require the juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an

adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; and (d) imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

Sec. 5. Section 23, chapter 279, Laws of 1984 and RCW 18.130.310 are each amended to read as follows:

~~Subject to RCW 40.07.040, the disciplinary authority shall submit a biennial report to the legislature ((on January 1 of each odd-numbered year))~~ on its proceedings during the biennium, detailing the number of complaints made, investigated, and adjudicated and manner of disposition. The report may include recommendations for improving the disciplinary process, including proposed legislation. The department of licensing shall develop a uniform report format.

Sec. 6. Section 4, chapter 319, Laws of 1977 ex. sess. as last amended by section 37, chapter 466, Laws of 1985 and RCW 19.02.040 are each amended to read as follows:

(1) There is hereby created a board of review to provide policy direction to the department of licensing as it establishes and operates the business registration and licensing system. The board of review shall be composed of the following officials or their designees:

- (a) Director, department of revenue;
- (b) Director, department of labor and industries;
- (c) Commissioner, employment security department;
- (d) Director, department of agriculture;
- (e) Director, department of trade and economic development;
- (f) Director, department of licensing;
- (g) Director, office of financial management;
- (h) Chairman, liquor control board;
- (i) Secretary, department of social and health services;
- (j) Secretary of state;
- (k) The governor; and
- (l) As ex officio members:

(i) The president of the senate or the president's designee;

(ii) The speaker of the house or the speaker's designee; and

(iii) A representative of a recognized state-wide organization of employers, representing a large cross section of the Washington business community, to be appointed by the governor.

(2) The governor shall be the chairperson. In the governor's absence, the secretary of state shall act as chairperson.

(3) The board shall meet at the call of the chairperson at least semi-annually or at the call of a member to:

- (a) Establish interagency policy guidelines for the system;
- (b) Review the findings, status, and problems of system operations and recommend courses of action;
- (c) Receive reports from industry and agency task forces;
- (d) Determine in questionable cases whether a specific license is to be included in the master license system;
- (e) Review and make recommendations on rules proposed by the business license center and any amendments to or revisions of the center's rules.

~~((4) The board shall submit a report to the legislature each biennium identifying the licenses that the board believes should be added to the list of those processed under the master license system.))~~

Sec. 7. Section 7, chapter 96, Laws of 1974 ex. sess. as last amended by section 11, chapter 360, Laws of 1985 and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall

represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include an employee of the office of the insurance commissioner and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. ~~(The board shall report annually to the governor and the legislature on the operation and administration of this chapter. The report shall include a summary of all council decisions relating to updates or amendments to the codes.)~~ The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of community development shall provide administrative and clerical assistance to the building code council.

Sec. 8. Section 12, chapter 91, Laws of 1983 as last amended by section 11, chapter 266, Laws of 1986 and RCW 27.34.220 are each amended to read as follows:

The director or the director's designee is authorized:

(1) To promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archaeology, and culture, and to prepare comprehensive state-wide historic surveys and plans and research and evaluation of surveyed resources for the preparation of nominations to the state and national registers of historic places, in accordance with criteria approved by the advisory council established under RCW 27.34.250. The nominations shall comply with any standards and regulations promulgated by the United States secretary of the interior for the preservation, acquisition, and development of such properties.

(2) To establish a program of matching grants-in-aid to public agencies, public or private organizations, or individuals for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington state history, architecture, archaeology, and culture.

(3) To promote historic preservation efforts throughout the state, including private efforts and those of city, county, and state agencies.

(4) To enhance the effectiveness of the state preservation program through the initiation of legislation, the use of varied funding sources, the creation of special purpose programs, and contact with state, county, and city officials, civic groups, and professionals.

(5) To spend funds, subject to legislative appropriation and the availability of funds, where necessary to assist the Indian tribes of Washington state in removing prehistoric human remains for scientific examination and reburial, if the human remains have been unearthed inadvertently or through vandalism and if no other public agency is legally responsible for their preservation.

(6) To consult with the governor and the legislature on issues relating to the conservation of the man-made environment and their impact on the well-being of the state and its citizens. ~~(The department shall submit periodic reports of its activities under this chapter to the governor and the legislature.)~~

(7) To charge fees for professional and clerical services provided by the office.

(8) To adopt such rules, in accordance with chapter 34.04 RCW, as are necessary to carry out RCW 27.34.200 through ~~((27.34.290))~~ 27.34.280.

Sec. 9. Section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 137, Laws of 1986 and RCW 28A.58.090 are each amended to read as follows:

Every school district board of directors, being accountable to the citizens within its district as to the education offered to the students therein, shall, based on the timeline established by the superintendent of public instruction, develop a program identifying student learning objectives for their district in all courses of study included in the school district programs. The school district must evidence community participation in defining the objectives of such a program. The program of student learning objectives shall assure that the district's resources in the educational program, such as money, facilities, time, materials and personnel, are used so as to provide both economies in management and operation, and quality education in all subject

areas and courses. The learning objectives shall be measurable as to the actual student attainment; student attainment shall be locally assessed annually. The student learning objectives program shall be reviewed at least every two years. However, a school district may instead provide for the periodic review of all or a part of its student learning objectives program in accordance with the time schedule the district has established for the periodic review of curriculum or the periodic review and selection of textbooks, or in accordance with the time schedule for self-study as provided under RCW 28A.58.085, if and to the extent the curriculum or textbook review processes include the review or self-study of the district's student learning objectives program. Periodic review shall take place at least every seven years. In developing and reviewing the learning objectives, districts shall give specific attention to improving the depth of course content within courses and in coordinating the sequence in which subject matter is presented.

The superintendent of public instruction shall review implementation of the learning objectives law biennially ~~((and shall submit a report of such review to the legislature on or before January 1 of each odd-numbered year))~~.

The state board of education shall examine the programs in each school district in the state for reasons of program approval as required in accordance with RCW 28A.41.130, as now or hereafter amended.

School districts may obtain assistance in carrying out their duties under this section from the educational service district of which they are a part.

Sec. 10. Section 7, chapter 73, Laws of 1979 as last amended by section 41, chapter 370, Laws of 1985 and RCW 28B.04.070 are each amended to read as follows:

Subject to RCW 40.07.040, the board shall submit to the legislature a biennial evaluation ((in January of each even-numbered year) through 1990. The evaluations may include recommendation for future programs as determined by the board.

Sec. 11. Section 4, chapter 343, Laws of 1985 and RCW 28B.10.863 are each amended to read as follows:

The governing board or its designees shall be responsible for soliciting and receiving gifts to be used as matching funds. Each state four-year institution of higher education shall have the responsibility for the maintenance and investment of the endowed funds and for the administration of the program. ~~((Each institution shall include in a biennial report to the legislature information concerning collection and investment of matching gifts and the establishment of professorships.))~~

Sec. 12. Section 5, chapter 57, Laws of 1971 ex. sess. as amended by section 9, chapter 87, Laws of 1980 and RCW 28B.19.050 are each amended to read as follows:

(1) Any rules adopted after September 1, 1971 shall be filed forthwith with the office of the code reviser. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 28B.19.040 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

~~((3) The code reviser shall report to each regular session of the legislature during an odd-numbered year on the state of compliance of the institutions of higher education with this section. For this purpose, all institutions of higher education shall supply the code reviser with such information as he may request.))~~

Sec. 13. Section 1, chapter 174, Laws of 1974 ex. sess. as last amended by section 10, chapter 87, Laws of 1980 and RCW 28B.20.382 are each amended to read as follows:

Until authorized and empowered to do so by statute of the legislature, the board of regents of the university, with respect to that certain tract of land in the city of Seattle originally known as the 'old university grounds' and more recently known as the 'Metropolitan Tract' and any land contiguous thereto, shall not sell said land or any part thereof or any improvement thereon, or lease said land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ending more than sixty years beyond midnight, December 31, 1980. Any sale of said land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of said land or any part thereof or any improvement thereon for a term ending more than sixty years after midnight, December 31, 1980, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved or ratified and confirmed by legislative act.

The board of regents shall have power from time to time to lease said land, or any part thereof or any improvement thereon for a term ending not more than sixty years beyond midnight, December 31, 1980: PROVIDED, That the board of regents shall make a full, detailed report of all leases and transactions pertaining to said land or any part thereof or any improvement thereon to ~~((each regular session of the legislature))~~ the legislative budget committee, including one copy to the staff of the committee, during an odd-numbered year: PROVIDED FURTHER, That any and all records, books, accounts and/or agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents and/or the ways and

means committees of the senate or ~~((the appropriations committee of))~~ the house of representatives or the legislative budget committee or any successor ~~((committee of either))~~ committees. It is not intended by this proviso that unrelated records, books, accounts and/or agreements of lessees, sublessees or related companies be open to such inspection.

Sec. 14. Section 2, chapter 57, Laws of 1984 as amended by section 2, chapter 39, Laws of 1985 and RCW 28B.30.537 are each amended to read as follows:

The IMPACT center shall:

(1) Coordinate the teaching, research, and extension expertise of the college of agriculture and home economics at Washington State University to assist in:

(a) The design and development of information and strategies to expand the long-term international markets for Washington agricultural products; and

(b) The dissemination of such information and strategies to Washington exporters, overseas users, and public and private trade organizations;

(2) Research and identify current impediments to increased exports of Washington agricultural products, and determine methods of surmounting those impediments and opportunities for exporting new agricultural products and commodities to foreign markets;

(3) Prepare curricula to present and distribute information concerning international trade in agricultural commodities and products to students, exporters, international traders, and the public;

(4) Provide high-quality research and graduate education and professional nondegree training in international trade in agricultural commodities in cooperation with other existing programs;

(5) Ensure that activities of the center adequately reflect the objectives for the state's agricultural market development programs established by the department of agriculture as the lead state agency for such programs under chapter 43.23 RCW;

(6) Link itself through cooperative agreements with the center for international trade in forest products at the University of Washington, the state department of agriculture, the state department of ~~((commerce))~~ trade and economic development, Washington's agriculture businesses and associations, and other state agency data collection, processing, and dissemination efforts; and

(7) ~~Subject to RCW 40.07.040, report biennially to the governor and the legislature ((December 1 of each year))~~ on the IMPACT center, state agricultural commodities marketing programs, and the center's success in obtaining nonstate funding for its operation.

Sec. 15. Section 28B.50.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 130, Laws of 1986 and RCW 28B.50.070 are each amended to read as follows:

The governor shall make the appointments to the college board.

The college board shall organize, adopt a seal, and adopt bylaws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such bylaws. Annually the board shall elect a chairperson and vice chairperson; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. Five members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the public or of the parties may be promoted, or delay or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. ~~Subject to RCW 40.07.040,~~ the college board shall transmit a report in writing to the governor ~~((each year))~~ biennially which report shall contain such information as may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state.

Sec. 16. Section 8, chapter 267, Laws of 1984 and RCW 28C.04.550 are each amended to read as follows:

The Washington award for vocational excellence shall be effective commencing with the 1984-85 academic year. ~~((The commission for vocational education shall report on the program to the legislature and to the governor by January 15, 1985. The report shall include a description of the program, a copy of any rules implementing the program, a list of the participants, and the commission's recommendations for any additional statutory changes needed to improve the program.~~

~~Hereafter, the commission shall report on the results and effectiveness of this award program to the legislature and the governor on or before January 15 of each odd-numbered year. The 1987 report shall include an evaluation of the effects of expanding the tuition and fee waiver period from one to two years.))~~

Sec. 17. Section 4, chapter 234, Laws of 1959 as amended by section 11, chapter 87, Laws of 1980 and RCW 34.04.040 are each amended to read as follows:

(1) Each agency shall file forthwith in the office of the code reviser a certified copy of all rules now in effect and hereafter adopted, except the rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 34.04.030 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

~~((3) The code reviser shall report to each regular session of the legislature during an odd-numbered year on the state of compliance of the agencies with this section. For this purpose, all agencies shall supply the code reviser with such information as he may request.))~~

Sec. 18. Section 4, chapter 221, Laws of 1982 and RCW 34.04.280 are each amended to read as follows:

(1) By November 1, 1982, and each year thereafter, each agency shall provide the office of financial management with a document containing: (a) A list citing the rules identified pursuant to RCW 34.04.270 and the actions, if any, taken by the agency head to change or eliminate the rules; and (b) a list of those rules which cannot be changed or eliminated without conflicting with the statutes authorizing, or dealing with, the rules and a list of such statutes.

(2) The office of financial management shall compile the documents submitted under subsection (1) of this section ~~((and by January 1, 1983, and each year thereafter, shall provide the compilation to the speaker of the house of representatives and the president of the senate)).~~

Sec. 19. Section 7, chapter 120, Laws of 1965 ex. sess. as last amended by section 19 chapter 49, Laws of 1983 1st ex. sess. and RCW 36.78.070 are each amended to read as follows:

The county road administration board shall:

(1) Establish by rule, standards of good practice for county road administration;

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;

(3) Receive and review reports from counties and reports of the county road administration engineer to determine compliance with legislative directives and the standards of good practice adopted by the board;

(4) Report annually on the first day of July to the state department of transportation~~((;))~~ and to the chairs of the legislative transportation committee~~((;))~~ and the house and senate transportation committees on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;

(5) Administer the rural arterial program established by chapter 36.79 RCW.

Sec. 20. Section 3, chapter 120, Laws of 1983 and RCW 39.19.030 are each amended to read as follows:

There is hereby created the office of minority and women's business enterprises. The governor shall appoint a director for the office, subject to confirmation by the senate. The director may employ a deputy director and a confidential secretary, both of which shall be exempt under chapter 41.06 RCW, and such staff as are necessary to carry out the purposes of this chapter.

The office, with the advice and counsel of the advisory committee on minority and women's business enterprises, shall:

(1) Develop, plan, and implement programs to provide an opportunity for participation by qualified minority and women-owned businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector;

(2) Develop a comprehensive plan insuring that qualified minority and women-owned businesses are provided an opportunity to participate in public contracts for public works and goods and services;

(3) Identify barriers to equal participation by qualified minority and women-owned businesses in all state agency and educational institution contracts;

(4) Establish annual overall goals for participation by qualified minority and women-owned businesses for each state agency and educational institution to be administered on a contract-by-contract basis or on a class-of-contracts basis;

(5) Develop and maintain a central minority and women's business enterprise certification list for all state agencies and educational institutions. Size of business or length of time in business shall not be considered a prerequisite for the certification list;

(6) Develop, implement, and operate a system of monitoring compliance with this chapter;

(7) Adopt rules under chapter 34.04 or 28B.19 RCW, as appropriate, governing: (a) Establishment of agency goals; (b) development and maintenance of a central minority and women's business enterprise certification program; (c) procedures for monitoring and enforcing compliance with goals, regulations, contract provisions, and this chapter; and (d) utilization of standard clauses by state agencies and educational institutions, as specified in RCW 39.19-.050; and

(8) Submit an annual report to the governor ~~((and the legislature outlining the progress and economic impact on the public and private sectors of implementing this chapter)).~~

Sec. 21. Section 2, chapter 160, Laws of 1986 and RCW 39.58.085 are each amended to read as follows:

With the written approval of the commission, state and local governmental entities may establish demand accounts in out-of-state and alien banks in an aggregate amount not to

exceed one million dollars. No single governmental entity shall be authorized to hold more than fifty thousand dollars in one demand account.

The governmental entities establishing such demand accounts shall be solely responsible for their proper and prudent management and shall bear total responsibility for any losses incurred by such accounts. Accounts established under the provisions of this section shall not be considered insured by the commission.

The state auditor shall annually monitor compliance with this section and the financial status of such demand accounts (~~and report the findings to the appropriate committee of the legislature:~~)

Sec. 22. Section 9, chapter 300, Laws of 1981 as amended by section 46, chapter 466, Laws of 1985 and RCW 39.84.090 are each amended to read as follows:

(1) Prior to issuance of any revenue bonds, each public corporation shall submit a copy of its enabling ordinance and charter, a description of any industrial development facility proposed to be undertaken, and the basis for its qualification as an industrial development facility to the department of trade and economic development.

(2) If the industrial development facility is not eligible under this chapter, the department of trade and economic development shall give notice to the public corporation, in writing and by certified mail, within twelve working days of receipt of the description.

(3) The department of trade and economic development shall report annually through 1989 to the (~~legislature~~) chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, and to the governor on the amount of capital investment undertaken under this chapter and the amount of permanent employment reasonably related to the existence of such industrial development facilities.

(4) The department of trade and economic development shall provide such advice and assistance to public corporations and municipalities which have created or may wish to create public corporations as the public corporations or municipalities request and the department of trade and economic development considers appropriate.

Sec. 23. Section 22, chapter 446, Laws of 1985 and RCW 39.86.070 are each amended to read as follows:

The department shall report annually through 1991 at the start of each annual legislative session to the (~~legislature~~) chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, and to the governor on the allocations of the state ceiling made during the previous year.

Sec. 24. Section 7, chapter 105, Laws of 1975-76 2nd ex. sess. as last amended by section 33, chapter 3, Laws of 1981 and RCW 41.50.050 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than two divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department and inspect and audit the files and records as deemed necessary;

(3) Employ personnel to carry out the general administration of the department;

(4) Submit an annual written report of the activities of the department to the governor and the (~~legislature~~) chairs of the appropriate legislative committees with one copy to the staff of each of the committees, including recommendations for statutory changes the director believes to be desirable:

(5) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.04 RCW.

Sec. 25. Section 2, chapter 270, Laws of 1977 ex. sess. as amended by section 3, chapter 188, Laws of 1985 and RCW 43.19.19361 are each amended to read as follows:

There is hereby created a risk management office within the department of general administration. The director of general administration shall implement the risk management policy in RCW 43.19.19361 through the risk management office. The director of general administration shall appoint a risk manager to supervise the risk management office. The risk management office shall make recommendations when appropriate to state agencies on the application of prudent safety, security, loss prevention, and loss minimization methods so as to reduce or avoid risk or loss. The director of general administration shall submit a risk management report biennially to the governor, with (~~a copy~~) copies to the chairs of the standing committees having jurisdiction on judiciary and insurance and the ways and means and state governmental operations committees in the senate and the house of representatives (~~on or before January 10, 1986, and January 10 of every even-numbered year thereafter~~), including one copy to the staff of each of the committees. The management report shall describe the plans, policies, and operation of the risk management office and shall at least include the following:

(1) Success in implementing stated goals and objectives for the risk management office;

(2) Improving loss control and prevention practices;

(3) Self-insuring risks of loss to state-owned property except where bond indentures or other special considerations require the purchase of insurance;

(4) Consolidating insurance coverages for properties requiring insurance by bond indenture;

(5) Establishing an emergency fund to provide assistance to state agencies in the event of serious property loss;

(6) Self-insuring liability risks to public and professional third parties;

(7) Funding of the tort claims revolving fund on an actuarial basis;

(8) A program of excess liability coverage above a selected self-insurance limit;

(9) Identification of cost savings and cost avoidances achieved during the preceding two years; and

(10) Appropriate recommendations for new or amended legislation.

Sec. 26. Section 2, chapter 61, Laws of 1982 and RCW 43.19.538 are each amended to read as follows:

(1) The director of general administration, through the state purchasing director, shall develop specifications and adopt rules for the purchase of paper products which will provide for preferential purchase, when feasible, of paper products containing recycled paper. The specifications shall include:

(a) Giving preference to suppliers of recycled paper products if the bids do not exceed the lowest bid offered by suppliers of paper products that are not recycled.

(b) Requiring paper products with the highest quantity of postconsumer waste.

(c) Requiring paper products that may be recycled or reused to be purchased if the quality, price, and grade are otherwise equal to other paper products.

(2) The recycled paper content specifications shall be reviewed annually to consider increasing the percentage of recycled paper.

~~((3) The director of general administration shall report to the legislature about the revision of specifications under this section by the first day of each annual legislative session.))~~

Sec. 27. Section 5, chapter 86, Laws of 1977 ex. sess. as last amended by section 12, chapter 158, Laws of 1986 and RCW 43.19.660 are each amended to read as follows:

The operation of the printing and duplicating management center shall be financed by the director of the department of general administration from moneys appropriated by the legislature.

The director of the department of general administration shall be responsible for establishing realistic fees to be charged for services rendered by the printing and duplicating management center. The director of financial management shall approve any fees prior to their implementation. All fees and charges collected for services rendered by the printing and duplicating management center shall be deposited in the general fund. It is the intent of RCW 43.19.640 through 43.19.665 that the fees paid by the agencies and the savings experienced from the activities of the printing and duplicating management center shall more than offset the operating costs of the center.

~~((The director of the department of general administration shall, in December of each calendar year, submit a report of all reported savings by each agency for the year to the senate committee on ways and means and the house committee on appropriations.))~~

Sec. 28. Section 13, chapter 62, Laws of 1970 ex. sess. as amended by section 22, chapter 87, Laws of 1980 and RCW 43.21A.130 are each amended to read as follows:

In addition to any other powers granted the director, ~~((he))~~ the director may undertake studies dealing with all aspects of environmental problems involving land, water, or air: PROVIDED, That in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action~~((PROVIDED FURTHER, That the results of all such studies shall be submitted to the legislature prior to thirty days before the beginning of each regular session during an odd-numbered year))~~.

Sec. 29. Section 4, chapter 295, Laws of 1981 and RCW 43.21F.045 are each amended to read as follows:

The energy office shall have the following duties:

(1) The office shall prepare and update contingency plans for implementation in the event of energy shortages or emergencies. The plans shall conform to chapter 43.21G RCW and shall include procedures for determining when these shortages or emergencies exist, the state officers and agencies to participate in the determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during these emergencies. The office shall coordinate the activities undertaken pursuant to the subsection with other persons. The components of plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date. The office shall report to the governor and the legislature on probable, imminent, and existing energy shortages, and shall administer energy allocation and curtailment programs in accordance with chapter 43.21G RCW.

(2) The office shall establish and maintain a central repository in state government for collection of existing data on energy resources, including:

(a) Supply, demand, costs, utilization technology, projections, and forecasts;

(b) Comparative costs of alternative energy sources, uses, and applications; and

(c) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof.

(3) The office shall coordinate federal energy programs appropriate for state-level implementation, carry out such energy programs as are assigned to it by the governor or the legislature, and monitor federally funded local energy programs as required by federal or state regulations.

(4) The office shall develop energy policy recommendations for consideration by the governor and the legislature.

(5) The office shall provide assistance, space, and other support as may be necessary for the activities of the state's two representatives to the Pacific northwest electric power and conservation planning council. To the extent consistent with federal law, the office shall request that Washington's council members request the administrator of the Bonneville power administration to reimburse the state for the expenses associated with the support as provided in the Pacific northwest electric power planning and conservation act (P.L. 96-501).

(6) The office shall cooperate with state agencies, other governmental units, and private interests on energy matters.

(7) The office shall represent the interests of the state in the siting, construction, and operation of nuclear waste storage and disposal facilities.

(8) The office shall serve as the official state agency responsible for coordination of energy-related activities.

(9) No later than December 1, 1982, and by December 1st of each even-numbered year thereafter, the office shall prepare and transmit to the governor and the legislature a report on energy supply and demand, conservation, and other factors (including but not limited to:

(a) An overview of the anticipated energy situation in the state and region;

(b) An assessment of the energy resources available to the state;

(c) A comparison of the costs of available methods to supply and conserve energy;

(d) Identification of barriers and constraints to the rapid achievement of conservation and energy resource development, together with proposals for eliminating or reducing the barriers and constraints. The identification shall include but is not limited to statutes and federal, state, or local governmental regulations applicable to the state of Washington;

(e) A summary of the major energy conservation and resource development programs underway in the state;

(f) An analysis of the means by which the projected annual rate of energy demand growth may be reduced together with an estimate of the amount of reduction to be obtained by each of the means analyzed, and the cost of each option)) as appropriate.

(10) The office shall provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

(11) The office shall provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

(12) The office shall adopt rules, under chapter 34.04 RCW, necessary to carry out the powers and duties enumerated in this chapter.

Sec. 30. Section 17, chapter 466, Laws of 1985 and RCW 43.31.135 are each amended to read as follows:

(1) In addition to other duties and responsibilities assigned under this chapter:

(a) The director may:

(i) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(ii) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter; and

(iii) Accept gifts and grants, whether such grants be of federal or other funds;

(b) The director shall:

(i) Prepare and submit for executive and legislative action thereon the budget for the department;

(ii) ~~((Submit a biennial report to the governor and to the legislature on the activities of the department and the nature of existing economic development problems;~~

~~((#)))~~ Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter; and

~~((#v)))~~ ~~((iii))~~ Adopt rules in accordance with chapter 34.04 RCW and do all other things necessary and proper to carry out the purposes of this chapter.

(2) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(3) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials when such a request imposes any additional expenses upon any such agency, department, or official.

(4) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states, and may, if the

director deems it desirable, hold public hearings to obtain information for the purpose of carrying out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, as to allow the department to carry out its purposes under this chapter.

Sec. 31. Section 14, chapter 147, Laws of 1967 ex. sess. as amended by section 5, chapter 195, Laws of 1971 ex. sess. and RCW 43.59.130 are each amended to read as follows:

The Washington state traffic safety commission shall submit a report each biennium outlining programs planned and steps taken toward improving traffic safety to the chair of the legislative transportation committee ~~((by October 1st of each even-numbered year))~~.

Sec. 32. Section 6, chapter 74, Laws of 1967 as amended by section 4, chapter 125, Laws of 1984 and RCW 43.63A.060 are each amended to read as follows:

The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to matters affecting the communities of the state generally and more especially on the extent the state should participate in the provision of services to such communities.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; the director may act for the state in the initiation of or participation in any multi-governmental program relative to the purposes of this chapter; and the director may accept gifts and grants, whether such grants be of federal or other funds. When federal or other funds are received by the department they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director. The director shall prepare and submit for executive and legislative action thereon the budget for the department ~~((the director shall make a report to the governor and to the legislature in 1985 and biennially thereafter on the activities of the department and the nature of existing community problems;))~~ and after consultation with and approval by the governor, submit such recommendations for legislative action as deemed necessary to further the purposes of this chapter ~~((and))~~. The director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of this chapter.

The director may delegate such functions, powers and duties to other officers and employees of the department as the director deems expedient to the furtherance of the purposes of this chapter.

Sec. 33. Section 7, chapter 125, Laws of 1984 and RCW 43.63A.078 are each amended to read as follows:

The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

~~((The department shall report annually on December 31 to the governor and the legislature on funds expended and projects developed using matching funds;))~~

Sec. 34. Section 2, chapter 263, Laws of 1985 and RCW 43.63A.220 are each amended to read as follows:

(1) The department of community development is directed to undertake a study as to the best means of providing encouragement and assistance to the formulation of employee stock ownership plans providing for the partial or total acquisition, through purchase, distribution in lieu of compensation, or a combination of these means or any other lawful means, of shares of stock or other instruments of equity in facilities by persons employed at these facilities in cases in which operations at these facilities would, absent employee equity ownership, be terminated, relocated outside of the state, or so reduced in volume as to entail the permanent layoff of a substantial number of the employees.

(2) In conducting its study, the department shall:

(a) Consider federal and state law relating directly or indirectly to plans proposed under subsection (1) of this section, and to the organization and operation of any trusts established

pursuant to the plans, including but not limited to, the federal internal revenue code and any regulations promulgated under the internal revenue code, the federal securities act of 1933 as amended and other federal statutes providing for regulation of the issuance of securities, the federal employee retirement income and security act of 1974 as amended, the Chrysler loan guarantee legislation enacted by the United States congress in 1979, and other federal and state laws relating to employment, compensation, taxation, and retirement;

(b) Consult with relevant persons in the public sector, relevant persons in the private sector, including trustees of any existing employee stock ownership trust, and employees of any firm operating under an employee stock ownership trust, and with members of the academic community and of relevant branches of the legal profession;

(c) Examine the experience of trusts organized pursuant to an employee stock ownership plan in this state or in any other state; and

(d) Make other investigations as it may deem necessary in carrying out the purposes of this section.

(3) Pursuant to the findings and conclusions of the study conducted under subsection (2) of this section, the department of community development shall develop a plan to encourage and assist the formulation of employee stock ownership plans providing for the acquisition of stock by employees of facilities in this state which are subject to closure or drastically curtailed operation. The department shall determine the amount of any costs of implementing the plan.

(4) The director of community development shall, within one year of July 28, 1985, report the findings and conclusion of the study, together with details of the plan developed pursuant to the study, to the legislature, and shall include in the report any recommendations for legislation which the director deems appropriate. ~~((Beginning in 1987, the director shall annually submit to the legislature a report concerning the formation of new employee stock ownership trusts and the operation of existing employee stock ownership trusts in this state, and shall include in the report an account of state activity, during the previous year, in connection with these trusts.))~~

(5) The department of community development shall carry out its duties under this section using available resources.

Sec. 35. Section 43.88.090, chapter 8, Laws of 1965 as last amended by section 3, chapter 247, Laws of 1984 and RCW 43.88.090 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

(2) Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results. The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

~~(3) ((Each agency shall submit to the office of financial management a report by September 15 of each odd-numbered year on its performance toward the goals and objectives established for the previous fiscal biennium and the goals and objectives established for the current fiscal biennium. Copies of the reports shall be transmitted by the office of financial management to the standing committees on ways and means of the house of representatives and senate and the legislative budget committee by December 31 of each odd-numbered year.~~

~~(4))~~ In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 36. Section 11, chapter 10, Laws of 1982 as amended by section 5, chapter 215, Laws of 1986 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall

provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

The director of financial management is responsible for quarterly reporting of primary budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in subsections (a) through (e) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or ~~((his))~~ the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on

state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end ~~(he)~~ the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as now or hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

Sec. 37. Section 3, chapter 23, Laws of 1977 as amended by section 144, chapter 151, Laws of 1979 and RCW 43.88.510 are each amended to read as follows:

Not later than ninety days after the beginning of each biennium, the director of financial management shall submit the compiled list of boards, commissions, councils, and committees, together with the information on each such group, that is required by RCW 43.88.505 to:

(1) The speaker of the house and the president of the senate for distribution to the appropriate standing committees, including one copy to the staff of each of the committees; ~~((and))~~

(2) The chair of the legislative budget committee, including a copy to the staff of the committee;

(3) The chairs of the committees on ways and means of the senate and house of representatives; and

(4) Members of the state government committee of the house of representatives and of the governmental operations committee of the senate, including one copy to the staff of each of the committees.

Sec. 38. Section 9, chapter 4, Laws of 1982 as amended by section 2, chapter 261, Laws of 1984 and RCW 43.121.090 are each amended to read as follows:

Subject to RCW 40.07.040, the council shall report (~~(annually)~~) biennially to the governor and to the legislature concerning the council's activities and the effectiveness of those activities in fostering the prevention of child abuse and neglect.

Sec. 39. Section 6, chapter 11, Laws of 1982 1st ex. sess. as amended by section 1, chapter 110, Laws of 1985 and RCW 43.150.060 are each amended to read as follows:

(1) There is created the Washington state council on voluntary action to assist the governor and the center in the accomplishment of its mission.

(2) Giving due consideration to geographic representation, the governor shall appoint the members of the council as provided in this section.

(3) The governor shall appoint a chair for the council.

(4) The advisory council shall have an odd number of members, including its chair, appointed or reappointed for three-year terms, with a total membership of no less than fifteen and no more than twenty-one.

(5) Members of the council shall upon request be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The council and its members shall:

(a) Advise the governor as ~~(he)~~ the governor may request and direct;

(b) Propose, review, and evaluate activities and programs of the center and, to the degree practical, advocate decentralization of the center's activities, facilitate but not require or hinder existing local volunteer services, and not advocate the replacement of needed paid staff with volunteers; and

(c) Represent the governor and the center on such occasions and in such manner as the governor may from time to time provide ~~(-and~~

~~(d) Deliver to the governor and the legislature on the 15th of December of each year a report outlining the scope and nature of volunteer activities in the state, assessing the need and potential for volunteer activities in the state, identifying and recognizing significant accomplishments and services of individual volunteers and volunteer programs, and making such recommendations as the council determines by majority vote).~~

Sec. 40. Section 12, chapter 446, Laws of 1985 and RCW 43.155.070 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment; and

(f) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each

project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

Sec. 41. Section 13, chapter 446, Laws of 1985 and RCW 43.155.080 are each amended to read as follows:

The board shall keep proper records of accounts and shall be subject to audit by the state auditor. ~~((Biennial reports on the activities of the board shall be made by the chair to the governor and the legislature.))~~

Sec. 42. Section 9, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.090 are each amended to read as follows:

The board shall keep proper records of accounts and shall be subject to audit by the state auditor. ~~((Biennial reports on the activities of the board shall be made by the chairman to the governor and the legislature.))~~

Sec. 43. Section 4, chapter 20, Laws of 1983 1st ex. sess. as amended by section 4, chapter 231, Laws of 1985 and RCW 43.210.040 are each amended to read as follows:

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 shall have the powers granted under chapter 24.03 RCW. In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Make loans to Washington businesses with annual sales of twenty-five million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries. Loans by the small business export finance assistance center under this chapter shall not compete with nor be a substitute for available loans by a bank or other financial institution and shall only be considered upon a financial institution's assurance that such loan is not available;

(c) Provide loan guarantees on loans made by financial institutions to businesses with annual sales of one hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries;

(d) Establish and regulate the terms and conditions of any such loans and loan guarantees and charges for interest and services connected therewith;

(e) Provide export financial counseling to Washington exporters with annual sales of one hundred million dollars or less, provided that such counseling is not available from a Washington for-profit business. For such counseling, the center may charge such fees as it determines are necessary.

(f) Contract with the federal government and its agencies to become a program administrator for federally provided country risk insurance programs and for the purposes of this chapter; and

(g) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation ~~((and shall report to the governor and legislature each January 1st on the amounts it has secured from nonstate funding sources)).~~

(4) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 44. Section 6, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.060 are each amended to read as follows:

(1) Each state department identified in RCW 43.220.020 shall have the following powers and duties to carry out its functions relative to the Washington conservation corps:

(a) Recruiting and employing staff and corps member leaders and specialists;
 (b) Adopting criteria for the selection of applicants to the program from among the enrollees of the youth employment exchange program;

(c) Executing agreements for furnishing the services of the employment conservation program to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;

(d) Applying for and accepting grants or contributions of funds from any private source;

(e) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed; and

(f) Entering into agreements with community colleges within the state's community college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate ~~(and~~

~~(g) Reporting annually to the governor and the legislature on the activities undertaken by the employment and conservation program in the preceding fiscal year, including a cost-effectiveness analysis of all completed, ongoing, and proposed projects).~~

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

Sec. 45. Section 6, chapter 43, Laws of 1951 as amended by section 16, chapter 293, Laws of 1975 1st ex. sess. and RCW 44.28.100 are each amended to read as follows:

The committee shall have the power to make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings. ~~(The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature.)~~

Sec. 46. Section 10, chapter 373, Laws of 1977 ex. sess. and RCW 44.48.100 are each amended to read as follows:

The committee shall have the power to make reports to the legislature. The committee shall keep complete minutes of its meetings. ~~(The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature.)~~

Sec. 47. Section 3, chapter 212, Laws of 1982 and RCW 46.23.030 are each amended to read as follows:

The department of licensing shall report ~~(annually by October first)~~ biennially to the ~~(legislative transportation committee)~~ chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, on its progress in entering into the nonresident violators compact and in attaining similar agreements with British Columbia and other nonmember states.

Sec. 48. Section 10, chapter 151, Laws of 1977 ex. sess. as amended by section 30, chapter 53, Laws of 1983 1st ex. sess. and RCW 47.01.101 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation and, in such manner as prescribed therein, to make and report to the commission and the ((legislature)) chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A highway construction program necessary to adjust to unexpected delays or other unanticipated circumstances.

(9) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 49. Section 1, chapter 12, Laws of 1973 2nd ex. sess. as last amended by section 75, chapter 7, Laws of 1984 and RCW 47.01.141 are each amended to read as follows:

The department shall submit ((an annual)) a biennial report to the governor and ((legislature)) chairs of the transportation committees of the senate and house of representatives with a copy to the staff of each of the committees, including but not limited to operational and construction activities of the preceding fiscal ((year)) period as the department deems important and recommendations for future operations of the department.

Sec. 50. Section 1, chapter 130, Laws of 1977 ex. sess. as amended by section 1, chapter 122, Laws of 1979 ex. sess. and RCW 47.05.021 are each amended to read as follows:

(1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the ((legislature)) chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The 'principal arterial system' shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial state-wide and interstate travel;

(b) The 'minor arterial system' shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The 'collector system' shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) Those state highways which perform no arterial or collector function, which serve only local access functions, and which lack essential state highway characteristics shall be designated 'local access' highways.

(3) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

Sec. 51. Section 22, chapter 83, Laws of 1967 ex. sess. as last amended by section 155, chapter 7, Laws of 1984 and RCW 47.26.160 are each amended to read as follows:

The urban arterial board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the urban arterial trust account of the motor vehicle fund to counties and cities;

(2) Adopt reasonably uniform design standards for city and county arterials that meet the requirements for urban development;

(3) Report biennially on the first day of November of the even-numbered years to the department ~~(:)~~ and to the ~~(legislative transportation committee and the)~~ chairs of the house and senate transportation committees, including one copy to the staff of each of the committees, regarding progress of cities and counties in developing long-range plans for their urban arterial construction and programming or urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties.

Sec. 52. Section 9, chapter 9, Laws of 1961 ex. sess. as amended by section 332, chapter 7, Laws of 1984 and RCW 47.60.470 are each amended to read as follows:

The department shall periodically report to the ~~(legislative transportation committee)~~ chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, its plans and progress relating to the financing and refinancing of the Washington state ferries and Hood Canal bridge, including the issuance of bonds authorized by RCW 47.60.400 through 47.60.470, to the end that the committee may be informed of plans which may affect its recommendations to the legislature.

Sec. 53. Section .02.17, chapter 79, Laws of 1947 as amended by section 69, chapter 75, Laws of 1977 and RCW 48.02.170 are each amended to read as follows:

The commissioner shall, as soon as accurate preparation enables, ~~((transmit to the legislature))~~ prepare a report of his official transactions during the preceding fiscal year, containing ~~((recommendations for amendment of this code and))~~ information ~~((and recommendations))~~ relative to insurance as ~~(he)~~ the commissioner deems proper.

Sec. 54. Section 7, chapter 296, Laws of 1986 and RCW 48.02.190 are each amended to read as follows:

(1) As used in this section:

(a) 'Organization' means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. 'Class one' organizations shall consist of all insurers as defined in RCW 48.01.050. 'Class two' organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) 'Receipts' means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed. ~~((The commissioner shall report fees to the legislative committees responsible for insurance and appropriations concurrent with notification to the organizations.))~~

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees.

Sec. 55. Section 7, chapter 270, Laws of 1955 as last amended by section 8, chapter 185, Laws of 1985 and RCW 49.60.100 are each amended to read as follows:

Subject to RCW 40.07.040, the commission, ((at the close of each fiscal year)) each biennium, shall report to the governor, describing the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, the recommendations it has issued, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The commission may present its reports to the legislature; the commission's reports shall be made available upon request.

Sec. 56. Section 72, chapter 62, Laws of 1933 ex. sess. as last amended by section 79, chapter 75, Laws of 1977 and RCW 66.08.028 are each amended to read as follows:

The board shall, from time to time, make reports to the governor covering such matters in connection with the administration and enforcement of this title as ~~((he))~~ the governor may require, and, subject to RCW 40.07.040, the board shall prepare and forward to the governor ~~((annually))~~ biennially, to be laid before the legislature, a report for the fiscal ~~((year))~~ period containing:

(1) A financial statement and balance sheet showing in general the condition of the business and its operation during the year;

(2) A summary of all prosecutions for infractions and the results thereof;

(3) General information and remarks; and

(4) Any further information requested by the governor.

Sec. 57. Section 5, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 21, chapter 158, Laws of 1986 and RCW 67.70.050 are each amended to read as follows:

There is created the office of director of the state lottery. The director shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and shall receive such salary as is determined by the governor, but in no case may the director's salary be more than ninety percent of the salary of the governor. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules of the commission.

(2) Appoint such deputy and assistant directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy and assistant directors.

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover audit or investigative work or security operations but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules of the commission, license as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in such amount as provided in the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the state lottery account created by RCW 67.70.230.

(5) Confer regularly as necessary or desirable with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as ~~((he))~~ the director deems necessary and advisable to improve the operation and administration of the lottery.

(6) Subject to the applicable laws relating to public contracts, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission: PROVIDED, That nothing in this chapter authorizes the director to enter into public contracts for the regular and permanent administration of the lottery after the initial development and implementation.

(7) Certify quarterly to the state treasurer and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

~~(8) ((Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as the director deems necessary or desirable.~~

~~(9))~~ Report immediately to the governor and the legislature any matters which require immediate changes in the laws of this state in order to prevent abuses and evasions of this

chapter or rules promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

((+9)) (9) Carry on a continuous study and investigation of the lottery throughout the state: (a) For the purpose of ascertaining any defects in this chapter or in the rules issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that this chapter and rules shall be in such form and be so administered as to serve the true purposes of this chapter.

((+10)) (10) Make a continuous study and investigation of: (a) The operation and the administration of similar laws which may be in effect in other states or countries, (b) any literature on the subject which from time to time may be published or available, (c) any federal laws which may affect the operation of the lottery, and (d) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

((+11)) (11) Have all enforcement powers granted in chapter 9.46 RCW.

((+12)) (12) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 58. Section 14, chapter 5, Laws of 1973 1st ex. sess. as last amended by section 13, chapter 288, Laws of 1984 and RCW 70.39.130 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall prepare and~~(-prior to each legislative session beginning in January;)~~ transmit each biennium to the governor and to the legislature ~~((an annual))~~ a report of commission operations and activities for the preceding fiscal ~~((year))~~ period. This report shall include such findings and recommendations as the commission believes will further the legislative goal of cost containment in the delivery of good quality health care services, including cost-containment programs that have been or might be adopted, and issues of access to good quality care. The report shall also include data on the amount and proportion of charity care provided by each hospital. The commission's report for 1986, to be submitted in January 1987, shall include an analysis of the impacts of RCW 70.39.165 on (1) the use by indigent persons of health care settings other than hospitals and (2) the case-loads and costs associated with the limited casualty program for medical indigents under RCW 74.09.700. The department of social and health services and the health systems agencies established under chapter 70.38 RCW shall provide such information and assistance as the commission may reasonably require in preparing the report on the impact of RCW 70.39.165.

Sec. 59. Section 6, chapter 316, Laws of 1977 ex. sess. as last amended by section 3, chapter 118, Laws of 1986 and RCW 70.48.060 are each amended to read as follows:

(1) Any funds allocated to a governing unit for jail construction or renovation pursuant to this chapter shall constitute full funding of the cost of implementing the physical plant standards within the meaning of RCW 70.48.070(2). Jail construction or renovation represents the full extent of the state's financial commitment with regard to jails. Local governing units are responsible for funding all costs of operating jails.

(2) As a condition of eligibility for such financial assistance as may be provided by or through the state of Washington exclusively for the construction and/or modernization of jails, all jail construction and/or substantial remodeling projects shall be submitted by the governing unit to the board which shall review all submitted projects in accordance with rules to be adopted by the board and shall approve or reject each project for purposes of state funding. The board shall allocate available funding to the projects approved for funding in accordance with moneys actually available and the priorities established by the board under this section.

(3) The rules to be adopted by the board for purposes of approving or denying requests for state funds for jail construction or remodeling shall:

(i) Limit state funding to the minimum amount required to fully implement the physical plant standards;

(ii) Encourage the voluntary consolidation of jail facilities and programs of contiguous governing units where feasible: PROVIDED, That such consolidation is approved by all participating governing units: PROVIDED FURTHER, That the board may fund the minimum cost of approved remodeling of an existing county jail facility to be operated as a holding facility in the future when that county is a party to a multi-county consolidation agreement which meets the requirements of RCW 70.48.090, the cost of such holding facility remodeling project(s) and of the consolidated correctional facility project does not exceed the established maximum budgets for current detention and/or correctional facility projects of those governing units, and approval of such a revised concept maximizes the beds to be provided while maintaining or reducing the construction costs;

(iii) Insure that each governing unit or consolidation of governing units applying for state funds under this chapter has submitted a plan which demonstrates that pretrial and posttrial alternatives to incarceration are being considered within the governmental unit;

(iv) Establish criteria and procedures for setting priorities among the projects approved for state funding for purposes of allocating state funds actually available; and

(v) Establish procedures for the submission, review, and approval or denial of projects submitted and appeals from adverse determinations, including time periods applicable thereto.

(4) The board shall review all submitted projects with the office of financial management and the office of financial management shall provide technical assistance to the board for purposes of insuring the accuracy of statistical information to be used by the board in determining projects to be funded.

(5) The board shall oversee approved construction and remodeling to the extent necessary to assure compliance with the standards adopted and approved pursuant to RCW 70.48.050(5).

(6) The board shall develop estimates of the costs of the capital construction grants for each biennium required under the provisions of this chapter. The estimates shall be submitted to the office of financial management consistent with the provisions of chapter 43.88 RCW and the office of financial management shall review and approve or disapprove within thirty days.

~~((7) The board and the office of financial management shall jointly report to the legislature on or before the convening of a regular session as to the projects approved for funding, construction status of such projects, funds expended and encumbered to date, and updated population and incarceration statistics.~~

~~((8) The board shall examine, and by December 1, 1980, present to the legislature recommendations relating to detention and correctional services, including the formulation of the role of state and local governing units regarding detention and correctional facilities.))~~

Sec. 60. Section 4, chapter 238, Laws of 1967 as amended by section 120, chapter 141, Laws of 1979 and RCW 70.94.053 are each amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties of the first class, class A or class AA, are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The state board and the department of social and health services are directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

~~((The state board and the department are directed to report to the 1969 and succeeding legislative sessions with respect to the further need for activating or combining air pollution control authorities.))~~

Sec. 61. Section 6, chapter 277, Laws of 1984 as amended by section 5, chapter 456, Laws of 1985 and RCW 70.94.820 are each amended to read as follows:

The department of ecology shall maintain a program of periodic monitoring of acid rain deposition and lake, stream, and soil acidification to ensure early detection of acidification and environmental degradation.

~~((A report on changes in acid deposition and lake, stream, and soil acidification levels shall be provided to the parks and ecology committee of the senate and the environmental affairs committee of the house of representatives, prior to each legislative session.))~~

Sec. 62. Section 5, chapter 176, Laws of 1980 and RCW 70.120.140 are each amended to read as follows:

The department shall establish and maintain in the Washington portion of the Portland-Vancouver metropolitan area not less than three ambient air monitoring devices for ozone, not less than three ambient air monitoring devices for hydrocarbons, and not less than two ambient air monitoring devices for oxides of nitrogen.

~~((The department shall report annually to the legislature regarding the effect on air quality of vehicle emission control and other air quality programs in that metropolitan area and in the Washington portion of the area as indicated by the data recorded by the monitoring devices:))~~

Sec. 63. Section 6, chapter 245, Laws of 1979 ex. sess. and RCW 70.123.060 are each amended to read as follows:

Subject to RCW 40.07.040, the department shall prepare ((an annual)) a biennial report through 1991 to the legislature which shall include but not be limited to:

(1) Data reflecting the geographic incidence of domestic violence in the state, indicating the number of cases officially reported as well as an assessment of the degree of unreported cases;

(2) The number of persons and relevant statistical data, where possible, of persons treated or assisted by shelters receiving state funds; and

(3) A listing of potential and feasible prevention efforts, the estimated cost of providing the prevention services, and the projected benefits of providing the services.

The department may contract, where applicable, for the information required by this section.

Sec. 64. Section 3, chapter 3, Laws of 1986 and RCW 70.146.030 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. All earnings from investment of balances in the water quality account, except as provided in RCW 43.84.090, shall be credited to the water quality account.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the ~~((legislature no later than November 30th of each year))~~ chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

Sec. 65. Section 9, chapter 204, Laws of 1982 as amended by section 9, chapter 274, Laws of 1986 and RCW 71.24.155 are each amended to read as follows:

Grants shall be made by the department to counties for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter. ~~((The department shall provide a biennial accounting of the use of these funds to the ways and means committees of the senate and the house of representatives:))~~

Sec. 66. Section 72.01.320, chapter 28, Laws of 1959 as last amended by section 163, chapter 141, Laws of 1979 and RCW 72.01.320 are each amended to read as follows:

The secretary shall examine into the conditions and needs of the several state institutions under ~~((his))~~ the secretary's control and report in writing to the governor the condition of each institution.

~~((The secretary shall also provide the governor and legislature a full report of the activities of his department each fiscal year, incorporating therein suggestions respecting legislation for the benefit of the several institutions under his control and in the interests of improved administration generally:))~~

Sec. 67. Section 19, chapter 136, Laws of 1981 and RCW 72.09.160 are each amended to read as follows:

The board shall have the following responsibilities with respect to the department of corrections:

(1) Within two years of July 1, 1981, it shall recommend such advisory standards to the legislature, the governor, and the department as it determines are necessary to: (a) Meet federal and state constitutional requirements relating to health, safety, security, and welfare of inmates and staff or specific state or federal statutory requirements; and (b) provide for the public's health, safety, and welfare. In carrying out this responsibility, the board shall consider the standards of the United States department of justice and the accreditation commission on corrections of the American corrections association and any other standards or proposals it finds appropriate. Whenever possible, these standards should discourage duplication of services by the state and local governments.

(2) The standards recommended by the board shall be advisory only and may not be enforced by the board. The board shall review and make recommendations regarding any standards which are proposed by the secretary.

~~(3) (Each year commencing in 1983, the board shall issue a report to the governor, the legislature and the department which shall contain: (a) All recommended standards which are proposed either by the board or the secretary, and the reasons for any variance therefrom with respect to adopted standards; and (b) a report on the variance (i) between its recommended standards and the standards adopted by the secretary; (ii) between its recommended standards and the performance of the department; and (iii) between the standards adopted by the secretary and the performance of the department.~~

(4)) The board shall review the development and functioning of the department's grievance procedures. The board and the secretary shall jointly visit and inspect at least once a year each state corrections institution. For institutions of less than one hundred fifty, the board may appoint one or more of its members to carry out this duty.

~~((5))~~ (4) The board may recommend advisory standards for the location, construction, and operation of all state correctional facilities and programs.

~~((6))~~ (5) The board may recommend to the governor, the legislature, and the secretary the expenditure of public funds in a manner which recognizes and advances the board's or the secretary's proposed standards.

~~((7))~~ (6) The board shall appoint an executive secretary to assist it in carrying out its functions under this chapter. As authorized by the board, the executive secretary shall hire and supervise necessary staff to assist the board in carrying out its duties. The secretary may provide any technical assistance or support which the board may request from time to time.

Sec. 68. Section 2, chapter 246, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 146, Laws of 1986 and RCW 72.33.125 are each amended to read as follows:

(1) In order to provide ongoing points of contact with the handicapped individual and his or her family so that they may have a place of entry for state services and return to the community as the need may appear; to provide a link between those individuals and services of the community and state operated services so that the individuals with handicapping conditions and their families may have access to the facilities best suited to them throughout the life of the individual; to offer viable alternatives to state residential school admission; and to encourage the placement of persons from state residential schools, the secretary of social and health services or ~~(his)~~ the secretary's designee, pursuant to rules and regulations of the department, shall receive applications of persons for care, treatment, hospitalization, support, training, or rehabilitation provided by state programs or services for the handicapped. Written applications shall be submitted in accordance with the following requirements:

(a) In the case of a minor person, the application shall be made by his or her parents or by the parent, guardian, limited guardian where so authorized, person or agency legally entitled to custody, which application shall be in the form and manner required by the department; and

(b) In the case of an adult person, the application shall be made by such person, by his or her guardian, or limited guardian where so authorized, or agency legally entitled to custody, which application shall be in the form and manner required by the department.

(2) Upon receipt of the written application the secretary shall determine if the individual to receive services has a handicapping condition as defined in RCW 72.33.020 qualifying ~~((him))~~ the individual for services. In order to determine eligibility for services, the secretary may require a supporting affidavit of a physician or a clinical psychologist, or one of each profession, certifying that the individual is handicapped as herein defined.

(3) After determination of eligibility because of a handicapping condition, the secretary shall determine the necessary services to be provided for the individual. Individuals may be temporarily admitted, for a period not to exceed thirty days, to departmental residential facilities for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided.

(4) The secretary shall annually advise the persons specified in subsection (1) (a) or (b) of this section that they may, by application, propose program and placement alternatives for care, treatment, hospitalization, support, training, or rehabilitation of the handicapped person; PROVIDED, That current appropriations are sufficient to implement alternative services without reducing services to existing clients.

(5) Upon receipt of an application for alternative care, the secretary shall consult with the applicant and within ninety days of the application determine whether the following criteria are met:

(a) That the alternative plan proposes a less dependent program than the current services provide;

(b) That the alternative plan is appropriate under the goals and objectives of the individual program plan;

(c) That the alternative plan is not in violation of applicable state and federal law; and

(d) That necessary services can reasonably be made available.

(6) If the alternative plan meets all the criteria of subsection (5) of this section, it shall be implemented as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines:

- (a) That the alternative plan is more costly than the current plan; or
- (b) Current appropriations are not sufficient to implement alternative services without reducing services to existing clients; or
- (c) The alternative plan would take precedent over other priority placements.

~~((7) The secretary shall by July 1st of each even-numbered year report to the legislature on the use of program options. The report shall include the number of persons applying for program options, the number denied and reasons, the number approved and implemented, the programs they transferred from and to, the costs and savings incurred, and the amounts and sources of funding used to finance program options services. The report shall also estimate use and funding for the next biennium:))~~

Sec. 69. Section 17, chapter 172, Laws of 1967 as last amended by section 4, chapter 246, Laws of 1983 and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, run-away, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the house and senate committees on social and health services. The plan shall include a section entitled 'Foster Home Turn-Over, Causes and Recommendations.'

(3) Investigate complaints of neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010~~((and annually submit a report delineating the results to the house and senate committees on social and health services)).~~

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto. At least one-third of the membership shall be composed of child care providers.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and RCW 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.; and 42 U.S.C. 5701 note as amended by P.L. 94-273, 94-503, and 95-115).

Sec. 70. Section 82, chapter 155, Laws of 1979 as last amended by section 11, chapter 257, Laws of 1985 and RCW 74.13.036 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall, by January 1, 1986, develop a plan and procedures, in cooperation with the state-wide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the alternative residential placement process;

(b) Procedures for designating department staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

The plan and procedures required under this subsection shall be submitted to the appropriate standing committees of the legislature by January 1, 1986.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The secretary shall develop procedures in accordance with chapter 34.04 RCW for addressing violations and misunderstandings concerning the implementation of chapters 13.32A and 13.34 RCW.

(5) The secretary shall submit a quarterly report to the ~~((appropriate standing committee of the house of representatives and the senate of the state of Washington and to))~~ appropriate local government entities.

(6) Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.

Sec. 71. Section 75.08.020, chapter 12, Laws of 1955 as last amended by section 1, chapter 208, Laws of 1985 and RCW 75.08.020 are each amended to read as follows:

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report to the governor on the operation of the department and the statistics of the fishing industry.

(3) Subject to RCW 40.07.040, the director shall provide a comprehensive ((annual)) biennial report of all departmental operations to the ((legislature on or before October 30 of each year)) chairs of the committees on natural resources and ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, to reflect the previous fiscal ((year)) period. The format of the report shall be similar to reports issued by the department from 1964-1970 and the report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational, commercial, and tribal utilization. The report shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and shall be made available to the public.

(4) The director, in cooperation with the director of game and the dean of the college of fisheries at the University of Washington, shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers. The proposals shall include specific recommendations for legislation and estimates of the costs of replenishing the fish runs by 1991, but shall not include alternatives to replenishing the fish runs. Proposals under this subsection shall be submitted by the director and the director of game to the legislature no later than January 1986.

Sec. 72. Section 5, chapter 458, Laws of 1985 and RCW 75.50.050 are each amended to read as follows:

The director shall report to the legislature on or before October 30th of each year through 1991 on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The director shall submit the reports and any additional recommendations to the chairs of the committees on ways and means and the committees on natural resources of the senate and house of representatives.

Sec. 73. Section 4, chapter 72, Laws of 1984 and RCW 75.52.040 are each amended to read as follows:

(1) The department shall:

(a) Encourage and support the establishment of cooperative agreements for the development and operation of cooperative food fish, shellfish, game fish, game bird, game animal, and nongame wildlife projects, and projects which provide an opportunity for volunteer groups to become involved in resource and habitat-oriented activities. All cooperative projects shall be fairly considered in the approval of cooperative agreements;

(b) Identify regions and species or activities that would be particularly suitable for cooperative projects providing benefits compatible with department goals;

(c) Determine the availability of rearing space at operating facilities or of net pens, egg boxes, portable rearing containers, incubators, and any other rearing facilities for use in cooperative projects, and allocate them to volunteer groups as fairly as possible;

(d) Exempt volunteer groups from payment of fees to the department for activities related to the project;

~~(e) ((Annually report to the legislature on accepted and rejected cooperative agreements; production, costs, and benefits of the cooperative program;~~

~~(f)) Publicize the cooperative program;~~

~~((g))~~ (f) Not substitute a new cooperative project for any part of the department's program unless mutually agreeable to the department and volunteer group;

~~((h))~~ (g) Not approve agreements that are incompatible with legally existing land, water, or property rights.

(2) The department may, when requested, provide to volunteer groups its available professional expertise and assist the volunteer group to evaluate its project.

Sec. 74. Section 5, chapter 122, Laws of 1985 and RCW 76.56.050 are each amended to read as follows:

The center shall aggressively solicit financial contributions and support from the forest products industry, federal and state agencies, and other granting sources or through other arrangements to assist in conducting its activities. Subject to RCW 40.07.040, the center shall report ((on December 1 of each year)) biennially through 1991 to the governor and the legislature on its success in obtaining funding from nonstate sources. It may also use separately appropriated funds of the University of Washington for the center's activities.

Sec. 75. Section 2, chapter 93, Laws of 1985 and RCW 77.04.110 are each amended to read as follows:

Subject to RCW 40.07.040, the director shall provide a comprehensive ((annual)) biennial report of all departmental operations to the ((legislature on or before October 30 of each year to reflect the previous fiscal year)) chairs of the committees on ways and means and natural resources of the senate and house of representatives, including one copy to the staff of each of the committees. The report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, inter-governmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational and tribal utilization.

~~((The report shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and shall be made available to the public.))~~

Sec. 76. Section 196, chapter 255, Laws of 1927 as amended by section 3, chapter 93, Laws of 1985 and RCW 79.01.744 are each amended to read as follows:

(1) It shall be the duty of the commissioner of public lands to report, and recommend, to each session of the legislature, any changes in the law relating to the methods of handling the public lands of the state that he may deem advisable.

(2) The commissioner of public lands shall provide a comprehensive ~~((annual))~~ biennial report ~~((to the legislature on or before October 30 of each year))~~ to reflect the previous fiscal ~~((year))~~ period. The report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, inter-governmental agreements, the adopted sustainable harvest compared to the sales program,

and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resources managed and the recreational and commercial utilization. The report shall be given to the chairs of the house and senate committees on ways and means and the house and senate committees on natural resources, including one copy to the staff of each of the committees, and shall be made available to the public.

Sec. 77. Section 80.01.090, chapter 14, Laws of 1961 as amended by section 91, chapter 75, Laws of 1977 and RCW 80.01.090 are each amended to read as follows:

All proceedings of the commission and all documents and records in its possession shall be public records, and it shall adopt and use an official seal. Subject to RCW 40.07.040, the commission shall make and submit to the governor and the legislature ((an annual)) a biennial report containing a statement of the transactions and proceedings of its office, together with the information gathered by the commission and such other facts, suggestions, and recommendations as the governor may require or the legislature request.

Sec. 78. Section 41, chapter 450, Laws of 1985 and RCW 80.36.380 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall provide the legislature with ((an annual)) a biennial report through 1991 on the status of the Washington telecommunications industry. The report shall describe the competitiveness of all markets as defined by the commission; the availability of diverse and affordable telecommunications services to all people of Washington, particularly to customers in rural or sparsely populated areas; and the level of rates for local exchange and interexchange telecommunications service. The report also shall address the question of whether competition in certain markets has developed to such an extent that the commission recommends additional regulatory flexibility such as detariffing or total deregulation and the evidence therefor; and the need for further legislation to achieve the purposes of RCW 80.36.300 through 80.36.370 and 80.04.010. The commission shall also monitor cost of service methodologies and shall recommend to the legislature whether cost of service ratemaking shall become a standard for telecommunications services.

Sec. 79. Section 1, chapter 138, Laws of 1984 as amended by section 2, chapter 112, Laws of 1986 and RCW 82.01.120 are each amended to read as follows:

(1) The director shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts. As used in this section and RCW 82.01.125 and 82.01.130, 'supervisor' means the economic and revenue forecast supervisor. Approval by an affirmative vote of at least five members of the economic and revenue forecast council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years, unless the supervisor is reappointed by the director and approved by the economic and revenue forecast council for another three years. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(2) Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.01.130(2):

- (a) An official state economic and revenue forecast;
- (b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and
- (c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(3) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.01.130(3), to the governor and the ((legislature)) members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of representatives and the chair of the legislative transportation committee, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th.

Sec. 80. Section 2, chapter 141, Laws of 1981 and RCW 84.36.037 are each amended to read as follows:

Real or personal property owned by a nonprofit organization, association, or corporation in connection with the operation of a public assembly hall or meeting place is exempt from taxation. The area exempt under this section includes the building or buildings, the land under the buildings, and an additional area necessary for parking, not exceeding a total of one acre: PROVIDED, That for property essentially unimproved except for restroom facilities and structures on such property which has been used primarily for annual community celebration events for at least ten years, such exempt property shall not exceed twenty-nine acres.

To qualify for this exemption the property must be used exclusively for public gatherings and be available to all organizations or persons desiring to use the property, but the owner may impose conditions and restrictions which are necessary for the safekeeping of the property and promote the purposes of this exemption. Membership shall not be a prerequisite for the use of the property.

The use of the property for pecuniary gain or to promote business activities, except fund raising activities conducted by a nonprofit organization, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified by the collection of rent or donations if the amount is reasonable and does not exceed maintenance and operation expenses created by the user.

The department of revenue shall narrowly construe this exemption ~~((and shall annually report to the legislature the names of organizations receiving such property tax exemptions)).~~

Sec. 81. Section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fisheries, the state game commission, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the game commission, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fisheries, the game commission, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. ~~((The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first day of each regular session of the legislature during an odd-numbered year a report as to the implementation of its minimum flow setting program.))~~

Sec. 82. Section 10, chapter 225, Laws of 1971 ex. sess. as amended by section 95, chapter 75, Laws of 1977 and RCW 90.54.090 are each amended to read as follows:

All agencies of state and local government, including counties and municipal and public corporations, shall, whenever possible, carry out powers vested in them in manners which are consistent with the provisions of this chapter. ~~((The director of the department of ecology shall submit a report to the legislature at least annually noting any failures by such agencies to comply with the mandate of this section, and the circumstances surrounding such failure.))~~

Sec. 83. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 308, Laws of 1985 and RCW 43.21G.040 are each amended to read as follows:

(1) The governor may subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

~~((The governor shall review the status of such plans annually with the house of representatives and senate standing committees on energy and utilities.))~~

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers as set forth in this chapter shall become effective only within the area described in the declaration.

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) A condition of energy emergency shall terminate forty-five consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

(4) A condition of energy supply alert or energy emergency shall cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or special session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

(6) In addition to the powers in subsection (5) of this section, in a condition of energy emergency, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement programs, controls, standards, and priorities for the production, allocation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor.

Sec. 84. Section 1, chapter 220, Laws of 1979 ex. sess. as last amended by section 13, chapter 158, Laws of 1986 and RCW 43.52.378 are each amended to read as follows:

The executive board of any operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement issued pursuant to chapter 80.50 RCW shall appoint an administrative auditor. The administrative auditor shall

be deemed an officer under chapter 42.23 RCW. The appointment of the administrative auditor shall be in addition to the appointment of the auditor for the issuance of warrants and other purposes as provided in RCW 43.52.375. The executive board shall retain a qualified firm or firms to conduct performance audits which is in fact independent and does not have any interest, direct or indirect, in any contract with the operating agency other than its employment hereunder. No member or employee of any such firm shall be connected with the operating agency as an officer, employee, or contractor. The administrative auditor and the firm or firms shall be independently and directly responsible to the executive board of the operating agency. The executive board shall require a firm to conduct continuing audits of the methods, procedures and organization used by the operating agency to control costs, schedules, productivity, contract amendments, project design and any other topics deemed desirable by the executive board. The executive board may also require a firm to analyze particular technical aspects of the operating agency's projects and contract amendments. The firm or firms shall provide advice to the executive board in its management and control of the operating agency. At least once each year, the firm or firms shall prepare and furnish a report of its actions and recommendations to the executive board for the purpose of enabling it to attain the highest degree of efficiency in the management and control of any thermal power project under construction or in operation. The administrative auditor shall assist the firm or firms in the performance of its duties. The administrative auditor and the firm or firms shall consult regularly with the executive board and furnish any information or data to the executive board which the administrative auditor, firm, or executive board deems helpful in accomplishing the purpose above stated. The administrative auditor shall perform such other duties as the executive board shall prescribe to accomplish the purposes of this section.

~~((The operating agency shall file a copy of each firm's reports, prepared in accordance with this section, with the respective chairmen of the senate and house energy and utilities committees in a timely manner.))~~ Upon the concurrent request of the chairmen of the senate or house energy and utilities committees, the operating agency shall report to the committees on a quarterly basis.

Sec. 85. Section 2, chapter 293, Laws of 1985 and RCW 43.200.142 are each amended to read as follows:

The board shall monitor and evaluate the research performed by the federal department of energy that is undertaken for the purpose of determining the suitability of the Hanford candidate site for the location of a disposal facility for spent nuclear fuel and high-level radioactive waste. If the board is dissatisfied with the research performed by the federal department of energy, it shall conduct its own independent testing and evaluation activities, for which it shall seek funding from the federal government. ~~((The board shall report semiannually to the governor and the Washington state legislature on the results of research conducted under this section.))~~

NEW SECTION. Sec. 86. A new section is added to chapter 40.06 RCW to read as follows:

Effective January 1, 1988, any state publication which is to be distributed to all members of the legislature shall be distributed solely through the state publications distribution center in the state library. The state library shall regularly issue a listing of available publications to each member of the legislature. State agencies may distribute state publications directly to individual legislators upon the request of that legislator.

This section shall not apply to internal distribution of publications produced by the legislature.

NEW SECTION. Sec. 87. Section 5, chapter 3, Laws of 1981 1st ex. sess. and RCW 43.52.379 are each repealed.

NEW SECTION. Sec. 88. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.470;
- (2) Section 44, chapter 38, Laws of 1984 and RCW 38.52.035;
- (3) Section 2, chapter 48, Laws of 1974 ex. sess., section 82, chapter 151, Laws of 1979 and RCW 43.01.140;
- (4) Section 43.10.100, chapter 8, Laws of 1965, section 42, chapter 75, Laws of 1977, section 16, chapter 313, Laws of 1986 and RCW 43.10.100;
- (5) Section 43.30.200, chapter 8, Laws of 1965, section 52, chapter 75, Laws of 1977 and RCW 43.30.200;
- (6) Section 7, chapter 175, Laws of 1984, section 30, chapter 466, Laws of 1985 and RCW 43.31.385;
- (7) Section 43.56.030, chapter 8, Laws of 1965, section 59, chapter 75, Laws of 1977, section 24, chapter 87, Laws of 1980 and RCW 43.56.030;
- (8) Section 11, chapter 229, Laws of 1985 and RCW 43.165.110;
- (9) Section 8, chapter 164, Laws of 1985 and RCW 43.168.080;
- (10) Section 5, chapter 44, Laws of 1982 and RCW 43.170.050;
- (11) Section 10, chapter 290, Laws of 1983 and RCW 43.190.100;
- (12) Section .31.25, chapter 79, Laws of 1947 and RCW 48.31.250;
- (13) Section 10, chapter 172, Laws of 1986 and RCW 50.63.100;
- (14) Section 19, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.600;

(15) Section 5, chapter 273, Laws of 1959, section 12, chapter 189, Laws of 1971 ex. sess., section 86, chapter 75, Laws of 1977, section 5, chapter 160, Laws of 1979 ex. sess., section 106, chapter 136, Laws of 1981 and RCW 72.60.280;

(16) Section 9, chapter 308, Laws of 1977 ex. sess., section 169, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.090;

(17) Section 4, chapter 393, Laws of 1985 and RCW 84.34.057;

(18) Section 84.41.140, chapter 15, Laws of 1961, section 204, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.41.140; and

(19) Section 7, chapter 225, Laws of 1971 ex. sess., section 94, chapter 75, Laws of 1977 and RCW 90.54.070.

NEW SECTION. Sec. 89. Section 3, chapter 339, Laws of 1985 and RCW 51.32.097 are each repealed, effective June 30, 1990."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 1.30.040, 9.46.090,

13.40.210, 18.130.310, 19.02.040, 19.27.070, 27.34.220, 28A.58.090, 28B.04.070, 28B.10.863, 28B.19.050, 28B.20.382, 28B.30.537, 28B.50.070, 28C.04.550, 34.04.040, 34.04.280, 36.78.070, 39.19.030, 39.58.085, 39.84.090, 39.86.070, 41.50.050, 43.19.19362, 43.19.538, 43.19.660, 43.21A.130, 43.21F.045, 43.31.135, 43.59.130, 43.63A.060, 43.63A.078, 43.63A.220, 43.88.090, 43.88.160, 43.88.510, 43.121.090, 43.150.060, 43.155.070, 43.155.080, 43.160.090, 43.210.040, 43.220.060, 44.28.100, 44.48.100, 46.23.030, 47.01.101, 47.01.141, 47.05.021, 47.26.160, 47.60.470, 48.02.170, 48.02.190, 49.60.100, 66.08.028, 67.70.050, 70.39.130, 70.48.060, 70.94.053, 70.94.820, 70.120.140, 70.123.060, 70.146.030, 71.24.155, 72.01.320, 72.09.160, 72.33.125, 74.13.031, 74.13.036, 75.08.020, 75.50.050, 75.52.040, 76.56.050, 77.04.110, 79.01.744, 80.01.090, 80.36.380, 82.01.120, 84.36.037, 90.03.247, 90.54.090, 43.21G.040, 43.52.378, and 43.200.142; adding a new section to chapter 40.06 RCW; and repealing RCW 43.52.379, 28C.04.470, 38.52.035, 43.01.140, 43.10.100, 43.30.200, 43.31.385, 43.56.030, 43.168.080, 43.170.050, 43.190.100, 48.31.250, 50.63.100, 71.05.600, 72.60.280, 75.48.090, 84.34.057, 84.41.140, 90.54.070, and 51.32.097; and creating a new section."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. H. Sommers moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 25.

Representatives H. Sommers and Hankins spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 25 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 25 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruttitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 25 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 9, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 86 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.43 RCW to read as follows:

Whenever it is proposed that a local improvement district or utility local improvement district finance sanitary sewers or potable water facilities, additional notice of the public hearing on the proposed improvement district shall be mailed to the owners of any property located outside of the proposed improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer or water facilities installed by the local improvement district. The notice shall include information about this restriction.

NEW SECTION, Sec. 2. A new section is added to chapter 35.43 RCW to read as follows:

A public hearing shall be held on the creation of a proposed local improvement district or utility local improvement district that is initiated by petition. Notice requirements for this public hearing shall be the same as for the public hearing on the creation of a proposed local improvement district or utility local improvement district that is initiated by resolution.

NEW SECTION, Sec. 3. A new section is added to chapter 36.94 RCW to read as follows:

Whenever it is proposed that a local improvement district or utility local improvement district finance sanitary sewers or potable water facilities, additional notice of the public hearing on the proposed improvement district shall be mailed to the owners of any property located outside of the proposed improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer or water facilities installed by the local improvement district. The notice shall include information about this restriction.

NEW SECTION, Sec. 4. A new section is added to chapter 54.16 RCW to read as follows:

Whenever it is proposed that a local utility district finance sanitary sewers or potable water facilities, additional notice of the public hearing on the proposed local utility district shall be mailed to the owners of any property located outside of the proposed local utility district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer or water facilities installed by the local utility district. The notice shall include information about this restriction.

NEW SECTION, Sec. 5. A new section is added to chapter 56.20 RCW to read as follows:

Whenever it is proposed that a utility local improvement district finance sanitary sewers facilities, additional notice of the public hearing on the proposed improvement district shall be mailed to the owners of any property located outside of the proposed utility local improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer facilities installed by the utility local improvement district. The notice shall include information about this restriction.

NEW SECTION, Sec. 6. A new section is added to chapter 57.16 RCW to read as follows:

Whenever it is proposed that a local improvement district or utility local improvement district finance potable water facilities, additional notice of the public hearing on the proposed improvement district shall be mailed to the owners of any property located outside of the proposed improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific water facilities installed by the local improvement district. The notice shall include information about this restriction.

NEW SECTION, Sec. 7. A new section is added to chapter 87.03 RCW to read as follows:

Whenever it is proposed that a local improvement district finance sanitary sewers or potable water facilities, additional notice of the public hearing on the proposed local improvement district shall be mailed to the owners of any property located outside of the proposed local improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer or water facilities installed by the local improvement district. The notice shall include information about this restriction.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendment to House Bill No. 86.

Representatives Haugen and Ferguson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 86 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 86 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Baillard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 86 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 39 with the following amendments:

On page 6, after line 16, insert the following:

NEW SECTION, Sec. 6. The legislature finds that numerous special purpose districts for a wide range of purposes have been established throughout the state. The legislature finds that review of the authority to establish these districts is an important factor in maintaining control of the increasing number of governmental entities in this state.

NEW SECTION, Sec. 7. (1) The legislative budget committee in cooperation with the committee on governmental operations in the senate and the committee on local government in the house of representatives shall review the authority to establish the special purpose districts under subsection (2) of this section and make recommendations for the continuation, termination, or modification of the special purpose districts. In conducting the review, the following factors shall be considered:

- (a) The extent to which the special purpose districts have complied with legislative intent;
- (b) The extent to which the special purpose districts are operating in an efficient and economical manner which results in optimum performance;
- (c) The extent to which the special purpose districts are operating in the public interest by effectively providing a needed service that should be continued rather than modified, consolidated, or eliminated;
- (d) The extent to which the special purpose districts duplicate the activities of other special purpose districts or of the private sector, where appropriate; and
- (e) The extent to which the termination or modification of the special purpose districts would adversely affect the public health, safety, or welfare.

(2) By January 1, 1988, a schedule shall be established to review the following districts with the review completed by January 15, 1993: Aquifer protection areas under chapter 36.36 RCW; airport districts under RCW 14.08.290 through 14.08.330; cemetery districts under chapter 68.16 RCW; conservation districts under chapter 89.08 RCW; county rail districts under chapter 36.60 RCW; cultural arts, stadium, and convention districts under chapter 67.38 RCW; diking districts under chapter 85.05 RCW; diking and drainage improvement districts under chapter 85.15 RCW; diking, drainage, drainage improvement districts, and sewerage improvement districts under chapter 85.15 RCW; diking, drainage, and irrigation improvement districts under RCW 85.22.010; diking improvement districts under chapter 85.15 RCW; drainage districts under chapter 85.06 RCW; emergency medical services districts under RCW 36.32.480; ferry districts under RCW 36.54.080 through 36.54.100; fire protection districts under Title 52 RCW; flood control districts under chapter 86.09 RCW; flood control zone districts under chapter 86.15 RCW; health districts under chapter 70.46 RCW; housing authorities under chapter 35.82 RCW; intercounty diking and drainage districts under chapter 85.24 RCW; irrigation districts under Title 87 RCW; irrigation and rehabilitation districts under chapter 87.84 RCW; legal authorities under RCW 87.03.825 through 87.03.840; library districts under chapter 27.12 RCW; metropolitan municipal corporations districts under chapter 35.58 RCW; mosquito control districts under chapter 17.28 RCW; operating agencies under chapter 43.52 RCW; county park and recreation service areas under RCW 36.68.400; metropolitan park districts under chapter 35.61 RCW; park and recreation districts under chapter 36.69 RCW; pest districts under chapter 17.12 RCW; port districts under Title 53 RCW; public hospital districts under chapter 70.44 RCW; public utility districts under Title 54 RCW; public waterway districts under chapter 91.08 RCW; reclamation districts under chapter 89.30 RCW; river and harbor improvement districts under chapter 88.32 RCW; road districts under RCW 36.75.060; service districts under chapter 36.83 RCW; sewer districts under Title 56 RCW; sewerage improvement districts under chapter 85.15 RCW; solid waste collection districts under chapter 36.58A RCW; transit districts under chapters 36.57 and 36.57A RCW; television reception improvement districts under chapter 36.95 RCW; water districts under

Title 57 RCW; regular weed districts under chapter 17.04 RCW; and intercounty weed districts under chapter 17.06 RCW.

(3) The recommendations shall be reported to the legislature, the special purpose districts concerned, and the state library.

NEW SECTION, Sec. 8. This chapter shall expire June 30, 1993.

NEW SECTION, Sec. 9. Sections 6 through 8 of this act shall constitute a new chapter in Title 44 RCW."

On page 1, line 2 of the title, after "85.38.240;" strike "and"

On page 1, line 3 of the title, after "85.38 RCW" insert "; adding a new chapter to Title 44 RCW; and providing an expiration date" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Engrossed House Bill No. 39.

Representatives Haugen and Ferguson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 39 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 39 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 39 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 6, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 95 with the following amendment:

On page 1, line 11 after "RCW," insert "This section shall not apply to any construction project for which a call for competitive bids was made before the effective date of this 1987 act."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 95.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 95 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 95 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 71; nays, 27.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Sommers H. Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Heavey, Holland, May, McLean, Miller, Nealey, Padden, Prince, Sanders, Schoon, Silver, Smith C, Smith L, Sommers D, Williams B - 27.

Engrossed Substitute House Bill No. 95 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 129 with the following amendments:

On page 1, line 21, after "fee" insert "or as a part of his or her position as an employee of a state agency"

On page 3, line 2, after "federal" strike "or state"

On page 3 after line 19, insert a new subsection as follows:

"(7) Counselors whose residency is not Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they don't hold themselves out to be registered or certified in Washington state."

On page 4, line 23, after "chapter" insert "or the counselor's use of nontraditional nonabusive therapeutic techniques"

On page 4, line 30, after "chapter," strike "For" and insert "Solely for" and after "this" insert "education"

On page 6, line 30, after "disclose" insert "the written acknowledgment of the disclosure statement pursuant to section 6 nor"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Brekke moved that the House do concur in the Senate amendments to Substitute House Bill No. 129.

Representatives Brekke and Winsley spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 129 as amended by the Senate.

Representatives B. Williams, Wang and Padden spoke against passage of the bill, and Representatives Brekke and Sutherland spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 129 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 74; nays, 24.

Voting yea: Representatives Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H. Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Allen, Armstrong, Beck, Betzoff, Bristow, Bumgarner, Chandler, Ferguson, Fisher, Fuhrman, Locke, Nealey, Padden, Sanders, Silver, Smith C, Smith L, Sommers D, Walk, Walker, Wang, Williams B, Williams J, Winsley - 24.

Substitute House Bill No. 129 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTION HOUSE BILL NO. 130 with the following amendments:

On page 5, after line 7, insert the following:

"Sec. 4. Section 11, chapter 182, Laws of 1945 as last amended by section 7, chapter 7, Laws of 1984 and RCW 14.08.200 are each amended to read as follows:

(1) All powers, rights, and authority granted to any municipality in this chapter may be exercised and enjoyed by two or more municipalities, or by this state and one or more municipalities therein, acting jointly, either within or outside the territorial limits of either or any of the municipalities and within or outside this state, or by this state or any municipality therein acting jointly with any other state or municipality therein, either within or outside this state if the laws of the other state permit such joint action.

(2) For the purposes of this section only, unless another intention clearly appears or the context requires otherwise, this state is included in the term 'municipality,' and all the powers conferred upon municipalities in this chapter, if not otherwise conferred by law, are conferred upon this state when acting jointly with any municipality or municipalities. Where reference is made to the 'governing body' of a municipality, that term means, as to the state, its secretary of transportation.

(3) Any two or more municipalities may enter into agreements with each other, duly authorized by ordinances or resolution, as may be appropriate, for joint action under this section. Concurrent action by the governing bodies of the municipalities involved constitutes joint action.

(4) Each such agreement shall specify its terms; the proportionate interest which each municipality shall have in the property, facilities, and privileges involved, and the proportion of preliminary costs, cost of acquisition, establishment, construction, enlargement, improvement, and equipment, and of expenses of maintenance, operation, and regulation to be borne by each, and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination; for the disposition of all or any part of the property, facilities, and privileges jointly owned if the property, facilities, and privileges, or any part thereof, cease to be used for the purposes provided in this section or if the agreement is terminated, and for the distribution of the proceeds received upon any such disposition, and of any funds or other property jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

(5) Municipalities acting jointly as authorized in this section shall create a board from the inhabitants of the municipalities for the purpose of acquiring property for, establishing, constructing, enlarging, improving, maintaining, equipping, operating, and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. The board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

(6) Each such board shall organize, select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

(7) Such board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of the municipalities granted by this chapter, except as provided in this section. Real property, airports, restricted landing areas, air protection privileges, or personal property costing in excess of a sum to be fixed by the joint agreement, may be acquired, and condemnation proceedings may be instituted, only by approval of the governing bodies of each of the municipalities involved. Upon the approval of the governing body, or if no approval is necessary then upon the board's own determination, such property may be acquired by private negotiation under such terms and conditions as seem just and proper to the board. The total amount of expenditures to be made by the board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each on or before the preceding December 1st, of a budget for the ensuing calendar year, which budget may be amended or supplemented by joint resolution of the municipalities involved during the calendar year for which the original budget was approved. Rules and regulations

provided for by RCW 14.08.120(2) become effective only upon approval of each of the appointing governing bodies. No real property and no airport, other navigation facility, or air protection privilege, owned jointly, may be disposed of by the board by sale except by authority of all the appointing governing bodies, but the board may lease space, land area, or improvements and grant concessions on airports for aeronautical purposes, or other purposes which will not interfere with the aeronautical purposes of such airport, air navigation facility, or air protection privilege by private negotiation under such terms and conditions as seem just and proper to the board, subject to the provisions of RCW 14.08.120(4). Subject to the provisions of the agreement for the joint venture, and when it appears to the board to be in the best interests of the municipalities involved, the board may sell any personal property by private negotiations under such terms and conditions as seem just and proper to the board.

(8) Each municipality, acting jointly with another pursuant to the provisions of this section, is authorized and empowered to enact, concurrently with the other municipalities involved, such ordinances as are provided for by RCW 14.08.120(2), and to fix by such ordinances penalties for the violation thereof. When so adopted, the ordinances have the same force and effect within the municipalities and on any property jointly controlled by them or adjacent thereto, whether within or outside the territorial limits of either or any of them, as ordinances of each municipality involved, and may be enforced in any one of the municipalities in the same manner as are its individual ordinances. The consent of the state secretary of transportation to any such ordinance, where the state is a party to the joint venture, is equivalent to the enactment of the ordinance by a municipality. The publication provided for in RCW 14.08.120(2) shall be made in each municipality involved in the manner provided by law or charter for publication of its individual ordinances.

(9) Condemnation proceedings shall be instituted, in the names of the municipalities jointly, and the property acquired shall be held by the municipalities as tenants in common. The provisions of RCW 14.08.030(2) apply to such proceedings.

(10) For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement. Such funds shall be provided for by bond issues, tax levies, and appropriations made by each municipality in the same manner as though it were acting separately under the authority of this chapter. The revenues obtained from the ownership, control, and operation of the airports and other air navigation facilities jointly controlled shall be paid into the fund, to be expended as provided in this chapter. Revenues in excess of cost of maintenance and operating expenses of the joint properties shall be divided or allowed to accumulate for future anticipated expenditures as may be provided in the original agreement, or amendments thereto, for the joint venture. The action of municipalities involved in heretofore permitting such revenues to so accumulate is declared to be legal and valid.

(11) The governing body may by joint directive designate some person having experience in financial or fiscal matters as treasurer of the joint operating agency. Such a treasurer shall possess all the powers, responsibilities, and duties that the county treasurer and auditor possess for a joint operating agency related to creating and maintaining funds, issuing warrants, and investing surplus funds. The governing body may, and if the treasurer is not the county treasurer it shall, require a bond, with a surety company authorized to do business in the state of Washington, in an amount and under the terms and conditions which the governing body finds will protect the joint operating agency. The premium on such bond shall be paid by the joint operating agency. All disbursements from the joint fund shall be made by order of the board in accordance with such rules and regulations and for such purposes as the appointing governing bodies, acting jointly, shall prescribe. If no such joint directive is made by the governing appointing bodies to designate a treasurer, then the provisions of RCW 43.09.285 apply to such joint fund.

(12) Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto."

On page 1, line 1 of the title, after "14.08.010" insert "and 14.08.200" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House concurred in the Senate amendments to Substitute House Bill No. 130.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 130 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 130 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 130 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 134 with the following amendments:

On page 2, line 18, after "RCW" strike all material down to and including "nursing" on line 19

On page 2, line 22, after "chapter" insert a comma and after "practitioner" insert a comma

On page 3, line 28, after "under" strike "chapter" and insert "chapters 18.22, 18.25 and"

On page 4, line 15, after "certifications" insert ", uncertified practice"

On page 5, line 10, after "chair," strike "Three" and insert "Four"

On page 10, after line 30, strike all material down through "act." on line 33 and insert:

"The regulation of radiologic technologists under chapter 18.- RCW (sections 1 through 13 of this act) shall be terminated on June 30, 1990, as provided in section 19 of this act."

On page 11, line 17, after "sum of" strike "one hundred thirty-one thousand, one hundred six dollars" and insert "two hundred eighty-three thousand, four hundred thirty-eight dollars" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 134.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 134 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 134 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 134 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 163 with the following amendments:

On page 1, line 21 after "resolution" insert ", at a regularly scheduled meeting."

On page 1, line 23 after "from" strike "local" and insert "locally collected excess levy"

On page 2, after line 7 insert the following:

"NEW SECTION, Sec. 3. This act shall take effect on September 1, 1987."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Substitute House Bill No. 129.

Representatives Locke and Betrozoff spoke in favor of the motion, and Representative Taylor opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to Second Substitute House Bill No. 163, and the motion was carried by the following vote: Yeas, 62; nays, 36.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Betrozoff, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 62.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Brooks, Brough, Bumgarner, Chandler, Day, Doty, Fuhrman, Hankins, Heavey, Holland, King P, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sayan, Schmidt, Smith C, Sommers D, Taylor, Walk, Williams B, Williams J, Wilson S, Zellinsky - 36.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 163 as amended by the Senate.

Representatives Ebersole, Betrozoff, Rasmussen and Jacobsen spoke in favor of passage of the bill, and Representatives Schoon, Taylor and Sanders opposed it.

POINT OF INQUIRY

Mr. Ebersole yielded to question by Mr. C. Smith.

Mr. C. Smith: Representative Ebersole, will the school board members be eligible for the state pension system?

Mr. Ebersole: No.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 163 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; nays, 38.

Voting yea: Representatives Allen, Appelwick, Armstrong, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King R, Leonard, Locke, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 60.

Voting nay: Representatives Amondson, Ballard, Barnes, Basich, Baugher, Brooks, Brough, Bumgarner, Chandler, Doty, Hankins, Heavey, Holland, King P, Kremen, Lewis, Lux, May,

McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Waik, Williams B, Williams J, Wilson S, Zellinsky - 38.

Second Substitute House Bill No. 163 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 196 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 148, Laws of 1980 as amended by section 3, chapter 302, Laws of 1985 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status or when his or her privilege so to do is suspended or revoked in this or any other state or when his or her policy of insurance or bond, when required under this (~~chapter~~) title, has been canceled or terminated, is guilty of a gross misdemeanor. Upon the first conviction for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second (~~such~~) conviction, (~~he~~) the person shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent such conviction, (~~he~~) the person shall be punished by imprisonment for not less than one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) Except as otherwise provided in this subsection, upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of (~~such~~) the person is under suspension, the department shall extend the period of (~~such~~) the suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date (~~such~~) the person would otherwise have been entitled to apply for a new license. The department shall not so extend the period of suspension or revocation if the court recommends against the extension and:

(a) The convicted person has obtained a valid driver's license; or

(b) The department determines that the convicted person has demonstrated proof of future financial responsibility as provided for in chapter 46.29 RCW, and, if the suspension or revocation was the result of a violation of RCW 46.61.502 or 46.61.504, that the person is making satisfactory progress in any required alcoholism treatment program.

NEW SECTION, Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

(1) At the time of arrest for a violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090, the arresting officer shall confiscate the Washington state vehicle registration of the vehicle being driven by the arrested person. The officer shall mark the vehicle's Washington state license plates in accordance with procedures prescribed by the Washington state patrol. Marked license plates shall be clearly distinguishable from any other authorized plates. Upon confiscation of the vehicle registration, the arresting officer shall, on behalf of the department, serve notice in accordance with section 4 of this act of the department's intention to cancel the vehicle registration in accordance with section 3 of this act. The officer shall immediately replace any confiscated vehicle registration with a temporary registration that expires sixty days after the arrest, or at the time the department's cancellation is sustained at a hearing conducted under section 5 of this act, whichever occurs first. The provisions of this subsection may be used only when the arresting officer has determined that the arrested driver is a registered owner of the vehicle.

(2) After confiscation under subsection (1) of this section, the arresting officer shall promptly transmit to the department, together with the confiscated vehicle registration, a sworn report indicating that the officer had reasonable grounds to believe that the arrested driver was driving in violation of RCW 46.20.342(1).

(3) Any officer who sees a vehicle being operated with marked license plates may stop the vehicle for the sole purpose of ascertaining whether the driver of the vehicle is operating it in violation of RCW 46.20.021, 46.20.342, 46.20.420, or 46.65.090. Nothing in this section prohibits the arrest of a person for an offense if an officer has probable cause to believe the person has committed the offense.

NEW SECTION, Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:

(1) Upon receipt of the sworn report of an arresting officer transmitted pursuant to section 2(2) of this act, the department shall review its records, and if it ascertains that the arrested driver's privilege to drive was suspended or revoked, or in a suspended or revoked status, at the time of his arrest and the arrested driver is the registered owner of the vehicle he was driving at the time of his arrest, or that in violation of RCW 46.12.101 no transfer of title for the

vehicle has been made, then the department shall cancel the registration and license plates of the vehicle. The cancellation remains in effect until the arrested driver has been issued a valid driver's license or until another qualified person registers the vehicle. After the cancellation period, upon application and payment of fees and taxes due including fees prescribed in RCW 46.16.270, the department may issue a new vehicle registration and replacement license plates to the arrested driver.

(2) For purposes of this section, cancellation means that the existing registration and license plates shall be canceled and no new registration and license plates may be issued for the vehicle for the prescribed period, if the arrested driver is the owner of the vehicle. Cancellation takes effect beginning sixty days after arrest, or at the time the cancellation is sustained by a hearing held under section 5 of this act, whichever occurs first. If the department does not cancel registration and license plates under subsection (1) of this section, the department shall notify the registered owner that if he is qualified under RCW 46.12.020 he may, upon application and payment of any fees and taxes due other than fees prescribed in RCW 46.16.270, be issued a new vehicle registration and replacement license plates.

(3) No cancellation under this section affects the right of any person to transfer or acquire title in the vehicle, or the right of any person other than the arrested driver to become the registered owner of the vehicle.

NEW SECTION, Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

No cancellation under section 3 of this act is effective until the department or a law enforcement officer acting on its behalf notifies the arrested driver in writing by personal service, by certified mail, or by first class mail addressed to that driver's last known vehicle registration address of record with the department, of the department's intention to cancel registration and the license plates together with the grounds therefor and allows the driver a fifteen-day period to request in writing that the department provide a hearing as provided in section 5 of this act. The notice shall specify the steps the driver must take to obtain a hearing. If no written request for a hearing is received by the department within fifteen days from the date of notification, the order of the department becomes effective as provided in section 3 of this act. If a request for a hearing is filed in time, the department shall give the driver an opportunity for a hearing as provided in section 5 of this act, and the cancellation will not be effective until a final determination has been made by the department.

NEW SECTION, Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

(1) Administrative hearings held to determine the propriety of any registration cancellation imposed under section 3 of this act shall be in accordance with rules adopted by the director.

(2) The department shall fix a time, no more than sixty days after arrest, and place for a hearing to be held in the county in which the arrest was made. The hearing may be set for some other county by agreement between the department and the driver.

(3) The department shall give the driver at least twenty days advance notice of the time and place of hearing, but the period of notice may be waived by the driver. Every party has the right of cross-examination of any witness who testifies and has the right to submit rebuttal evidence.

NEW SECTION, Sec. 6. A new section is added to chapter 46.16 RCW to read as follows:

If the cancellation under section 3 of this act is sustained at the hearing held under section 5 of this act, the driver whose vehicle registration is canceled has the right to file a petition in the superior court of the county of arrest for review of the final order of cancellation by the department. The petition shall be filed within ten days following receipt by the person of the department's final order, or the right to appeal is deemed to have been waived. The review shall be conducted by the court without a jury, and shall be de novo.

(2) The filing of the appeal does not stay the effective date of the cancellation.

(3) The court may affirm the department's decision or reverse the department's order of cancellation.

(4) The actual costs of preparing and transmitting the record to superior court shall be borne by the petitioner and awarded by the court to the department if the department's decision is affirmed. The costs shall be borne by the department if the department's decision is reversed.

NEW SECTION, Sec. 7. A new section is added to chapter 46.16 RCW to read as follows:

(1) The director or the director's designee shall administer and enforce sections 3 through 6 of this act.

(2) The director may adopt such rules and prescribe and provide such forms as may be necessary to carry out sections 3 through 6 of this act.

Sec. 8. Section 46.20.340, chapter 12, Laws of 1961 as amended by section 42, chapter 121, Laws of 1965 ex. sess. and RCW 46.12.240 are each amended to read as follows:

(1) The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in chapters 46.12 and 46.16 RCW (~~shall be~~) is conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of (~~such~~) the license or certificate set aside. Notice of appeal must be filed within ten days after receipt

of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter judgment either affirming or setting aside ~~((such))~~ the suspension, revocation, cancellation, or refusal.

(2) This section does not apply to vehicle registration cancellations under sections 2 through 7 of this act.

Sec. 9. Section 46.12.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 424, Laws of 1985 and RCW 46.12.020 are each amended to read as follows:

(1) No vehicle license number plates or certificate of license registration, whether original issues or duplicates, may be issued or furnished by the department unless the applicant, at the same time, makes satisfactory application for a certificate of ownership or presents satisfactory evidence that such a certificate of ownership covering the vehicle has been previously issued.

(2) Except as otherwise provided in this section, no ~~((renewal or duplicate))~~ vehicle license number plates or certificate of license registration, whether original issues or duplicates, and no renewed vehicle license may be issued by the department unless the applicant possesses a valid driver's license. In the case of joint application by more than one person, each applicant shall possess a valid driver's license.

(3) Subsection (2) of this section applies only to applicants who are individual persons and does not apply to corporations.

(4) Subsection (2) of this section does not apply to any applicant with respect to whom the department determines that:

(a) The applicant's driver's license is not currently suspended or revoked and the applicant is not in suspended or revoked status;

(b) The applicant has not been convicted of a violation of RCW 46.20.021, 46.20.342, ~~((46.20.416;))~~ 46.20.420, or 46.65.090; and

(c) Circumstances not related to any violation of Title 46 RCW account for the applicant's current lack of a driver's license and the applicant's need to register a vehicle. The applicant shall by affidavit indicate:

(i) The reason for the applicant's lack of a driver's license;

(ii) The need the applicant has for registering a vehicle; and

(iii) That the applicant will not knowingly ~~((allow))~~ permit a person without a driver's license to drive any vehicle registered in the applicant's name.

~~(5) ((It is unlawful for any person in whose name a vehicle is registered knowingly to allow another person to drive the vehicle knowing that the other person is not authorized to do so under the laws of this state.~~

~~((6))~~ (6) A violation of subsection (5) of this section, or) A knowingly made material misstatement on an affidavit under subsection (4)(c) of this section is a misdemeanor.

~~((7))~~ (7) No denial under this section of issuance or of renewal of plates or certificates affects the right of any person to maintain, transfer, or acquire title in any vehicle. Unless the parties to the contract agree otherwise, no such denial affects the rights or obligations of any party to a contract for the purchase, or for the financing of the purchase, of a motor vehicle.

NEW SECTION. Sec. 10. A new section is added to chapter 46.16 RCW to read as follows:

It is unlawful for any person in whose name a vehicle is registered knowingly to permit another person to drive the vehicle when the other person is not authorized to do so under the laws of this state. A violation of this section is a misdemeanor.

Sec. 11. Section 3, chapter 186, Laws of 1986 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.160 relating to vehicle trip permits;

(8) Section 10 of this act relating to permitting unauthorized persons to drive;

(9) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

~~((9))~~ (10) RCW 46.20.021 relating to driving without a valid driver's license;

~~((9))~~ ((11)) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

~~((16))~~ (12) RCW 46.20.342 relating to driving with a suspended or revoked license;

~~((11))~~ (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

~~((12))~~ (14) RCW 46.20.416 relating to driving while in a suspended or revoked status;

~~((13))~~ (15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((14))~~ (16) Chapter 46.29 RCW relating to financial responsibility;

~~((15))~~ (17) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((16))~~ (18) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((17))~~ (19) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((18))~~ (20) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((19))~~ (21) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((20))~~ (22) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((21))~~ (23) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

~~((22))~~ (24) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((23))~~ (25) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((24))~~ (26) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((25))~~ (27) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((26))~~ (28) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((27))~~ (29) RCW 46.61.500 relating to reckless driving;

~~((28))~~ (30) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((29))~~ (31) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((30))~~ (32) RCW 46.61.522 relating to vehicular assault;

~~((31))~~ (33) RCW 46.61.525 relating to negligent driving;

~~((32))~~ (34) RCW 46.61.530 relating to racing of vehicles on highways;

~~((33))~~ (35) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((34))~~ (36) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((35))~~ (37) RCW 46.64.020 relating to nonappearance after a written promise;

~~((36))~~ (38) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((37))~~ (39) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((38))~~ (40) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((39))~~ (41) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((40))~~ (42) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((41))~~ (43) Chapter 46.82 RCW relating to driver's training schools.

NEW SECTION. Sec. 12. Section 3, chapter 29, Laws of 1975-'76 2nd ex. sess., section 4, chapter 302, Laws of 1985 and RCW 46.20.416 are each repealed.

NEW SECTION. Sec. 13. Sections 1 through 8 of this act shall take effect on July 1, 1988. The director of licensing shall take such steps as are necessary to insure that this act is implemented on its effective date. Sections 2 through 7 of this act shall expire on July 1, 1993.

NEW SECTION. Sec. 14. Section 9 of this act shall take effect January 1, 1990.

NEW SECTION. Sec. 15. The department of licensing shall report to the legislature no later than January 1, 1991, on the implementation of this 1987 act. The department shall indicate the revenue and expenditure effects of the act and shall estimate its effect on the incidence of unlicensed driving in the state.

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

On line 1 of the title, after "license," strike the remainder of the title and insert "amending RCW 46.20.342, 46.12.240, 46.12.020, and 46.63.020; adding new sections to chapter 46.16 RCW; creating a new section; repealing RCW 46.20.416; prescribing penalties; providing effective dates; and providing an expiration date." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Crane, the House concurred in the Senate amendments to Engrossed Second Substitute House Bill No. 196.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 196 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 196 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; nays, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Heavey, Niemi, Nutley, Unsoeld, Vekich - 5.

Engrossed Second Substitute House Bill No. 196 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL.

April 7, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 198 with the following amendments:

On page 1, line 15 after "RCW." insert "For the purposes of this section, any retail sales taxes that have been paid but not collected shall be deductible from the retail sales taxes collected but not paid."

On page 1, line 19 after "taxes" insert "collected" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Madsen moved that the House do concur in the Senate amendments to Substitute House Bill No. 198.

Representatives Madsen, Taylor and Sayan spoke in favor of the motion, and Representative Padden opposed it.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 198 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 198 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley,

O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Padden - 1.

Substitute House Bill No. 198 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 209 with the following amendments:

On page 7, after line 1, insert the following:

*Sec. 5. Section 82.24.070, chapter 15, Laws of 1961 as last amended by section 2, chapter _____ (SB 5139), Laws of 1987 and RCW 82.24.070 are each amended to read as follows:

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum ~~((equal to two percent of the first four mills of the value of the stamps purchased or affixed by them, one percent of the next one mill of the value of the stamps purchased or affixed by them, and one-half of one percent of the next one-half mill of the value of the))~~ computed at the rate of four dollars per one thousand stamps purchased or affixed by them.

Remember the sections consecutively.

On page 1, line 2 of the title, strike "and 82.24.130" and insert ", 82.24.130, and 82.24.070" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Madsen, the House concurred in the Senate amendments to House Bill No. 209.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 209 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 209 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 209 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 237 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.010 are each amended to read as follows:

The legislature finds that a state-wide program of emergency medical care is necessary to promote the health, safety, and welfare of the citizens of this state. The intent of the legislature is that the secretary of the department of social and health services develop and implement a ~~((program))~~ system to promote immediate prehospital treatment for victims of motor vehicle accidents, suspected coronary illnesses, and other acute illness or trauma.

The legislature further recognizes that emergency medical care and transportation methods are constantly changing and conditions in the various regions of the state vary markedly. The legislature, therefore, seeks to establish a flexible method of implementation and regulation to meet those conditions.

Sec. 2, Section 3, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 112, Laws of 1983 and RCW 18.73.030 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the meanings indicated.

- (1) 'Secretary' means the secretary of the department of social and health services.
- (2) 'Department' means the department of social and health services.
- (3) 'Committee' means the emergency medical services committee.
- (4) 'Ambulance' means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.
- (5) ~~((First))~~ Aid vehicle means a vehicle used to carry ~~((first))~~ aid equipment and individuals trained in first aid or emergency medical procedure.
- (6) 'Emergency medical technician' means a person who is authorized by the secretary to render emergency medical care pursuant to ~~((RCW 18.73.110 as now or hereafter amended))~~ section 7 of this 1987 act.
- (7) 'Ambulance operator' means a person who owns one or more ambulances and operates them as a private business.
- (8) 'Ambulance director' means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.
- (9) ~~((First))~~ Aid vehicle operator means a person who owns one or more ~~((first))~~ aid vehicles and operates them as a private business.
- (10) ~~((First))~~ Aid director means a person who is a director of a service which operates one or more ~~((first))~~ aid vehicles provided by a volunteer organization or governmental agency.
- (11) 'Emergency medical care' or 'emergency medical service' means such medical treatment and care which may be rendered ~~((to persons injured, sick, or incapacitated in order to reduce the risk of loss of life or aggravation of illness or injury, including care rendered))~~ at the scene of a medical emergency and while transporting a patient ((from)) in an ambulance ((or other vehicle)) to an appropriate ((location within a hospital or other)) medical facility.
- (12) 'Communications system' means a radio ~~((or))~~ and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services system.
- (13) 'Emergency medical services region' means a region established by the secretary of the department of social and health services pursuant to RCW 18.73.060, as now or hereafter amended.
- (14) ~~((Patient care guidelines mean the written guidelines adopted by local or regional emergency medical services councils which direct the care of the emergency patient. These guidelines shall be based upon the assessment of the patient's medical needs and his geographic location, and shall address which medical care vehicles will be dispatched to the scene, what treatment will be provided for serious conditions, which hospital will first receive the patient, and which hospitals are appropriate for transfer if necessary.))~~ 'Patient care protocols' means the written procedure adopted by the emergency medical services medical program director which direct the care of the emergency patient. These procedures shall be based upon the assessment of the patient's medical needs and what treatment will be provided for serious conditions.
- (15) 'Patient care guidelines' means written operating procedures adopted by the local or regional emergency medical services councils and the emergency medical services medical program director and may include which level of medical care personnel will be dispatched to an emergency scene, which hospital will first receive the patient and which hospitals are appropriate for transfer if necessary.
- (16) 'Emergency medical services medical program director' means a person who is an approved medical program director ((under)) as defined by RCW 18.71.205(4).
- ~~((16))~~ (17) 'Council' means the local or regional emergency medical services advisory council.
- ~~((17))~~ (18) 'Basic life support' means emergency medical treatment services.
- ~~((18))~~ (19) 'Advanced life support' means emergency medical services requiring advanced ~~((emergency))~~ medical treatment skills ~~((i.e., intravenous technicians, airway technicians, and paramedics))~~ as defined by chapter 18.71 RCW.
- ~~((19))~~ (20) 'System service area' means an emergency medical service area that develops because of trade, patient catchment, market, or other factors and may include county or multicounty boundaries.
- ~~((20))~~ (21) 'First responder' means a person who is authorized by the secretary to render emergency medical care ~~((pursuant to RCW 18.73.205))~~ as defined by section 7 of this 1987 act.

Sec. 3. Section 5, chapter 208, Laws of 1973 1st ex. sess. as amended by section 3, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.050 are each amended to read as follows:

The committee shall:

- (1) Advise the secretary regarding emergency medical care needs throughout the state.
- (2) Review regional emergency medical services plans and recommend changes to the secretary before adoption of the plans.

(3) Review all administrative rules proposed for adoption by the secretary under this chapter or under RCW 18.71.205. The secretary shall submit all such rules to the committee in writing. The committee shall, within forty-five days of receiving the proposed rules, advise the secretary of its recommendations. If the committee fails to notify the secretary within forty-five days of receipt of a proposed rule it shall be deemed to be approved by the committee.

~~((3))~~ (4) Assist the secretary, at the secretary's request, to fulfill any duty or exercise any power under this chapter.

Sec. 4. Section 6, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.060 are each amended to read as follows:

(1) The secretary shall designate at least eight planning and service ~~((areas))~~ regions so that all parts of the state are within such an area. These regional designations are to be made on the basis of convenience and efficiency of delivery of needed emergency medical services.

(2) The secretary shall conduct a ~~((public hearing))~~ regional emergency medical services advisory council meeting in a major city of each planning and service ~~((area))~~ region at least sixty days prior to the formulation of a ~~((comprehensive))~~ plan for prehospital emergency medical services. Such ~~((hearing))~~ meetings shall (a) afford an opportunity for participation by those interested in the determination of the need for, and the location of ambulances and first aid vehicles and (b) provide a public forum that affords a full opportunity for presenting views on any relevant aspect of prehospital emergency medical services.

Sec. 5. Section 7, chapter 208, Laws of 1973 1st ex. sess. as amended by section 5, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.070 are each amended to read as follows:

After conducting a ~~((public hearing))~~ regional emergency medical services advisory council meeting in one or more major cities in each emergency medical service region, ~~affording ((all))~~ interested persons an opportunity to present their views on any relevant aspect of emergency medicine, the secretary shall adopt a ~~((state-wide comprehensive))~~ regional plan for the development and implementation of emergency medical care systems ~~((based upon the regional plans))~~. The ~~((hearings))~~ meetings shall be held at least sixty days before adoption or revision of the plan. Components of this plan shall include but not be limited to: Facilities, vehicles, medical and communications equipment, personnel and training, transportation, public information and education, patient care protocols, and coordination of services.

The secretary, ~~with the advice and assistance of the regional emergency medical services advisory council~~, shall encourage communities and medical care providers to implement the regional plan.

Sec. 6. Section 8, chapter 112, Laws of 1983 and RCW 18.73.073 are each amended to read as follows:

(1) A county or group of counties may create a local emergency medical services advisory council composed of persons representing health services providers, consumers, and local government agencies involved in the delivery of emergency medical services.

(2) Regional emergency medical services advisory councils shall be created by the department with representatives from the local emergency medical services councils within the region and whose representation is determined by the local councils.

(3) Power and duties of the councils are as follows:

(a) Local emergency medical services advisory councils shall review ~~((and)),~~ evaluate, and provide recommendations to the department regarding the provision of emergency medical services in the community/system service area, and provide recommendations to the regional emergency medical services advisory councils on ~~((standards and matters relating to))~~ the plan for emergency medical services.

(b) Regional emergency medical services advisory councils shall make recommendations to the department on ~~((projects, programs, and legislation))~~ components of the regional plan needed to improve emergency medical services ((in the state)) systems.

NEW SECTION. Sec. 7. A new section is added to chapter 18.73 RCW to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

- (a) Ambulance, air ambulance, and aid vehicles and equipment;
- (b) Ambulance and aid services; and
- (c) Emergency medical communication systems;

(2) Prescribe minimum standards for first responder and emergency medical technician training including:

- (a) Adoption of curriculum and period of certification;
- (b) Procedures for certification, recertification, decertification, or modification of certificates;

(c) Procedures for reciprocity with other states or national certifying agencies;

(d) Review and approval or disapproval of training programs; and
 (e) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(3) Prescribe minimum standards for evaluating the effectiveness of emergency medical systems in the state;

(4) Adopt a format for submission of regional plans;

(5) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(6) Certify emergency medical program directors.

Sec. 8. Section 8, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.085 are each amended to read as follows:

(1) The secretary, with the assistance of the ~~((regional))~~ state emergency medical services ~~((councils))~~ advisory committee, shall adopt a program for the disbursement of funds for the development of the emergency medical ~~((care))~~ service system. Under the program, the secretary shall disburse funds to each regional council, or their chosen fiscal agent or agents, which shall be city or county governments, stipulating the purpose for which the funds shall be expended. The regional council shall use such funds to make available matching grants in an amount not to exceed fifty percent of the cost of the proposal for which the grant is made. Grants shall be made to any public or private nonprofit agency which, in the judgment of the regional council, will best fulfill the purpose of the grant.

(2) Grants may be awarded for any of the following purposes:

(a) Establishment and initial development of an emergency medical service ~~((program))~~ system;

(b) Expansion and improvement of an emergency medical service ~~((program))~~ system;

(c) Purchase of equipment for the operation of an emergency medical service ~~((program))~~ system; and

(d) Training and continuing education of emergency medical personnel.

(3) Any emergency medical service ~~((program))~~ agency which receives a grant shall stipulate that it will:

(a) Operate in accordance with patient care ~~((guidelines))~~ protocols adopted by the ~~((regional council))~~ medical program directors; and

(b) Provide, without prior inquiry as to ability to pay, emergency medical care to all patients requiring such care.

NEW SECTION. Sec. 9. A new section is added to chapter 18.73 RCW to read as follows:

The secretary may grant a variance from a provision of this chapter if no detriment to health and safety would result from the variance and compliance is expected to cause reduction or loss of existing emergency medical services. Variances may be granted for a period of no more than one year. A variance may be renewed by the secretary upon approval of the committee.

Sec. 10. Section 13, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 13, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.130 are each amended to read as follows:

An ambulance operator, ambulance director, ~~((first))~~ aid vehicle operator or ~~((first))~~ aid director may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the comprehensive plan established pursuant to RCW 18.73.070, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

(1) The United States government;

(2) Ambulance operators and ambulance directors providing service in other states when bringing patients into this state;

(3) Owners of businesses in which ambulance or ~~((first))~~ aid vehicles are used exclusively on company property but occasionally in emergencies may bring patients to hospitals not on company property;

(4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of three years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

Sec. 11. Section 14, chapter 208, Laws of 1973 1st ex. sess. as amended by section 14, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.140 are each amended to read as follows:

The secretary shall ~~((approve the issuance of))~~ issue an ambulance or aid vehicle license for each vehicle so designated. The license shall be for a period of one year and may be reissued on expiration if the vehicle and its ~~((operation))~~ equipment meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance or aid vehicle is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as an ambulance or aid

vehicle operator or ~~((ambulance))~~ director. The ~~((ambulance))~~ license number shall be prominently displayed on each vehicle.

~~((Licensed ambulances shall be inspected periodically by the secretary at the location of the ambulance station. Inspection shall include adequacy and maintenance of medical equipment and supplies and the mechanical condition of the vehicle including its mechanical and electrical equipment.))~~

Sec. 12. Section 17, chapter 208, Laws of 1973 1st ex. sess. as amended by section 17, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.170 are each amended to read as follows:

The ~~((first))~~ aid vehicle shall be operated in accordance with standards promulgated by the secretary, by at least one person holding a certificate recognized under RCW 18.73.120.

The ~~((first))~~ aid vehicle may be used for transportation of patients only when it is impossible or impractical to obtain an ambulance or when a wait for arrival of an ambulance would place the life of the patient in jeopardy. If so used, the vehicle shall be under the command of a person holding a certificate recognized pursuant to ~~((RCW 18.73.110))~~ section 7 of this 1987 act other than the driver ~~((who shall be in attendance to the patient)).~~

NEW SECTION. Sec. 13. A new section is added to chapter 18.73 RCW to read as follows:

The secretary shall adopt a self-inspection program to assure compliance with minimum standards for vehicles and for medical equipment and personnel on all licensed vehicles. The self-inspection shall coincide with the vehicle licensing cycle and shall be recorded on forms provided by the department. The department may perform an on-site inspection of any licensed service or vehicles as needed.

Sec. 14. Section 18, chapter 208, Laws of 1973 1st ex. sess. as amended by section 18, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.180 are each amended to read as follows:

Other vehicles not herein defined by this chapter shall not be used ~~((commercially or by public services))~~ for transportation of patients who must be carried on a stretcher ~~((and))~~ or who may require medical attention en route, except that such transportation may be used when a disaster creates a situation that cannot be served by licensed ambulances.

Sec. 15. Section 19, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.190 are each amended to read as follows:

Any person who ~~((shall))~~ violates any of the provisions of this chapter and for which a penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars for each day of the violation, or may be imprisoned in the county jail not exceeding six months.

Sec. 16. Section 1, chapter 178, Laws of 1980 and RCW 18.73.210 are each amended to read as follows:

The legislature finds that accidental and purposeful ~~((ingestions of))~~ exposure to drugs and poisonous substances continues to be a severe health problem in the state of Washington. It further finds that a significant reduction in the consequences of such accidental ~~((ingestions))~~ exposures have occurred as a result of the ~~((development of regional))~~ services provided by poison information centers.

The purpose of ~~((RCW 18.73.210 through 18.73.236))~~ this chapter is to reduce morbidity and mortality associated with overdose and poisoning incidents by providing emergency telephone assistance and treatment referral to victims of such incidents, by providing immediate treatment information to health care professionals, and ~~((by establishing an effective))~~ public education and prevention programs. Further, the purpose is to improve utilization of drugs by providing information to health professionals relating to appropriate therapeutic drug use.

The legislature recognizes that enhanced cooperation between the emergency medical system and poison control centers will aid in responding to emergencies resulting from exposure to drugs and poisonous substances.

Sec. 17. Section 2, chapter 178, Laws of 1980 and RCW 18.73.220 are each amended to read as follows:

~~((As limited by the availability of funds appropriated by this act.))~~ The department shall, in a manner consistent with this chapter, provide support for the ~~((establishment of a))~~ state-wide program of poison ~~((control))~~ and drug information services ~~((with regional units to be))~~ conducted by poison information centers located in the ~~((city))~~ cities of Seattle and ~~((the city of))~~ Spokane and satellite units ~~((that may be established))~~ located in the cities of Tacoma and Yakima. The services of this program shall be:

(1) Emergency telephone management and treatment referral of victims of poisoning and overdose incidents;

(2) Information to health professionals involved in management of poisoning and overdose victims;

(3) Community education programs designed to inform the public of poison prevention methods; and

(4) Information to health professionals ~~((relating to))~~ regarding appropriate therapeutic use of medications, their compatibility and stability, and adverse drug reactions and interactions.

Sec. 18. Section 3, chapter 178, Laws of 1980 and RCW 18.73.230 are each amended to read as follows:

(1) The principal activities of the poison (~~(control and drug information program)~~) information centers shall be answering requests by telephone for poison information and making recommendations for appropriate emergency management and treatment referral of poisoning exposure and overdose victims. These services, provided around-the-clock, will involve determining whether treatment can be accomplished (~~(in the home setting)~~) at the scene of the incident or whether transport to an emergency treatment facility is required; recommending treatment measures to appropriate personnel; and carrying out follow-up to assure that adequate care is provided.

(2) (~~(Program)~~) Poison center personnel shall provide follow-up education to prevent future similar incidents. They shall also provide community education programs designed to improve public awareness of poisoning and overdose problems, and to educate the public regarding prevention.

(3) (~~(Program)~~) Poison center personnel shall answer drug information questions from health professionals by providing current, accurate, and unbiased information (~~(relating to)~~) regarding drugs and their therapeutic uses.

(4) (~~(The program)~~) Poison centers shall utilize physicians, pharmacists, nurses, and supportive personnel trained in various aspects of toxicology, poison control and prevention, and drug information retrieval and analysis.

NEW SECTION. Sec. 19. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) 'Department' means the department of social and health services.

(2) 'Poison information center medical director' means a person who: (a) is licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW; (b) is certified by the secretary under standards adopted under section 20 of this act; and (c) provides services enumerated under sections 17 and 18 of this act, and is responsible for supervision of poison information specialists.

(3) 'Poison information specialist' means a person who provides services enumerated under sections 17 and 18 of this act under the supervision of a poison information center medical director and is certified by the secretary under standards adopted under section 20 of this act.

(4) 'Secretary' means the secretary of social and health services.

NEW SECTION. Sec. 20. The secretary with the advice of the emergency medical services committee established under RCW 18.73.050 shall adopt rules, under chapter 34.04 RCW, prescribing:

(1) Standards for the operation of a poison information center;

(2) Standards and procedures for certification, recertification and decertification of poison center medical directors and poison information specialists; and

(3) Standards and procedures for reciprocity with other states or national certifying agencies.

NEW SECTION. Sec. 21. (1) A person may not act as a poison center medical director or poison information specialist of a poison information center without being certified by the secretary under this chapter.

(2) Notwithstanding subsection (1) of this section, if a poison center medical director terminates certification or is decertified, that poison center medical director's authority may be delegated by the department to any other person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW for a period of thirty days, or until a new poison center medical director is certified, whichever comes first.

NEW SECTION. Sec. 22. (1) No act done or omitted in good faith while performing duties as a poison center medical director or poison information specialist of a poison information center shall impose any liability on the poison center, its officers, the poison center medical director, the poison information specialist, or other employees.

(2) This section:

(a) Applies only to acts or omissions committed or omitted in the performance of duties which are within the area of responsibility and expertise of the poison center medical director or poison information specialist.

(b) Does not relieve the poison center or any person from any duty imposed by law for the designation or training of a person certified under this chapter.

(c) Does not apply to any act or omission which constitutes gross negligence or willful or wanton conduct.

NEW SECTION. Sec. 23. The department shall defend any poison center medical director or poison information specialist for any act or omission subject to section 22 of this act.

NEW SECTION. Sec. 24. Sections 19 through 23 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 25. RCW 18.73.210, 18.73.220, and 18.73.230 are each recodified as sections in the chapter created under section 24 of this act.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

- (1) Section 7, chapter 112, Laws of 1983 and RCW 18.73.077;
- (2) Section 8, chapter 208, Laws of 1973 1st ex. sess., section 6, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.080;
- (3) Section 9, chapter 208, Laws of 1973 1st ex. sess., section 9, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.090;
- (4) Section 10, chapter 208, Laws of 1973 1st ex. sess., section 10, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.100;
- (5) Section 11, chapter 208, Laws of 1973 1st ex. sess., section 11, chapter 261, Laws of 1979 ex. sess., section 1, chapter 53, Laws of 1982 and RCW 18.73.110;
- (6) Section 16, chapter 208, Laws of 1973 1st ex. sess., section 16, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.160; and
- (7) Section 6, chapter 112, Laws of 1983 and RCW 18.73.205."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 18.73.010, 18.73.030, 18.73.050, 18.73.060, 18.73.070, 18.73.073, 18.73.085, 18.73.130, 18.73.140, 18.73.170, 18.73.180, 18.73.190, 18.73.210, 18.73.220, and 18.73.230; adding new sections to chapter 18.73 RCW; adding a new chapter to Title 18 RCW; recodifying RCW 18.73.210, 18.73.220, and 18.73.230; and repealing RCW 18.73.077, 18.73.080, 18.73.090, 18.73.100, 18.73.110, 18.73.160, and 18.73.205." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House concurred in the Senate amendments to Substitute House Bill No. 237.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 237 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 237 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 237 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 238 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1, Section 4, chapter 295, Laws of 1961 as amended by section 1, chapter 105, Laws of 1965 ex. sess. and RCW 81.77.030 are each amended to read as follows:

The commission shall supervise and regulate every garbage and refuse collection company in this state,

- (1) By fixing and altering its rates, charges, classifications, rules and regulations;
- (2) By regulating the accounts, service, and safety of operations;
- (3) By requiring the filing of annual and other reports and data;
- (4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve;

(5) By reviewing compliance with local solid waste management plans through letters of compliance submitted by the county legislative authority. The compliance letters shall become

part of the record in any rate, compliance, or any hearing held by the commission on the issuance, revocation, or reissuance of a certificate as provided for in RCW 81.77.070.

The commission, on complaint made on its own motion or by an aggrieved party, at any time, after the holding of a hearing of which the holder of any certificate has had notice and an opportunity to be heard, and at which it shall be proven that the holder has wilfully violated or refused to observe any of the commission's orders, rules, or regulations, or has failed to operate as a garbage and refuse collection company for a period of at least one year preceding the filing of the complaint, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

Sec. 2. Section 5, chapter 295, Laws of 1961 and RCW 81.77.040 are each amended to read as follows:

No garbage and refuse collection company shall hereafter operate for the hauling of garbage and refuse for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. A condition of operating a garbage and refuse company in the unincorporated areas of a county shall be complying with the solid waste management plan prepared under chapter 70.95 RCW applicable in the company's franchise area.

Issuance of the certificate of necessity shall be determined upon, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for garbage and refuse collection and disposal, sworn to before a notary public; a statement of the assets on hand of the person, firm, association or corporation which will be expended on the purported plant for garbage and refuse collection and disposal, sworn to before a notary public; a statement of prior experience, if any, in such field by the petitioner, sworn to before a notary public; and sentiment in the community contemplated to be served as to the necessity for such a service.

When an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after hearing, issue the certificate only if the existing garbage and refuse collection company or companies serving the territory will not provide service to the satisfaction of the commission.

In all other cases, the commission may, with or without hearing, issue certificates, or for good cause shown refuse to issue them, or issue them for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as, in its judgment, the public convenience and necessity may require.

Any right, privilege, certificate held, owned, or obtained by a garbage and refuse collection company may be sold, assigned, leased, transferred, or inherited as other property, but only upon authorization by the commission.

Any garbage and refuse collection company which upon July 1, 1961 is operating under authority of a common carrier or contract carrier permit issued under the provisions of chapter 81.80 RCW shall be granted a certificate of necessity without hearing upon compliance with the provisions of this chapter. Such garbage and refuse collection company which has paid the plate fee and gross weight fees required by chapter 81.80 RCW for the year 1961 shall not be required to pay additional like fees under the provisions of this chapter for the remainder of such year.

NEW SECTION. Sec. 3. A new section is added to chapter 81.77 RCW to read as follows:

A county legislative authority shall periodically comment to the commission in writing concerning the authority's perception of the adequacy of service being provided by regulated franchisees serving the unincorporated areas of the county. The county legislative authority shall also receive and forward to the commission all letters of comment on services provided by regulated franchise holder(s) serving unincorporated areas of the county. Any such written comments or letters shall become part of the record of any rate, compliance, or any other hearing held by the commission on the issuance, revocation, or reissuance of a certificate provided for in RCW 81.77.040."

On page 1, line 1 of the title, after "management," strike the remainder of the title and insert "amending RCW 81.77.030 and 81.77.040; adding a new section to chapter 81.77 RCW; and prescribing penalties."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 238.

Representatives Haugen and L. Smith spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 238 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 238 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 238 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 258 with the following amendments:

- On page 2, line 19 after "fee of" strike "ten" and insert "eleven"
- On page 2, line 34 after "charge" strike "ten" and insert "eleven"
- On page 2, line 35 after "and" strike "five" and insert "six"
- On page 3, line 2 after "for" strike "two" and insert "three"
- On page 3, line 6 after "turn" strike "two" and insert "three"
- On page 3, line 9 strike "Two" and insert "Three"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 258.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 258 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 258 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 258 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 259 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 70.90 RCW to read as follows:

The legislature finds that water recreation facilities are an important source of recreation for the citizens of this state. To promote the public health, safety, and welfare, the legislature finds it necessary to continue to regulate these facilities.

Sec. 2. Section 2, chapter 236, Laws of 1986 and RCW 70.90.110 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) 'Water recreation facility' means any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation, or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:

(a) Conventional swimming pools, wading pools, and spray pools;

(b) Recreational water contact facilities as defined in this chapter;

(c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets; and

(d) Any area designated for swimming in natural waters with artificial boundaries within the waters.

(2) 'Recreational water contact facility' means an artificial water ((contact)) associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, ((including)) and that includes but is not limited to, water slides, wave pools, and water ((amusement)) lagoons ((which bring water in contact with patrons)).

~~((2))~~ (3) 'Local health officer' means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

~~((3))~~ (4) 'Secretary' means the secretary of social and health services.

~~((4))~~ (5) 'Person' means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

~~((5))~~ (6) 'Department' means the department of social and health services.

~~((6))~~ (7) 'Board' means the state board of health.

NEW SECTION, Sec. 3. A new section is added to chapter 70.90 RCW to read as follows:

This chapter applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that this chapter shall not apply to:

(1) Any water recreation facility for the sole use of residents and invited guests at a single family dwelling;

(2) Therapeutic water facilities operated exclusively for physical therapy; and

(3) Steam baths and saunas.

NEW SECTION, Sec. 4. A new section is added to chapter 70.90 RCW to read as follows:

Every seller of spas, pools and tubs under RCW 70.90.110(1) (a) and (c) shall furnish to the purchaser a complete set of operating instructions which shall include detailed instructions on the safe use of the spa, pool, or tub and for the proper treatment of water to reduce health risks to the purchaser. Included in the instructions shall be information about the health effects of hot water and a specific caution and explanation of the health effects of hot water on pregnant women.

Sec. 5. Section 3, chapter 236, Laws of 1986 and RCW 70.90.120 are each amended to read as follows:

(1) The board shall adopt rules under the administrative procedure act, chapter 34.04 RCW, ~~((setting))~~ governing safety, sanitation, and water quality ~~((standards))~~ for ~~((recreational water contact facilities))~~ water recreation facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness ~~((reports))~~ reporting; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance ~~((;- fees sufficient to cover the costs incurred by the department for the administration and enforcement of this chapter));~~ and enforcement procedures. However, a water recreation facility intended for the exclusive use of residents of any apartment house complex or of a group of rental housing units of less than fifteen living units, or of a mobile home park, or of a condominium complex or any group or association of less than fifteen home owners shall not be subject to preconstruction design review, routine inspection, or permit or fee requirements; and water treatment of hydroelectric reservoirs or natural streams, creeks, lakes, or irrigation canals shall not be required.

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

NEW SECTION. Sec. 6. A new section is added to chapter 70.90 RCW to read as follows:

Nothing in this chapter shall prohibit any local board of health from establishing and enforcing any provisions governing safety, sanitation, and water quality for any water recreation facility, regardless of ownership or use, in addition to those rules established by the state board of health under this chapter.

Sec. 7. Section 7, chapter 236, Laws of 1986 and RCW 70.90.160 are each amended to read as follows:

A permit is required for any modification to or construction of any recreational water contact facility after June 11, 1986, and for any other water recreation facility after the effective date of this section. Water recreation facilities existing on the effective date of this section which do not comply with the design and construction requirements established by the state board of health under this chapter may continue to operate without modification to or replacement of the existing physical plant, provided the water quality, sanitation, and life saving equipment are in compliance with the requirements established under this chapter. However, if any modifications are made to the physical plant of an existing water recreation facility the modifications shall comply with the requirements established under this chapter. The plans and specifications for the modification or construction shall be submitted to the applicable local authority or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit. The plans shall be reviewed and may be approved or rejected or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied within thirty days of submittal.

Sec. 8. Section 8, chapter 236, Laws of 1986 and RCW 70.90.170 are each amended to read as follows:

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

Sec. 9. Section 9, chapter 236, Laws of 1986 and RCW 70.90.180 are each amended to read as follows:

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

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

Sec. 10. Section 10, chapter 236, Laws of 1986 and RCW 70.90.190 are each amended to read as follows:

Any person operating a ~~((recreational water contact facility))~~ water recreation facility shall report to the local health officer or the department any serious injury, communicable disease, or death occurring at or caused by the ~~((recreational)) water ((contact))~~ recreation facility.

NEW SECTION. Sec. 11. A new section is added to chapter 70.90 RCW to read as follows:

The violation of any provisions of this chapter and any rules adopted under this chapter shall be a misdemeanor punishable by a fine of not more than five hundred dollars.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

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

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

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

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

(5) Section 1, chapter 236, Laws of 1986 and RCW 70.90.100;

(6) Section 13, chapter 236, Laws of 1986 and RCW 70.90.220; and

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

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.*

On page 1, line 1 of the title, after "recreation," strike the remainder of the title and insert "amending RCW 70.90.110, 70.90.120, 70.90.160, 70.90.170, 70.90.180, and 70.90.190; adding new sections to chapter 70.90 RCW; repealing RCW 70.90.010, 70.90.020, 70.90.030, 70.90.040, 70.90.100, 70.90.220, and 70.90.900; and prescribing penalties." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Substitute House Bill No. 259.

Mr. Braddock spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 259 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 259 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 73; nays, 25.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Haugen, Hine, Holm, Jacobsen, Jesernig, King P. King R. Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith L. Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Amondson, Beck, Betzoff, Day, Dellwo, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Hearvey, Holland, Kremen, Lewis, McLean, Miller, Nealey, Padden, Patrick, Sanders, Schmidt, Smith C, Williams B, Williams J, Wilson S - 25.

Substitute House Bill No. 259 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 291 with the following amendments:

On page 3, line 28 after "~~voter~~)" strike "if that address is known"

On page 4, line 27 after "address" strike "deemed appropriate by the county auditor" and insert "at which the individual whose registration is being challenged is alleged to reside or at which the county auditor would reasonably expect that individual to receive notice of the challenge of his or her voter registration" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 291.

Representatives Fisher and Sanders spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 291 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 291 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 291 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 590 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 68.08 RCW to read as follows:

A county coroner or county medical examiner or persons acting in that capacity shall be immune from civil liability for determining the cause and manner of death. The accuracy of the determinations is subject to judicial review."

On page 1, beginning on line 2 of the title, after "officials;" strike the remainder of the title and insert "and adding a new section to chapter 68.08 RCW." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Doty moved that the House do concur in the Senate amendments to Engrossed House Bill No. 590.

Ms. Doty spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 590 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 590 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Heavey - 1.

Engrossed House Bill No. 590 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 663 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.20 RCW to read as follows:

The legislature finds and declares:

(1) There is a need to reduce the incidence of drivers on the highways and roads of this state who, because of their use, consumption, or possession of alcohol, pose a danger to the health and safety of other drivers;

(2) One method of dealing with the problem of drinking drivers is to discourage the use of motor vehicles by persons who possess or have consumed alcoholic beverages;

(3) The installation of an ignition interlock breath alcohol device will provide a means of deterring the use of motor vehicles by persons who have consumed alcoholic beverages;

(4) Ignition interlock devices are designed to supplement other methods of punishment that prevent drivers from using a motor vehicle after using, possessing, or consuming alcohol;

(5) It is economically and technically feasible to have an ignition interlock device installed in a motor vehicle in such a manner that the vehicle will not start if the operator has recently consumed alcohol.

NEW SECTION, Sec. 2. A new section is added to chapter 46.20 RCW to read as follows:

The court may order any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a motor vehicle equipped with a functioning ignition interlock device, and the restriction shall be for a period of not less than six months.

The court shall establish a specific calibration setting at which the ignition interlock device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction.

For purposes of this section, 'convicted' means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

NEW SECTION, Sec. 3. A new section is added to chapter 46.20 RCW to read as follows:

For the purposes of sections 2, 4, and 5 of this act, 'ignition interlock device' means breath alcohol analyzed ignition equipment, certified by the state commission on equipment, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage. The commission shall by rule provide standards for the certification, installation, repair, and removal of the devices.

NEW SECTION, Sec. 4. A new section is added to chapter 46.20 RCW to read as follows:

The department shall attach or imprint a notation on the driver's license of any person restricted under section 2 of this act stating that the person may operate only a motor vehicle equipped with an ignition interlock device.

NEW SECTION, Sec. 5. A new section is added to chapter 46.20 RCW to read as follows:

A person who knowingly assists another person who is restricted to the use of an ignition interlock device to start and operate that vehicle in violation of a court order is guilty of a gross misdemeanor.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

Sec. 6. Section 3, chapter 186, Laws of 1986 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.160 relating to vehicle trip permits;

(8) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(9) RCW 46.20.021 relating to driving without a valid driver's license;

~~((9))~~ (10) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

~~((10))~~ (11) RCW 46.20.342 relating to driving with a suspended or revoked license;

~~((11))~~ (12) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

~~((12))~~ (13) RCW 46.20.416 relating to driving while in a suspended or revoked status;

~~((13))~~ (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((14))~~ (15) Section 5 of this act relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) Chapter 46.29 RCW relating to financial responsibility;

~~((15))~~ (17) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((16))~~ (18) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((17))~~ (19) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((18))~~ (20) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((19))~~ (21) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((20))~~ (22) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((21))~~ (23) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

~~((22))~~ (24) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((23))~~ (25) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((24))~~ (26) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((25))~~ (27) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((26))~~ (28) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((27))~~ (29) RCW 46.61.500 relating to reckless driving;

~~((28))~~ (30) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((29))~~ (31) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((30))~~ (32) RCW 46.61.522 relating to vehicular assault;

~~((31))~~ (33) RCW 46.61.525 relating to negligent driving;

~~((32))~~ (34) RCW 46.61.530 relating to racing of vehicles on highways;

~~((33))~~ (35) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((34))~~ (36) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((35))~~ (37) RCW 46.64.020 relating to nonappearance after a written promise;

~~((36))~~ (38) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((37))~~ (39) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((38))~~ (40) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((39))~~ (41) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((40))~~ (42) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((41))~~ (43) Chapter 46.82 RCW relating to driver's training schools."

On line 1 of the title, after "testing;" strike the remainder of the title and insert "amending RCW 46.63.020; adding new sections to chapter 46.20 RCW; and prescribing penalties." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to House Bill No. 663.

Representatives Crane and Padden spoke in favor of the motion, and Ms. Niemi opposed it.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 663 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 663 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 7.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dry, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Prince, Pruitt,

Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Allen, Beck, Madsen, Niemi, Nutley, Unsoeld, Vekich - 7.

House Bill No. 663 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. McMullen, the House dispensed with further business under the Call of the House.

On motion of Mr. McMullen, the House adjourned until 8:30 a.m., Thursday, April 16, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 16, 1987

The House was called to order at 8:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Ebersole, Grimm, Heavey, P. King, Lewis and Todd. Representative Lewis was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Craig Merchant and Patti Nichols. Prayer was offered by The Reverend Ron Marrs, Minister of the Westwood Baptist Church of Olympia.

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

MESSAGE FROM THE GOVERNOR

April 15, 1987

To the Honorable
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 15, 1987, Governor Gardner approved the following House bills entitled:

SUBSTITUTE HOUSE BILL NO. 313: Relating to elections for park and recreation district commissioners.

SUBSTITUTE HOUSE BILL NO. 393: Relating to limited partnerships.

Sincerely,
Terry Sebring, Counsel.

MESSAGES FROM THE SENATE

April 14, 1987

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 220,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

April 15, 1987

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 67,
HOUSE BILL NO. 110,
SUBSTITUTE HOUSE BILL NO. 153,
SUBSTITUTE HOUSE BILL NO. 188,
HOUSE BILL NO. 194,
HOUSE BILL NO. 197,
HOUSE BILL NO. 199,
HOUSE BILL NO. 200,
HOUSE BILL NO. 203,
HOUSE BILL NO. 248,
HOUSE BILL NO. 250,
HOUSE BILL NO. 261,
HOUSE BILL NO. 326,
SUBSTITUTE HOUSE BILL NO. 329.

	SUBSTITUTE HOUSE BILL NO.	347.
	HOUSE BILL NO.	352.
	HOUSE BILL NO.	374.
	HOUSE BILL NO.	379.
	SUBSTITUTE HOUSE BILL NO.	391.
	HOUSE BILL NO.	399.
	HOUSE BILL NO.	403.
	SUBSTITUTE HOUSE BILL NO.	415.
	HOUSE BILL NO.	431.
	SUBSTITUTE HOUSE BILL NO.	465.
SECOND	SUBSTITUTE HOUSE BILL NO.	480.
	SUBSTITUTE HOUSE BILL NO.	506.
	HOUSE BILL NO.	559.
	HOUSE BILL NO.	643.
	SUBSTITUTE HOUSE BILL NO.	656.
	SUBSTITUTE HOUSE BILL NO.	665.
	SUBSTITUTE HOUSE BILL NO.	669.
	SUBSTITUTE HOUSE BILL NO.	677.
	SUBSTITUTE HOUSE BILL NO.	706.
	SUBSTITUTE HOUSE BILL NO.	732.
	SUBSTITUTE HOUSE BILL NO.	746.
	SUBSTITUTE HOUSE BILL NO.	750.
	HOUSE BILL NO.	753.
	SUBSTITUTE HOUSE BILL NO.	763.
	SUBSTITUTE HOUSE BILL NO.	783.
	HOUSE BILL NO.	843.
	SUBSTITUTE HOUSE BILL NO.	970.
	HOUSE BILL NO.	985.
	HOUSE BILL NO.	1027.
	SUBSTITUTE HOUSE BILL NO.	1069.
	HOUSE BILL NO.	1204.
	SENATE BILL NO.	5002.
	SENATE BILL NO.	5017.
	SUBSTITUTE SENATE BILL NO.	5130.
	SENATE BILL NO.	5194.
	SENATE BILL NO.	5248.
	SUBSTITUTE SENATE BILL NO.	5285.
	SENATE BILL NO.	5412.
	SENATE BILL NO.	5413.
	SENATE BILL NO.	5416.
	SENATE BILL NO.	5444.
	SENATE BILL NO.	5469.
	SENATE BILL NO.	5642.
	SUBSTITUTE SENATE BILL NO.	5717.
	SUBSTITUTE SENATE BILL NO.	5824.
	SUBSTITUTE SENATE BILL NO.	5911.
	SENATE JOINT MEMORIAL NO.	8008.
	SENATE JOINT RESOLUTION NO.	8207.
	SENATE JOINT RESOLUTION NO.	8212.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1229 by Representative Walk
AN ACT Relating to transportation.

Referred to Committee on Rules.

HB 1230 by Representative Walk
AN ACT Relating to transportation.

Referred to Committee on Rules.

HB 1231 by Representative Walk
AN ACT Relating to transportation.

Referred to Committee on Rules.

HB 1232 by Representative Walk
AN ACT Relating to transportation revenue.

Referred to Committee on Rules.

HB 1233 by Representative Walk
AN ACT Relating to transportation revenue.

Referred to Committee on Rules.

HB 1234 by Representative Walk
AN ACT Relating to transportation appropriations.

Referred to Committee on Rules.

HB 1235 by Representative Walk
AN ACT Relating to transportation appropriations.

Referred to Committee on Rules.

HB 1236 by Representative Grimm
AN ACT Relating to revenue increases.

Referred to Committee on Rules.

HB 1237 by Representative Grimm
AN ACT Relating to excise taxation.

Referred to Committee on Rules.

HB 1238 by Representative Grimm
AN ACT Relating to state budgets.

Referred to Committee on Rules.

HB 1239 by Representative Grimm
AN ACT Relating to fiscal matters.

Referred to Committee on Rules.

HB 1240 by Representatives Ebersole, Winsley and Fisher
AN ACT Relating to compensation of metropolitan park commissioners; and amending RCW 35.61.150.

Referred to Committee on Rules.

HJM 4027 by Representative Barnes
Requesting Congress to initiate a balanced budget amendment.

Referred to Committee on Rules.

REPORT OF STANDING COMMITTEE

April 14, 1987

HB 638 Prime Sponsor, Representative Walk: Establishing an additional motor vehicle excise tax to fund state patrol services and ferry operations.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Dellwo, Fisher, Gallagher, Heavey, Kremen, Meyers, Spanel, Sutherland, Todd, Vekich and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Doty and C. Smith.

Voting nay: Representatives Doty, Hankins, Haugen, Schmidt, C. Smith, D. Sommers, J. Williams and Zellinsky.

Absent: Representatives Berozoff, Brough, Fisch, Patrick, Prince and S. Wilson.

Passed to Committee on Rules for second reading.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6064, by Committee on Ways & Means (originally sponsored by Senators McDermott and Deccio)

Changing provisions relating to the local excise tax on lodgings.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Locke moved adoption of the committee amendments.

On motion of Mr. Madsen, the following amendment by Representatives Madsen and Grimm to the committee amendments was adopted:

On page 1, line 12 of the amendment, strike "the city council of Tacoma" and insert "the councils of cities in Pierce County"

The committee amendments as amended were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and Berozoff spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Madsen yielded to question by Mr. Taylor.

Mr. Taylor: I see King County and Pierce County and Yakima County mentioned here. Does this apply to the whole state?

Mr. Madsen: The answer to your question is, if you pass the bill as it is before you now, it would apply to King County, Yakima County and Pierce County. The Pierce County section is not a deduct; the King County and Yakima County is a deduct as it has been in the past. We are not changing anything.

Representatives Silver and Holland spoke against passage of the bill, and Representatives Doty and Rayburn spoke in favor.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6064 as amended by the House, and the bill passed the House by the following vote: Yeas, 76; nays, 15; absent, 6; excused, 1.

Voting yea: Representatives Allen, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Berozoff, Braddock, Brekke, Bristow, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ferguson, Fisch, Fisher, Gallagher, Grant, Hankins, Haugen, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Amondson, Beck, Brooks, Bumgarner, Day, Fuhrman, Hargrove, Holland, Moyer, Nealey, Padden, Patrick, Prince, Silver, Sommers D - 15.

Absent: Representatives Appelwick, Ebersole, Grimm, Heavey, King P, Todd - 6.
Excused: Representative Lewis - 1.

Engrossed Substitute Senate Bill No. 6064 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Appelwick and Ebersole appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5622, by Committee on Education (originally sponsored by Senators Gaspard, Smitherman, Bauer and Bender; by request of Superintendent of Public Instruction and State Board of Education)

Continuing the beginning teachers assistance program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. Spanel moved adoption of the committee amendments.

Mr. Betrozoff moved adoption of the following amendments by Representatives Ebersole and Betrozoff to the committee amendments:

On page 3, after line 11 of the amendment, insert the following:

NEW SECTION, Sec. 3. A new section is added to chapter 28A.67 RCW to read as follows:

(1) No person may be admitted to a professional teacher preparation program within Washington state without first demonstrating that he or she is competent in the basic skills.

(2) For persons applying for the 1988-89 school year and thereafter, if standardized tests approved by the state board of education are used to determine competency, a passing grade shall be not less than the median score for all students taking that test who were admitted in the prior school year to that institution of higher education.

(3) The state board of education shall adopt rules to implement this section. The rules shall provide for equivalent scores on comparable portions of other standardized tests.

NEW SECTION, Sec. 4. A new section is added to chapter 28A.67 RCW to read as follows:

The state board of education shall adopt a uniform state exit examination for teacher certification candidates to be administered at the end of the teacher preparation program. Commencing January 1, 1991, teacher certification candidates completing a teacher preparation program shall be required to pass an exit examination before being granted an initial certificate. The examination shall test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, and student behavior and development. The examination shall consist primarily of essay questions. The state board of education shall adopt such rules as may be necessary to implement this section.

NEW SECTION, Sec. 5. A new section is added to chapter 28A.67 RCW to read as follows:

The state board of education shall, no later than January 1, 1990, recommend to the legislature whether all teacher candidates should be required to pass a written subject matter examination. Before making its recommendations, the board shall administer sample endorsement subject matter examinations to a sample number of teacher candidates who qualify to receive endorsements on the basis of other criteria. A limited number of endorsement areas shall be selected for sample testing. The results of such tests shall be made available to the legislature.

Renumber the remaining sections consecutively and correct any internal references accordingly

On page 3, line 26 of the title amendment, after "adding" strike "a new section" and insert "new sections"

Representatives Betrozoff, Peery and Taylor spoke in favor of adoption of the amendments to the committee amendments, and they were adopted.

Ms. Valle spoke in favor of adoption of the committee amendments as amended, and they were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Spanel, Ebersole and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5622 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; absent, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King R. Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk,

Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Grimm, Heavey, King P, Todd - 4.

Excused: Representative Lewis - 1.

Substitute Senate Bill No. 5622 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker assumed the chair.

SUBSTITUTE SENATE BILL NO. 5632, by Committee on Ways & Means (originally sponsored by Senators Bauer, Gaspard and von Reichbauer; by request of Superintendent of Public Instruction)

Establishing the learning assistance program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 81st Day, April 2, 1987.)

Mr. Ebersole moved adoption of the committee amendments.

Representatives Ebersole and Betzoff spoke in favor of adoption of the amendments, and they were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole, Betzoff, Valle and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5632 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; absent, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Grimm, Heavey, King P, Todd - 4.

Excused: Representative Lewis - 1.

Substitute Senate Bill No. 5632 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Heavey appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5814, by Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Relating to mobile homes.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, April 1, 1987.)

Ms. Nutley moved adoption of the committee amendments.

On motion of Ms. Nutley, the following amendment by Representatives Nutley, J. Williams, Sayan, Leonard and Sanders to the committee amendment was adopted:

On page 5 of the amendment, after line 32, insert the following section:

*Sec. 3, Section 4, chapter 241, Laws of 1986 and RCW 46.70.023 are each amended to read as follows:

(1) An 'established place of business' requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an 'established place of business' unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law.

(2) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(3) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(4) A subagency shall comply with all requirements of an established place of business.

(5) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency.

(6) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(7) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(8) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(9) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(10) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(11) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

(12) A dealer who is a mobile home park owner may display and sell mobile homes at the mobile home park without an additional display area. The sale of mobile homes by a dealer at the mobile home park shall not be a violation of local zoning ordinances that prohibit commercial activity in the zone the mobile home park is located if the sale relates to the mobile home park. In this subsection, a mobile home sale relates to a mobile home park if: (a) It is a

home presently located in the park owned by the dealer where (i) it is being sold to a new tenant, or (ii) it is a home that has been in the park for at least one year and is being moved to make room for another mobile home; or (b) it is a home presently not located in the park but is being sold to a tenant who will move the home into the park. This subsection does not change or limit any other requirements of this chapter."

Renumber the remaining section consecutively.

On page 6, line 10 of the title amendment after "18.27.090" insert "and 46.70.023"

The committee amendments as amended were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5814 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsöld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Grimm, King P, Todd - 3.

Excused: Representative Lewis - 1.

Substitute Senate Bill No. 5814 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The House was called to order by the Speaker.

Representatives Grimm, P. King, Lewis and Todd appeared at the bar of the House. Representative Chandler was excused.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037, by Committee on Transportation (originally sponsored by Representatives Walk, Patrick, Todd, Fisher, Sanders, Gallagher, Ferguson and Miller)

Revising motor vehicle related taxes.

The Speaker stated the question before the House to be reconsideration of final passage of Engrossed Substitute Senate Bill No. 1037.

On motion of Mr. McMullen, the rules were suspended and the bill was returned to second reading for purposes of amendment.

Mr. Walk moved adoption of the following amendment by Representatives Walk and S. Wilson:

On page 4, line 29, after "~~82.36.025~~")" strike all material down through "rate," on line 31 and insert "An additional motor vehicle fuel tax rate of three and one-third cents per gallon from July 1, 1987, through June 30, 1988, and five cents per gallon from July 1, 1988, shall apply to the sale, distribution, or use of motor vehicle fuel. The proceeds from the additional tax rates under this subsection."

Representatives Walk and Schmidt spoke in favor of adoption of the amendment, and it was adopted.

Mr. Walk moved adoption of the following amendments by Representatives Walk and S. Wilson:

On page 6, after line 6, strike all material down through line 20 and insert the following:

(1) From July 1, 1987, through June 30, 1988, one-sixth cent and from July 1, 1988, through June 30, 1991, one-third cent shall be deposited in the rural arterial trust account in the motor vehicle fund.

(2) From July 1, 1987, through June 30, 1988, one and one-sixth cents and from July 1, 1988, through June 30, 1991, one and one-half cents shall be deposited in the transportation improvement account hereby created in the motor vehicle fund.

(3) From July 1, 1987, through June 30, 1988, one cent and from July 1, 1988, through June 30, 1991, one and one-half cents shall be deposited in the motor vehicle fund and shall be expended solely for highway purposes of the state, subject to the conditions imposed by chapter 47.05 RCW.

(4) From July 1, 1987, through June 30, 1988, one cent and from July 1, 1988, one and two-thirds cents shall be deposited in the local interest state transportation account hereby created in the motor vehicle fund for local interest state transportation projects as proposed by the Washington state transportation commission and approved by the legislature."

On page 6, after line 20, strike all material down through line 3 on page 9

Reumber the sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title, strike "36.79.050, 36.79.060, 36.79.080, 36.79.140"

On page 1, beginning on line 9 of the title, strike "adding a new section to chapter 36.79 RCW:"

Representatives Walk and Schmidt spoke in favor of adoption of the amendments, and they were adopted.

On motion of Mr. Walk, the following amendment by Representatives Walk and Schmidt was adopted:

On page 12, beginning on line 18, strike all of sections 15 and 16 and insert:

"NEW SECTION, Sec. 15. Before October 1 of each year, the department shall develop and submit to the transportation commission, the governor, and the executive committee of the legislative transportation committee for review, a prioritized list of local interest state transportation projects which are recommended for funding by the legislature from the revenues allocated for that purpose in section 4(4) of this act. For each project recommended, an analysis shall be done to include, but not be limited to, a description of the project scope, anticipated development schedule, and specific cost projections.

The projects submitted shall have demonstrated support by the public in the affected area. Where feasible, local government and/or private contributions toward the cost of these projects is encouraged."

Reumber the remaining sections consecutively and correct internal references accordingly.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and Reengrossed Substitute House Bill No. 1037 was placed on final passage.

Representatives Walk, S. Wilson and Sanders spoke in favor of passage of the bill, and Representatives J. Williams, Fuhrman and Holland spoke against it.

Representatives Patrick, Schmidt and Ballard spoke in favor of passage, and Mr. Fuhrman again opposed it.

Mr. McMullen demanded an oral roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 1037, and the bill failed to pass the House by the following vote: Yeas, 45; nays, 52; excused, 1.

Voting yea: Representatives Allen, Armstrong, Barnes, Basich, Belcher, Betzoff, Braddock, Brough, Cantwell, Dellwo, Ferguson, Fisher, Gallagher, Grimm, Heavey, Hine, King P, King R, Locke, Madsen, McMullen, Meyers, Miller, Niemi, Nutley, O'Brien, Patrick, Sanders, Sayan, Schmidt, Scott, Spanel, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Waiker, Wang, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 45.

Voting nay: Representatives Amondson, Appelwick, Ballard, Baugher, Beck, Brekke, Bristow, Brooks, Bumgarner, Cole, Cooper, Crane, Day, Doty, Ebersole, Fisch, Fuhrman, Grant, Hankins, Hargrove, Haugen, Holland, Holm, Jacobsen, Jesernig, Kremen, Leonard, Lewis, Lux, May, McLean, Moyer, Nealey, Nelson, Padden, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Sprenkle, Williams B, Williams J, Wilson K, Winsley - 52.

Excused: Representative Chandler - 1.

Reengrossed Substitute House Bill No. 1037, having failed to receive the constitutional majority, was declared lost.

Representative Chandler appeared at the bar of the House.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4649, by Representatives Moyer, Silver, Patrick, Amondson, McLean, J. Williams, Nealey, Barnes, Locke, Jesernig, Baugher, Bumgarner, Dellwo, Taylor, Padden, D. Sommers, Brooks, Day, Hankins, Allen, Appelwick, Armstrong, Ballard, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, J. King, P. King, R. King, Kremen, Leonard, Lewis, Lux, Madsen, May, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, C. Smith, L. Smith, H. Sommers, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Our men and women who serve in law enforcement are a necessary and vital part of our society; and

WHEREAS, In performing their duties, they are often at great risk; and

WHEREAS, More than one hundred thirty city, county, state and federal law enforcement officers have died in the line of duty in the State of Washington throughout our past history; and

WHEREAS, Dedication ceremonies for a Law Enforcement Officers' Memorial will be held in Spokane, Washington on Saturday, May 16, 1987; and

WHEREAS, All on-duty law enforcement personnel who are unable to attend the ceremonies will observe one minute of silence at 11:11 A.M. on that day in memory of the officers who have given their lives in the line of duty; and

WHEREAS, It would be most significant and appropriate that all the people of this state join in paying honor to those who have sacrificed their lives to secure and protect the peace and safety of our homes and our communities;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the members of the legislature join in this moment of remembrance and, that the legislature invite all the citizens of Washington to join in this remembrance at 11:11 A.M. on Saturday, May 16, 1987.

Mr. Moyer moved adoption of the resolution.

Representatives Moyer and Patrick spoke in favor of adoption of the resolution, and it was adopted.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5253, by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Lee, Sellar, Peterson, Gaspard, Halsan, Conner, Deccio, Kreidler, Tanner, Hansen, Stratton, Kiskaddon and Bauer)

Changing provisions relating to displaced homemakers.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 30, 1987.)

On motion of Ms. Brekke, the committee amendment was adopted.

Committee on Ways & Means/Appropriations recommendation: Majority, do pass as further amended. (For committee amendment, see Journal, 85th Day, April 6, 1987.)

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

On motion of Ms. Brekke, the amendment to the title by the Committee on Human Services was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke, Padden and Lewis spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5253 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5253 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5326, by Committee on Commerce & Labor (originally sponsored by Senators Garrett, Johnson, Peterson, Lee, Tanner, Warnke, Williams, Kiskaddon and Bauer; by request of Joint Select Committee on Disability Employment and Economic Participation)

Creating the Washington disability training and placement coordination council.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 73rd Day, March 25, 1987.)

On motion of Ms. Cole, the committee amendment was adopted.

Committee on Ways & Means recommendation: Majority, do pass as further amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

On motion of Mr. McMullen, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5326 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5326 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5408, by Senators Warnke, Cantu, Wojahn and Garrett; by request of Department of Labor and Industries

Revising provisions relating to asbestos projects.

The bill was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5408, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Soyam, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

AFTERNOON SESSION

The House was called to order by the Speaker.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441, by Committee on Ways & Means (originally sponsored by Senators DeJarnatt, Lee, Warnke, Smitherman, Newhouse, Tanner, McDonald and Rasmussen; by request of Joint Select Committee on Unemployment Compensation and Insurance)

Authorizing establishment of local reemployment centers.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, April 1, 1987.)

Mr. Wang moved adoption of the committee amendments.

On motion of Mr. Grimm, the committee amendments by Committee on Ways & Means/Appropriations to the amendments by Committee on Commerce & Labor were adopted. (For amendments by Committee on Ways & Means/Appropriations, see Journal, 85th Day, April 6, 1987.)

The amendments by Committee on Commerce & Labor as amended were adopted.

The committee amendment as amended to the title amendment was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5441 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner,

Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Barnes, Sanders, Sommers H - 3.

Engrossed Second Substitute Senate Bill No. 5441 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5608, by Committee on Agriculture (originally sponsored by Senators Kreidler and Hansen)

Strengthening the prohibitions against cruelty to animals.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. Rayburn moved adoption of the committee amendments.

Mr. Kremen moved adoption of the following amendments by Representatives Kremen, Ferguson, Leonard, Zellinsky, Peery, Rasmussen, Cole, Heavey, Spanel, Betzoff, Brough, Sanders, Walker and Ballard to the committee amendments:

On page 6, after line 23 of the amendment, insert the following:

"NEW SECTION. Sec. 6. Nothing in this act shall be construed as expanding or diminishing, in any manner whatsoever, any authority granted officers under RCW 16.52.020 or 16.52.030."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "RCW:" insert "creating a new section:"

Representatives Kremen and Ferguson spoke in favor of adoption of the amendments, and Mr. Baugher spoke against them.

The amendments to the amendments were adopted.

Mr. Fuhrman moved adoption of the following amendment to the committee amendments:

On page 6, after line 23 insert:

"NEW SECTION. Sec. 6. If the county sheriff or other law enforcement officer shall have probable cause to believe that one of the highest forms of animal life, an unborn member of the species, homo sapiens, has been neglected, injured or abused by his or her mother, the officer may authorize an examination of the allegedly neglected unborn child to determine if such person has, in fact, been neglected, injured or abused. Neglect, injury or abuse of such highest form of animal life shall be a class C felony. Law enforcement officers and licensed physicians shall be immune from civil and criminal liability for actions taken under this chapter if reasonable prudence is exercised in carrying out the provisions of this chapter."

Renumber subsequent section accordingly.

POINT OF ORDER

Ms. Rayburn: I would like to have you rule on scope and object of this amendment, please.

SPEAKER'S RULING

The Speaker: Representative Rayburn, I find your point is well taken. It is outside the scope and object of the bill.

The committee amendments as amended were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5608 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5608 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5861, by Senators Tanner, Johnson, Moore, Hansen and Conner

Providing an exemption for specified vessels from application of chapter 88.16 RCW.

The bill was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Zellinsky yielded to question by Ms. Schmidt.

Ms. Schmidt: Representative Zellinsky, as the chairman of the subcommittee that looked into this during the interim and helped develop this legislation, is it the intent of this bill that the commission could consider actions of a crew as well as compliance of a vessel during any review or action of revocation of exemption?

Mr. Zellinsky: The answer is definitely yes. The issue was discussed during deliberations of the three proposals to provide proper exemptions under the provisions of this act. As the cochairman of the committee, I feel that RCW 88.16 grants adequate authority to the commission to consider a remedy of any noncompliance under provisions of this act.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5861, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5225, by Committee on Education (originally sponsored by Senators Gaspard, Rinehart, Warnke, von Reichbauer and Vogndl)

Modifying collective bargaining procedures at community colleges.

The bill was read the second time.

Mr. R. King moved adoption of the following amendments by Representatives R. King, Patrick, McMullen, Wang, Cole, Brough, Holland and Miller:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010 are each amended to read as follows:

It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees and the community college districts by which they are employed.

It is the purpose of this chapter to promote cooperative efforts by prescribing certain rights and obligations of the employees and employers and by establishing orderly procedures governing the relationship between the employees and their employers which procedures are designed to meet the special requirements and needs of public employment in higher education. It is the intent of this chapter to promote activity that includes the elements of open communication and access to information in a timely manner, with reasonable discussion and interpretation of that information. It is the further intent that such activity shall be characterized by mutual respect, integrity, reasonableness, and a desire on the part of the parties to address and resolve the points of concern.

Sec. 2. Section 2, chapter 196, Laws of 1971 ex. sess. as last amended by section 12, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.020 are each amended to read as follows:

As used in this chapter:

(1) 'Employee organization' means any organization which includes as members the academic employees of a community college district and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

(2) 'Academic employee' means any teacher, counselor, librarian, or department head, who is employed by any community college district, whether full or part time, with the exception of the chief administrative officer of, and any administrator in, each community college district.

(3) 'Administrator' means any person employed either full or part time by the community college district and who performs administrative functions as at least fifty percent or more of his assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules and regulations as adopted in accordance with RCW 28B.52.080.

(4) 'Commission' means the public employment relations commission.

(5) 'Unfair labor practice' means any unfair labor practice listed in section 11 of this 1987 act.

(6) 'Union security provision' means a provision in a collective bargaining agreement under which some or all employees in the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later, to become a member of the exclusive bargaining representative or pay an agency fee equal to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative.

(7) 'Exclusive bargaining representative' means any employee organization which has:

(a) Been certified or recognized under this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Before the effective date of this section, been certified or recognized under a predecessor statute as the representative of the employees in a bargaining unit which continues to be appropriate under this chapter.

(8) 'Collective bargaining' and 'bargaining' mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times to bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment, such as procedures related to nonretention, dismissal, denial of tenure, and reduction in force. Prior law, practice, or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

Sec. 3. Section 3, chapter 196, Laws of 1971 ex. sess. as amended by section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its community college district, shall have the right ~~((after using established administrative channels, to meet, confer and negotiate with the board of trustees of the community college district or its delegated representative(s) to communicate the considered professional judgment of the academic staff prior to the final adoption by the board of proposed community college district policies relating to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules and noninstructional duties))~~ to bargain as defined in RCW 28B.52.020(8).

Sec. 4. Section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035 are each amended to read as follows:

At the conclusion of any negotiation processes as provided for in RCW 28B.52.030, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. Provisions of written contracts relating to salary increases shall not exceed the amount or percentage established by the legislature in the appropriations act and allocated to the board of trustees by the state board for community college education. The length of ((terms within)) term of any such agreement shall be for not more than three fiscal years. Any provisions of these agreements pertaining to salary increases will not be binding upon future actions of the legislature. If any provision of a salary increase is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.52 RCW to read as follows:

Employees have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and also have the right to refrain from any or all of these activities except to the extent that employees may be required to make payments to an exclusive bargaining representative or charitable organization under a union security provision authorized in this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.52 RCW to read as follows:

A board of trustees or an employee organization that enters into a negotiated agreement under RCW 28B.52.030 may include in the agreement procedures for binding arbitration of the disputes arising about the interpretation or application of the agreement including but not limited to nonretention, dismissal, denial of tenure, and reduction in force.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.52 RCW to read as follows:

Except as otherwise expressly provided in this chapter, this chapter shall not be construed to deny or otherwise abridge any rights, privileges, or benefits granted by law to employees. This chapter shall not be construed to interfere with the responsibilities and rights of the board of trustees as specified by federal and state law.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.52 RCW to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee

organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 9. Section 5, chapter 196, Laws of 1971 ex. sess. as last amended by section 13, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.060 are each amended to read as follows:

The commission ~~((is authorized to)) shall conduct ((fact-finding and))~~ mediation activities upon the ~~((consent)) request of ((both parties)) either party~~ as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by the employee organization and the board of trustees of the community college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, request the assistance and advice of the commission. Nothing in this section prohibits an employer and an employee organization from agreeing to substitute, at their own expense, some other impasse procedure or other means of resolving matters considered under this chapter.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.52 RCW to read as follows:

The commission may adjudicate any unfair labor practices alleged by a board of trustees or an employee organization and shall adopt reasonable rules to administer this section. However, the parties may agree to seek relief from unfair labor practices through binding arbitration.

NEW SECTION. Sec. 11. A new section is added to chapter 28B.52 RCW to read as follows:

(1) It shall be an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules adopted by the commission, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment;

(d) To discharge or discriminate otherwise against an employee because that employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It shall be an unfair labor practice for an employee organization:

(a) To restrain or coerce an employee in the exercise of the rights guaranteed by this chapter: PROVIDED, That this subsection shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership in the employee organization or to an employer in the selection of its representatives for the purpose of bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To discriminate against an employee because that employee has filed charges or given testimony under this chapter;

(d) To refuse to bargain collectively with an employer.

(3) The expressing of any views, arguments, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

Sec. 12. Section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200 are each amended to read as follows:

Nothing in chapter 28B.52 RCW as now or hereafter amended shall compel either party to agree to a proposal or to make a concession, nor shall any provision in chapter 28B.52 RCW as now or hereafter amended be construed as limiting or precluding the exercise by each community college board of trustees of any powers or duties authorized or provided to it by law unless such exercise is contrary to the terms and conditions of any lawful negotiated agreement, except that other than to extend the terms of a previous contract, a board of trustees shall not take unilateral action on any unresolved issue under negotiation, unless the parties have first participated in good faith mediation or some other procedure as authorized by RCW 28B.52.060 to seek resolution of the issue.

NEW SECTION. Sec. 13. A new section is added to chapter 28B.52 RCW to read as follows:

The right of community college faculty to engage in any strike is prohibited. The right of a board of trustees to engage in any lockout is prohibited. Should either a strike or lockout occur, the representative of the faculty or board of trustees may invoke the jurisdiction of the superior court in the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order against either or both parties. In fashioning an order, the court shall take into consideration not only the elements necessary for injunctive relief but also the purpose and goals of this chapter and any mitigating factors such as the commission of an unfair labor practice by either party.

Sec. 14. Section 6, chapter 14, Laws of 1979 as last amended by section 96, chapter 370, Laws of 1985 and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Salary increases shall not exceed the amount or percentage established in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community college education;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of community college boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(5);

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community college education and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(4), may participate in higher education centers and consortia that involve any four-year public or independent college or university; and

(20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

NEW SECTION, Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "personnel;" strike the remainder of the title and insert "amending RCW 28B.52.010, 28B.52.020, 28B.52.030, 28B.52.035, 28B.52.060, 28B.52.200, and 28B.50.140; and adding new sections to chapter 28B.52 RCW."

Mr. Barnes moved adoption of the following amendment to the amendment:

On page 9, line 9 of the striking amendment following "shall" strike everything through "organization" on line 27 and insert "be excused from the periodic dues and initiation fees uniformly required of union members"

Mr. Barnes spoke in favor of adoption of the amendment to the amendment, and Mr. R. King spoke against it.

The amendment to the amendment was not adopted.

Mr. Barnes moved adoption of the following amendment to the amendment:

On page 9, line 9 of the striking amendment following "a" strike everything through "organization" on line 27 and insert "charity of their choice an amount of money equivalent to the periodic dues and initiative fees uniformly required of union members"

Representatives Barnes and Schoon spoke in favor of adoption of the amendment to the amendment, and Mr. R. King spoke against it. Mr. Barnes spoke again in favor.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Barnes to the R. King amendment to Engrossed Substitute Senate Bill No. 5225, and it was not adopted by the following vote: Yeas, 36; nays, 62.

Voting yea: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Haugen, Holland, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 36.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher,

Gallagher, Grant, Grimm, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 62.

The Speaker stated the question before the House to be the adoption of the amendment by Representative R. King and others to Engrossed Substitute Senate Bill No. 5225.

Representatives R. King, Patrick and Miller spoke in favor of adoption of the amendment, and Mr. Barnes spoke against it.

The amendment was adopted.

The amendment to the title was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Wang spoke in favor of the bill.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Patrick.

Mr. Patrick: Representative Wang, if a board extends the terms of an expired contract, is the board's obligation to bargain with the union eliminated?

Mr. Wang: No. The provision to extend the contract simply allows the board to extend. The extension would be appropriate to avoid disputes over what portions of the expired contract remain enforceable between contracts.

Mr. Patrick: If the board does not extend the contract, do all faculty rights expire?

Mr. Wang: No, in that event, faculty would be in the same situation as other employees protected by bargaining laws. Under rulings by our PERC and the NLRB, some aspects of an expired contract would remain enforceable through the grievance procedure. This section would insure that terms and conditions of employment remain stable even after a contract expires, at least until the parties complete mediation.

Mr. Patrick: What is the intent and effect of the prohibition against unilateral board action until after mediation?

Mr. Wang: The intent of this provision is to minimize the opportunity for negotiations to turn angry and bitter. Nothing excites faculty more than to have a board unilaterally adopt a policy affecting faculty without having gone through negotiations. By prohibiting unilateral changes until after mediation, we hope that the parties will reach an agreement.

Mr. Patrick: What constitutes "good faith mediation"?

Mr. Wang: These are common terms in labor relations. They require that the parties have reached a true impasse, have sought mediation, have participated in mediation with an open mind seeking agreement, and mediation has failed leaving no room for a negotiated settlement.

Representatives Patrick, R. King and Sayan spoke in favor of passage of the bill, and Mr. Taylor spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5225 as amended by the House, and the bill passed the House by the following vote: Yeas, 84; nays, 14.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan,

Schmidt, Schoon, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Barnes, Brooks, Chandler, Haugen, Moyer, Nealey, Padden, Prince, Silver, Smith C, Sommers D, Taylor, Williams J, Wilson S - 14.

Engrossed Substitute Senate Bill No. 5225 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5510, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, McCaslin and Smitherman; by request of Department of Licensing)

Modifying provisions relating to real estate licenses.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Wang, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5510 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Brekke - 1.

Substitute Senate Bill No. 5510 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5439, by Committee on Natural Resources (originally sponsored by Senators Owen, Metcalf, Patterson and Stratton)

Designating department of natural resources as agency for surveys and maps and creating surveys and maps account in the general fund.

The bill was read the second time.

Ms. Haugen moved adoption of the following amendments by Representatives Haugen and S. Wilson:

On page 4, after line 20, insert the following:

*Sec. 7, Section 2, chapter 307, Laws of 1986 and RCW 36.37.160 are each amended to read as follows:

(1) If requested by a county legislative authority, the department of natural resources shall negotiate a lease, or may negotiate a sale or exchange of lands to the county at fair market value, for any requested portion of the state lands directly adjacent to buildings on the Northern State Hospital site that were transferred to the department under chapter 178, Laws of 1974 ex. sess., if not otherwise prohibited, to the county to use for the purpose of establishing county fairgrounds (~~(-However, the)~~) and a regional destination tourist attraction.

(2) If a portion is to be leased, it shall be contiguous and compact, of an area not to exceed two hundred fifty acres and shall be segregated in such a manner that the remaining portion of these state lands can be efficiently managed by the department. The lease shall be for as long as the county is actually using the land as the site of the county fairgrounds. Notwithstanding chapter 178, Laws of 1974 ex. sess., the department shall charge the county the

sum of one thousand dollars per year for the lease of such lands and this sum may be periodically adjusted to compensate the department for any increased costs in administration of the lease. The lease shall contain provisions directing payment of all assessments and authorizing the county to place any improvements on the leased lands if the improvements are consistent with the purposes of county fairs.

(3) If the property is to be sold, any proceeds received by the department from the sale of the property shall be deposited in the park land trust revolving fund, to be utilized by the department of natural resources in the same manner as set forth in RCW 43.51.270(4)."

On page 1, line 2 of the title, after "RCW" insert "36.37.160."

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Haugen and S. Wilson to Engrossed Substitute Senate Bill No. 5439, and the amendment was adopted by the following vote: Yeas, 72; nays, 23; absent, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Holland, Jesernig, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Vekich, Walk, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Belcher, Brekke, Cole, Day, Ebersole, Fisher, Heavey, Hine, Holm, King P, King R, Locke, Nelson, Niemi, Pruitt, Rust, Sayan, Scott, Unsoeld, Valle, Wang, Wilson K, Wineberry - 23.

Absent: Representatives Bristow, Grimm, Jacobsen - 3.

The amendment to the title of the bill was adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5439 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5439 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5232, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Lee, Vognild, Smitherman and Wojahn)

Modifying manner in which base years and benefit years are established for purposes of unemployment compensation.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Representatives Wang and Patrick spoke in favor of the amendments, and they were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5232 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Barnes, Chandler, Fuhrman, Nealey, Sanders - 5.

Substitute Senate Bill No. 5232 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5392, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Wojahn, Vognild, Smitherman, Williams, Talmadge, Bender, Rasmussen and Conner; by request of Joint Select Committee on Unemployment Insurance and Compensation)

Changing requirements for establishment of benefit years for unemployment compensation.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass with the following amendment:

On page 2, line 6, after "benefit" strike "year" and insert "year's waiting period under RCW 50.20.010(4)"

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

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5392 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5392 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5104, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bluechel)

Modifying provisions relating to money received by the parks and recreation commission.

The bill was read the second time.

Mr. S. Wilson moved adoption of the following amendment by Representatives S. Wilson, Haugen and Hargrove:

On page 3, after line 22, insert a new section as follows:

"NEW SECTION, Sec. 4. A new section is added to chapter 43.51 RCW to read as follows:

No items available at a local business within a ten mile radius of any park facility may be sold at such park facility pursuant to this 1987 act."

Representatives S. Wilson, Haugen and Hargrove spoke in favor of the amendment, and Representatives Sayan, Sutherland and Cole spoke against it.

Representatives S. Wilson and Hargrove again spoke in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative S. Wilson and others to Substitute Senate Bill No. 5104, and the amendment was not adopted by the following vote: Yeas, 38; nays, 60.

Voting yea: Representatives Amondson, Ballard, Basich, Beck, Betrozoff, Brooks, Chandler, Cooper, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Haugen, Holland, Kremen, Lewis, Locke, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Zellinsky - 38.

Voting nay: Representatives Allen, Appelwick, Armstrong, Barnes, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 60.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole, K. Wilson and Sutherland spoke in favor of passage of the bill, and Representatives Hargrove, Haugen and Fuhrman spoke against it.

Ms. Haugen again opposed passage of the bill.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5104, and the bill passed the House by the following vote: Yeas, 58; nays, 36; absent, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 58.

Voting nay: Representatives Amondson, Ballard, Beck, Brooks, Bumgarner, Chandler, Cooper, Doty, Ferguson, Fuhrman, Hargrove, Haugen, Heavey, Holland, Kremen, Lewis, Locke, May, McLean, Miller, Moyer, Nealey, Padden, Rasmussen, Sanders, Schmidt, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams J, Wilson S, Winsley, Zellinsky - 36.

Absent: Representatives Gallagher, Patrick, Schoon, Williams B - 4.

Substitute Senate Bill No. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5245, by Senator Peterson

Expanding use of reflectorized warnings on disabled vehicles.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5245, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5530, by Committee on Commerce & Labor (originally sponsored by Senator Fleming)

Expanding the duties of the office of small business.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Wineberry, the committee amendments were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Schoon and Wineberry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5530 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5530 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5650, by Committee on Transportation (originally sponsored by Senators Conner, Peterson, Garrett and Barr)

Revising qualifications of pilots.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 81st Day, April 2, 1987.)

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

On motion of Mr. Sayan, the following amendment was adopted:

On page 4, line 20, after "qualifications," insert "The board shall conduct the examination on a regular date, as prescribed by rule, at least once every two years."

POINT OF INQUIRY

Mr. Sayan yielded to question by Mr. Heavey.

Mr. Heavey: Representative Sayan, would this amendment mandate an examination at least once every two years?

Mr. Sayan: This amendment will mandate by rule an examination at least once every two years and will allow for a more frequent examination.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5650 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5650 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5976, by Senators Hansen and Barr

Changing provisions relating to livestock liens.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 3, 1987.)

Ms. Rayburn moved adoption of the committee amendment.

Representatives Rayburn and Nealey spoke in favor of the committee amendment, and it was adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5976 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5976 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 6061, by Committee on Parks & Ecology (originally sponsored by Senator Nelson)

Relating to exempting certain community docks from the substantial development requirements of the shoreline management act.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6061, and the bill passed the House by the following vote: Yeas, 98.

Voting ye: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 6061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Brooks was excused.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 220.

SECOND READING

ENGROSSED SENATE BILL NO. 5556, by Senators Kreidler, Zimmerman and Kiskaddon; by request of Department of Ecology

Changing provisions relating to floodplain management.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 83rd Day, April 2, 1987.)

Ms. Rust moved adoption of the committee amendments.

The Clerk read the following amendments by Representatives Madsen, Betrozoff, Day, Ferguson, Miller, Jesernig and Baugher to the committee amendment:

On page 4, line 21, after "floodways" strike everything through "structures" on page 4, line 24, and insert "to conform with requirements of the national flood insurance program"

On page 4, line 30, after "(d)" strike everything through "program" on page 4, line 31.

Renumber consecutive sections accordingly.

With consent of the House, Mr. Madsen withdrew the amendments.

Ms. Rust moved adoption of the following amendment by Representatives Rust and Ferguson to the committee amendments:

On page 4, line 24 of the committee amendment, after "structures" insert "except for: (i) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) Repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either, (A) before the repair, reconstruction, or repair is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent determination"

Ms. Rust spoke in favor of the amendment to the committee amendments, and it was adopted.

Mr. Ferguson moved adoption of the following amendment by Representatives Ferguson, Day, Miller, Jesernig, Schoon, Betrozoff, Haugen and Madsen to the committee amendments:

On page 13, after line 3 of the amendment, insert the following:

***NEW SECTION.** Sec. 14. A new section is added to chapter 86.16 RCW to read as follows:

(1) A town in that portion of the Snohomish river flood control zone in existence as of January 1, 1987, within King county may apply to the department of ecology for an exemption from this chapter for (a) those structures or improvements constructed prior to August 15, 1966, and (b) any property situated within a plat that was filed for record prior to August 15, 1966.

(2) The department of ecology may grant an exemption under subsection (1) of this section if the department of ecology finds the exemption is warranted due to the physical characteristics within the town.*

Mr. Ferguson spoke in favor the amendment to the committee amendments, and Ms. Rust spoke against it.

Representatives Miller, Baugher and Day spoke in favor of the amendment to the committee amendments, and Ms. Rust again opposed it.

The amendment to the committee amendments was adopted.

Ms. Rust spoke in favor of adoption of the committee amendments as amended, and they were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5556 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Engrossed Senate Bill No. 5556 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Appelwick, the Committee on Rules was relieved of Substitute Senate Bill No. 5941, and the bill was placed on the bottom of the second reading calendar.

SECOND SUBSTITUTE SENATE BILL NO. 5555, by Committee on Ways & Means (originally sponsored by Senators Halsan and Zimmerman; by request of Office of Financial Management)

Establishing the department of information technology.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Ms. H. Sommers, the following amendments by Committee on Ways & Means/Appropriations to the Committee on State Government amendments were not adopted:

On page 18 of the amendment, beginning on line 12, after "section))" strike everything through "used" on line 16 and insert "the data processing account in the state treasury. Moneys in the account shall be used only"

On page 18 of the amendment, beginning on line 34, after "management," strike everything through "appropriation," on page 19, line 4, and insert "Except as provided in RCW 43.79.260 through 43.79.280, moneys in the account may be spent only after appropriation by statute."

On motion of Ms. H. Sommers, the following amendment by Representatives H. Sommers, Madsen, Hankins and Silver to the committee amendment was adopted:

On page 19 of the amendment, line 4, after "appropriation," insert "All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88 RCW."

On motion of Ms. H. Sommers, the following amendments by Representatives H. Sommers and Hankins to the committee amendments were adopted:

On page 38, line 6, strike "1991" and insert "1994"

On page 38, line 17, strike "1992" and insert "1995"

On motion of Ms. H. Sommers, the following amendment by Representatives H. Sommers, Madsen, Hankins and Silver to the committee amendments was adopted:

On page 38 of the amendment, after line 8, insert:

"NEW SECTION. Sec. 23. (1) The legislative evaluation and accountability program administration (LEAP) shall conduct a comprehensive study of state budgets and expenditures for information systems. The study shall include but need not be limited to:

(a) Estimates, to the extent feasible, of total planned state expenditures by agency for information systems during the 1987-89 biennium, including equipment costs, software costs, numbers and costs of full-time equivalent employees, and consultant costs. The estimates shall include expenditures to be made by agencies pursuant to authority delegated under section 5(2) of this act, as well as expenditures to be made through the services component of the department of information services. If appropriate, expenditures shall be treated as for information system purposes, even if not expressly budgeted as such.

(b) Quarterly reports to legislative fiscal committees during the 1987-89 biennium, which compare actual information system expenditures to estimates determined under subsection (1)(a) of this section.

(c) Reviews of state information systems' budget development and expenditure reporting processes, with an emphasis on developing procedures which will allow accurate comparisons of budgeted costs with actual expenditures.

(d) Reviews of the department of information services rate structures by cost center, including, but not limited to, examination of cost components such as:

(i) Hardware and software acquisitions;

(ii) Vendor price performance trends; and

(iii) Staffing policies.

(2) The office of financial management and the department of information services shall assist LEAP as required to fulfill the purposes of this section.

(3) LEAP shall report any suggested changes in rate structures, budget preparation procedures, appropriation procedures, allotment procedures, or expenditure reporting procedures, including any proposed statutory changes, to the legislative fiscal committees. An initial report shall be made before the first day of the 1988 regular legislative session, and a final report shall be made before the first day of the 1989 regular legislative session.

(4) This section shall expire July 1, 1989."

Renumber the sections consecutively and correct any internal references accordingly.

The committee amendment as amended was adopted.

The amendment to the title was adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5555 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher,

Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Second Substitute Senate Bill No. 5555 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5747, by Senators Williams, Kreidler and Bluechel

Providing for a nonprofit historic preservation corporation.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, April 1, 1987.)

On motion of Ms. Nutley, the committee amendments were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5747 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Senate Bill No. 5747 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5074, by Committee on Ways & Means (originally sponsored by Senators Talmadge, Newhouse, McCaslin, Moore, Lee and Hayner)

Revising involuntary commitment procedures.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.) Committee on Ways & Means/Appropriations recommendation: Majority, do pass with amendments by Committee on Human Services.

Ms. Brekke moved adoption of the committee amendments.

Mr. Moyer moved adoption of the following amendment by Representatives Moyer and Brekke to the committee amendment:

On page 4, line 6 of the amendment, after "71.05.290" insert "; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

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

Mr. P. King moved adoption of the following amendment to the committee amendment:

On page 7, line 16 of the amendment, strike "reasonably related" and insert "relevant"

Mr. P. King spoke in favor of the amendment to the committee amendment, and it was adopted.

On motion of Ms. Brekke, the following amendment to the committee amendment was adopted:

On page 21, line 1, strike Section 15.

Ms. Brekke spoke in favor of the committee amendments as amended, and they were adopted.

The following amendments to the title amendment were adopted:

On page 21, line 10 of the title, after "section" strike "; and providing an effective date" and before "creating" on line 9 insert "and"

The title amendment as amended was adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5074 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayam, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Second Substitute Senate Bill No. 5074 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker call on Mr. Appelwick to preside.

ENGROSSED SENATE BILL NO. 5549, by Senators Stratton, Pullen, Rasmussen and Decio; by request of Department of Corrections

Providing for the setting of execution dates.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Braddock, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5549 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm,

Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Engrossed Senate Bill No. 5549 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5993, by Committee on Ways & Means (originally sponsored by Senator Hansen)

Providing for the 1987 drought.

The bill was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5993, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Second Substitute Senate Bill No. 5993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE JOINT MEMORIAL NO. 8016, by Senator Hansen

Requesting the strengthening of the Farm Credit System to assist Washington farmers.

The memorial was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8016, and the memorial passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Senate Joint Memorial No. 8016, having received the constitutional majority, was declared passed.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Owen, DeJarnatt, Lee, Bottiger, Kreidler, Rinehart, Bluechel, Moore and Conner

Creating joint committee on marine and ocean resources.

The resolution was read the second time. Committee on Natural Resources recommendation: Majority, do pass with the following amendment:

On page 3, line 28, after "development," insert "The authority for the joint select committee on marine and ocean resources shall expire June 30, 1989."

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

On motion of Mr. Basich, the following amendment by Representatives Basich, Sayan, S. Wilson and Haugen was adopted:

On page 1, line 1, after "WHEREAS," strike the remainder of the resolution and insert the following:

"Sport and commercial fishing on the Pacific Coast plays a vital role in economic development; and

WHEREAS, Management of coastal fisheries involves many user groups, government agencies and individual legislatures, but does not involve a coordinated approach among individual states; and

WHEREAS, Each state's legislature plays an important role in developing state fisheries management policies and that the entire Pacific Coast benefits from fisheries enhancement; and

WHEREAS, There is an obvious need for developing means for protecting and fostering Pacific fishing so as to maximize yield while protecting the resource for future generations; and

WHEREAS, The subjects that require interstate cooperation are many and know no state boundaries;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the President of the Senate and the Speaker of the House of Representatives, joining with the presiding officers of the other jurisdictions shall appoint, respectively, two senators and two representatives to represent Washington on the Pacific Fisheries Legislative Task Force, which shall operate as a clearinghouse for opinions from all the various interests involved in Pacific fishing, and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions and to the state delegations in the United States Congress concerning means of protecting and fostering Pacific fishing in the participating jurisdictions: PROVIDED, That representatives of the state of Washington shall attend no more than four meetings annually; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the presiding officers of the legislatures of Alaska, California, Idaho, and Oregon."

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 8406 as amended by the House, and the resolution was adopted by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zöllinsky, and Mr. Speaker - 96.

Voting nay: Representative Nelson - 1.

Excused: Representative Brooks - 1.

Engrossed Senate Concurrent Resolution No. 8406 as amended by the House, having received the constitutional majority, was declared adopted.

On motion of Mr. McMullen, the House advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5195 AS AMENDED BY THE HOUSE, by Senators Moore, Bender and Metcalf; by request of Insurance Commissioner

Revising provisions on insurance.

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

Representatives Lux and Allen spoke in favor of passage of the bill, and Representatives Chandler, Zellinsky, Silver and Heavey spoke against it.

Mr. Lux spoke again in favor of passage of the bill, and Ms. Silver again opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5195 as amended by the House, and the bill failed to pass the House by the following vote: Yeas, 42; nays, 55; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Dellwo, Fisch, Fisher, Gallagher, Grimm, Hine, Holm, Jacobsen, King R, Leonard, Locke, Lux, McMullen, Nelson, Niemi, Nutley, O'Brien, Pruitt, Rayburn, Rust, Sayan, Sommers H, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 42.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Doty, Ebersole, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Jesernig, King P, Kremen, Lewis, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Padden, Patrick, Peery, Prince, Rasmussen, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sutherland, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 55.

Excused: Representative Brooks - 1.

Engrossed Substitute Senate Bill No. 5650 as amended by the House, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. Meyers, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Senate Bill No. 5195 as amended by the House failed to pass the House.

With consent of the House, Mr. Meyers withdrew his motion.

SUBSTITUTE SENATE BILL NO. 5142 AS AMENDED BY THE HOUSE, by Committee on Judiciary (originally sponsored by Senators Talmadge, Lee, Bottiger, Moore and Rinehart)

Providing protection from unlawful harassment.

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

Representatives Armstrong and Heavey spoke in favor of the bill, and Representatives Hargrove, Fuhrman and Padden spoke against it.

Mr. Armstrong spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5142 as amended by the House, and the bill passed the House by the following vote: Yeas, 86; nays, 11; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Amondson, Chandler, Fuhrman, Hargrove, Nealey, Padden, Patrick, Smith C, Smith L, Williams J, Wineberry - 11.

Excused: Representative Brooks - 1.

Substitute Senate Bill No. 5142 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5206 AS AMENDED BY THE HOUSE, by Committee on Judiciary (originally sponsored by Senator Talmadge)

Authorizing additional superior court judges.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5206 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Substitute Senate Bill No. 5206 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. McMullen, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5854, by Committee on Financial Institutions (originally sponsored by Senators Kreidler, Moore, Metcalf and Deccio)

Providing for regulation of retirement care communities.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. McMullen, the following amendment by Committee on Ways & Means/Appropriations to the committee amendments by Committee on Financial Institutions & Insurance was adopted:

On page 23, after line 25, insert "The entire cost of carrying out the department's responsibilities under this chapter shall be covered by these application and review fees."

The committee amendments as amended were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Winsley spoke in favor of passage of the bill, and Mr. Barnes opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5854 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld,

Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Barnes - 1.

Excused: Representative Brooks - 1.

Substitute Senate Bill No. 5854 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5880, by Committee on Education (originally sponsored by Senators Benitz, Saling, Bailey, Owen and Bauer)

Establishing a tuition recovery fund for private vocational schools.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass. Committee on Ways & Means/Appropriations recommendation: Majority, do pass with the following amendment:

On page 1, line 14, after "subsection" strike "(7)" and insert "(9)"

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

On motion of Ms. Hine, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5880 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Saryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Substitute Senate Bill No. 5880 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5850, by Committee on Transportation (originally sponsored by Senator Tanner)

Revising certain traffic infractions and administrative penalties.

The bill was read the second time.

Mr. J. Williams moved adoption of the following amendment by Representatives J. Williams, L. Smith, Meyers, Hargrove, Day, Zellinsky, Ebersole, Madsen, P. King, May, Kremen, Baugher, Holland, S. Wilson, Lewis, Bumgarner, Walker, Schmidt, Ballard, Amondson, Vekich, Basich, Prince, Sanders, Beck, Fuhrman, Hankins, R. King, Gallagher, Allen, Chandler, Nealey, D. Sommers, C. Smith, Grant and Scott:

On page 7, after line 18, insert:

***NEW SECTION.** Sec. 6. Any speed infraction under seventy miles per hour by a private passenger automobile which occurs on an interstate freeway shall be exclusively deemed an energy conservation infraction and the fine for such infraction shall not be more than twenty dollars. The infraction shall not be reported to the department of licensing or entered on any abstract.*

Representatives J. Williams, P. King, Zellinsky and Bumgarner spoke in favor of the amendment, and Representatives Nelson, Ferguson, Cole, Schoon and Haugen spoke against it.

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

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative J. Williams and others to Engrossed Substitute Senate Bill No. 5850, and the amendment was not adopted by the following vote: Yeas, 37; nays, 60; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Basich, Baugher, Bristow, Bumgarner, Chandler, Day, Fuhrman, Grant, Hankins, Hargrove, Holland, King P, King R, Lewis, Madsen, May, McLean, Meyers, Nealey, Padden, Peery, Prince, Rayburn, Sanders, Schmidt, Scott, Smith C, Smith L, Sutherland, Unsoeld, Walker, Williams J, Wilson S, Zellinsky - 37.

Voting nay: Representatives Appelwick, Armstrong, Barnes, Beck, Belcher, Betzoff, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, Kremen, Leonard, Locke, Lux, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Pruitt, Rasmussen, Rust, Sayan, Schoon, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Taylor, Todd, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 60.

Excused: Representative Brooks - 1.

The Clerk read the following amendment by Representatives J. Williams, L. Smith, Meyers, Hargrove, Day, Zellinsky, Madsen, P. King, May, Kremen, Baugher, Holland, S. Wilson, Lewis, Bumgarner, Schmidt, Ballard, Amondson, Nealey, Vekich, Basich, Prince, Sanders, Beck, Hankins, R. King, Gallagher, Allen, Fuhrman, Walker, Chandler, D. Sommers, C. Smith, Grant, Peery, Scott and Wineberry:

On page 7, after line 18, insert:

"NEW SECTION, Sec. 6. Any speed infraction under seventy miles per hour by a private passenger automobile which occurs on an interstate freeway shall be exclusively deemed an energy conservation infraction. The infraction shall not be reported to the department of licensing or entered on any abstract."

With consent of the House, Mr. J. Williams withdrew the amendment.

Mr. Pruitt moved adoption of the following amendment by Representatives Pruitt, Nelson, Ferguson, Betzoff and Miller:

On page 1, on line 9, after "the" strike "maximum", and insert "sixty-five miles per hour"

Representatives Pruitt, Walk and Betzoff spoke in favor of the amendment, and Representatives Prince and Schmidt spoke against it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Pruitt and others to Engrossed Substitute Senate Bill No. 5850, and the amendment was adopted by the following vote: Yeas, 77; nays, 20; excused, 1.

Voting yea: Representatives Amondson, Armstrong, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Madsen, May, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Allen, Appelwick, Ballard, Barnes, Baugher, Crane, Ebersole, Hankins, Holland, Locke, Lux, McLean, Nealey, Prince, Schmidt, Smith L, Valle, Vekich, Williams J, Wilson S - 20.

Excused: Representative Brooks - 1.

The Clerk read the following amendment by Representatives Nelson, Ferguson, Hine, Betzoff, Appelwick and Miller:

On page 7, after line 18, insert:

"NEW SECTION, Sec. 6. The state patrol shall strictly enforce any posted speed limit and shall allow no tolerance above the posted limit prior to making a determination to issue a notice of infraction to a person violating the posted limit."

With consent of the House, Mr. Nelson withdrew the amendment.

On motion of Ms. Hine, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Walk yielded to question by Mr. S. Wilson.

Mr. Wilson: I do want to ask a couple of questions regarding this measure. Number one, do we need this measure in order for the department to raise the speed limit on the interstate? And number two, in law right now, or there was (it's still in the books) a law restricting the speed of trucks to sixty miles an hour which was superseded by the fifty-five mile an hour speed limit. If this law goes into effect, does this automatically raise trucks to 65, also? Where if it were just the department's action (raising to 65 for automobiles), that law would still restrict the trucks?

Mr. Walk: Thank you, Representative Wilson. First of all, it is my understanding that the secretary of the department of transportation does have the authority in statute to make this change without this portion of the bill, and I think that is correct. The bill, though, does clarify what legislative and state policy would be in this particular area, obviously. In the second area, it is my understanding that the other part of the statute referring to trucks would remain in place, and the maximum for trucks would be 60 miles per hour.

Representatives S. Wilson, Baugher, Pruitt and Schmidt spoke in favor of passage of the bill, and Representatives Sprenkle and Locke opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5850 as amended by the House, and the bill passed the House by the following vote: Yeas, 64; nays, 33; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Baugher, Betrozoff, Bristow, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Hine, Holland, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rayburn, Sanders, Schmidt, Scott, Smith C, Smith L, Sommers D, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Armstrong, Barnes, Basich, Beck, Belcher, Braddock, Brække, Brough, Cole, Ferguson, Fisher, Haugen, Heavey, Holm, Jacobsen, Locke, Miller, Moyer, Nealey, Nelson, Niemi, Rasmussen, Rust, Sayan, Schoon, Silver, Sommers H, Spanel, Sprenkle, Valle, Wang, Williams B, Winsley - 33.

Excused: Representative Brooks - 1.

Engrossed Substitute Senate Bill No. 5850 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. McMullen, the House recessed until 7:15 p.m.

EVENING SESSION

The House was called to order by the Speaker (Mr. Appelwick presiding). The Clerk called the roll and all members were present except Representatives Brooks, Moyer, Schmidt, L. Smith, J. Williams and S. Wilson. Representatives Brooks and Moyer were excused.

SECOND SUBSTITUTE SENATE BILL NO. 5453, by Committee on Ways & Means (originally sponsored by Senators Tanner, Kreidler, Kiskaddon, Stratton, Anderson, Johnson and Moore; by request of Department of Social and Health Services)

Modifying provisions relating to respite care projects.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Braddock, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5453 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; absent, 4; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Schmidt, Smith L, Williams J, Wilson S - 4.

Excused: Representatives Brooks, Moyer - 2.

Second Substitute Senate Bill No. 5453 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Schmidt, L. Smith, J. Williams and S. Wilson appeared at the bar of the House.

SENATE BILL NO. 6053, by Senators Gaspard and Bauer

Changing powers of educational service district boards.

The bill was read the second time.

Mr. Betzoff moved adoption of the following amendment by Representatives Betzoff and Peery:

On page 2, line 24 of the amendment, after "transportation" insert "for special education cooperatives"

Mr. Betzoff spoke in favor of the amendment, and it was adopted.

Mr. Peery moved adoption of the following amendments by Representatives Peery and Betzoff:

On page 2, after line 27, insert the following:

"Sec. 3, Section 11, chapter 282, Laws of 1971 as last amended by section 1, chapter 46, Laws of 1982 and RCW 28A.21.086 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the educational service district: PROVIDED, That the district may also provide the services of the depository and distribution center to private schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW 28A.58.107(3), as now or hereafter amended: PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation. However, for the provision of state-funded pupil transportation programs for special education conducted under chapter 28A.13 RCW, the educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose: PROVIDED, That the board of directors and superintendent of a local school district request the educational service district to perform said service or services: PROVIDED FURTHER, That the educational service district board of directors and superintendents agree to provide the requested services: PROVIDED, FURTHER, That the provisions of chapter 39.34 RCW are strictly adhered to.

Sec. 4. Section 6, chapter 265, Laws of 1981 and RCW 28A.41.540 are each amended to read as follows:

The superintendent shall determine the vehicle acquisition allocation in the following manner:

(1) By May 1st of each year, the superintendent shall develop preliminary categories of student transportation vehicles to ensure adequate student transportation fleets for districts. The superintendent shall take into consideration the types of vehicles purchased by individual school districts in the state. The categories shall include, but not be limited to, variables such as vehicle capacity, type of chassis, type of fuel, engine and body type, special equipment, and life of vehicle. The categories shall be developed in conjunction with the local districts and shall be applicable to the following school year. The categories shall be designed to produce minimum long-range operating costs, including costs of equipment and all costs incurred in operating the vehicles. Each category description shall include the estimated state-determined purchase price, which shall be based on the actual costs of the vehicles purchased for that comparable category in the state during the preceding twelve months and the anticipated market price for the next school fiscal year. By June 15th of each year, the superintendent shall notify districts of the preliminary vehicle categories and state-determined purchase price for the ensuing school year. By October 15th of each year, the superintendent shall finalize the categories and the associated state-determined purchase price and shall notify districts of any changes. While it is the responsibility of each district to select each student transportation vehicle to be purchased by the district, each district shall be paid a sum based only on the amount of the state-determined purchase price and inflation as recognized by the reimbursement schedule established in this section as set by the superintendent for the category of vehicle purchased.

(2) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to the replacement value of the vehicle less its salvage value at the end of its anticipated lifetime. The superintendent shall revise at least annually the reimbursement payments based on the current and anticipated future cost of comparable categories of transportation equipment. Reimbursements to school districts for approved transportation equipment shall be placed in a separate vehicle transportation fund established for each school district under RCW 28A.58.428. However, educational service districts providing student transportation services pursuant to RCW 28A.21.086(4) and receiving moneys generated pursuant to this section shall establish and maintain a separate vehicle transportation account in the educational service district's general expense fund for the purposes and subject to the conditions under RCW 28A.58.428 and 28A.58.430.

(3) To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the class of vehicles by the superintendent. School districts shall properly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction. If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the district by deducting from future reimbursements under this section an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime or miles the vehicle failed to operate.

(4) The superintendent shall annually develop a depreciation schedule to recognize the cost of depreciation to districts contracting with private carriers for student transportation. Payments on this schedule shall be a straight line depreciation based on the original cost of the appropriate category of vehicle."

On page 1, line 2 of the title, strike "and" and insert a comma

On page 1, line 2 of the title, after "28A.21.310" insert ", 28A.21.086, and 28A.41.540"

Mr. Peery spoke in favor of the amendments, and they were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole, Taylor, Schoon and Betzoff spoke in favor of passage of the bill, and Ms. Valle spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6053 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 5; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen,

Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Beck, Heavey, Lux, Valle, Winsley - 5.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 6053 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5265, by Senator Warnke; by request of Liquor Control Board

Eliminating certain restrictions on purchase of beer by licensed beer retailers.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 80th Day, April 1, 1987.)

Mr. Wang moved adoption of the committee amendment.

Ms. K. Wilson moved adoption of the following amendments by Representatives K. Wilson, Prince, Crane and Ballard to the committee amendment:

On page 1, after line 32 of the amendment, insert the following:

NEW SECTION, Sec. 2. Any person who sells or offers for sale the contents of kegs or other containers containing six gallons or more of malt liquor, or leases kegs or other containers that will hold six gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

(1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 3 of this act;

(2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;

(3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:

(a) The purchaser is of legal age to purchase, possess, or use malt liquor;

(b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 3 of this act to be affixed to the container;

(4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and

(5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION, Sec. 3. Any person who purchases the contents of kegs or other containers containing six gallons or more of malt liquor, or purchases or leases the container shall:

(1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 5 of this act;

(2) Provide one piece of identification pursuant to RCW 66.16.040;

(3) Be of legal age to purchase, possess, or use malt liquor;

(4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

(5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board; and

(6) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION, Sec. 4. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of six gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

It is unlawful for any person to sell or offer for sale kegs or other containers containing six gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW which kegs or containers are not identified in compliance with rules adopted by the board.

NEW SECTION, Sec. 5. The board shall develop and make available forms for the declaration and receipt required by section 2 of this act.

NEW SECTION. Sec. 6. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 2 through 4 of this act shall be punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing six or more gallons of malt liquor to a minor shall be liable, on conviction, for a first offense to a penalty of not more than five hundred dollars, or to imprisonment for not more than two months, or both; for a second offense to a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense to a penalty of not more than five hundred dollars or imprisonment for not more than one year, or both.

NEW SECTION. Sec. 7. A new section is added to chapter 66.08 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter. Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act are each added to chapter 66.28 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, at the beginning of line 2 of the title, strike "and"

On page 1, line 2 of the title, after "66.28.070" insert "; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.28 RCW; and prescribing penalties"

POINT OF ORDER

Mr. Vekich: Mr. Speaker, I'd like you to rule on the scope and object of this amendment.

SPEAKER'S RULING (MR. APPELWICK PRESIDING)

The Speaker (Mr. Appelwick presiding): Representative Vekich, the Speaker will take your point under advisement. We will proceed to the next bill.

ENGROSSED SENATE BILL NO. 5996, by Senators McDermott, Johnson, Fleming, Bailey, Gaspard and Wojahn

Establishing the Washington vocational technology center.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 3, 1987.)

Mr. Jacobsen moved adoption of the committee amendment.

Mr. Jacobsen moved adoption of the following amendments by Representatives Jacobsen and Allen to the committee amendment:

On page 3 of the amendment, after line 18, insert the following:

"(2) To receive gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the institute and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3 of the amendment, after line 29, insert the following:

"(4) To have full authority and responsibility for management, policy decisions, curriculum development, and resource allocations involving the institute, subject to annual approval of the budget by the sixth community college district board of trustees;"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Jacobsen and Allen spoke in favor of the amendments to the committee amendment, and they were adopted.

On motion of Mr. McMullen, further consideration of the bill was deferred, and it was ordered that the bill hold its place on the calendar.

The Speaker assumed the chair.

ENGROSSED SENATE BILL NO. 5265:

The House resumed consideration of Engrossed Senate Bill No. 5265. The Speaker stated the question before the House to be the point of order raised by Representative Vekich.

SPEAKER'S RULING

The Speaker: The Speaker is now prepared to rule on the point of order raised by Representative Vekich on Engrossed Senate Bill No. 5265. Having examined Engrossed Senate Bill No. 5265, the Speaker finds that it is an act relating to the purchase of beer by retail beer licensees. The amendment, that I've been asked to rule on, actually deals with registration of kegs which are purchased by consumers. I find, Representative Vekich, that your point is well taken, and that the amendment is outside the scope and object of the original bill.

The amendment by the Committee on Commerce & Labor was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5265 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Senate Bill No. 5265 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5088, by Committee on Judiciary (originally sponsored by Senators Owen, Warnke, Nelson, Barr and Moore)

Including court conferred visitation rights under protection of custodial interference statute.

On motion of Mr. McMullen, the rules were suspended, and the bill was returned to second reading for purposes of amendment.

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

On page 1, line 11, after "person" insert "for a period of two hours or more"

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

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5088 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Wang - 1.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5088 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Mr. Meyers, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Senate Bill No. 5195 as amended by the House, failed to pass the House.

The motion was carried.

MOTION

On motion of Mr. McMullen, further consideration of Senate Bill No. 5195 as amended by the House was deferred, and it was ordered that the bill retain its place on the third reading calendar.

SENATE BILL NO. 5693 AS AMENDED BY THE HOUSE, by Senators Vognild, Newhouse, Halsan, Conner, Wojahn, Bottiger and Johnson

Insuring employees adequate time to vote.

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

Ms. Fisher spoke in favor of the bill, and Representatives Sanders and Padden spoke against it.

Ms. Fisher spoke again in favor, and Mr. Lewis opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5693 as amended by the House, and the bill passed the House by the following vote: Yeas, 56; nays, 39; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Heavey, Hine, Jacobsen, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 56.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Haugen, Holland, Holm, Jesernig, Lewis, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S - 39.

Absent: Representative Zellinsky - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5693 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001 AS AMENDED BY THE HOUSE, by Committee on Judiciary (originally sponsored by Senators Talmadge and Halsan)

Revising the judicial council.

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

Mr. Armstrong spoke in favor of the bill, and Mr. Padden spoke against it.

Mr. Armstrong spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5001 as amended by the House, and the bill passed the House by the following vote: Yeas, 60; nays, 35; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Harugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rayburn, Rust, Sryan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Vaile, Vekich, Waik, Wang, Wilson K, Wineberry, Zellinsky - 60.

Voting nay: Representatives Allen, Amondson, Ballard, Beck, Betrozoff, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Pruitt, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 35.

Absent: Mr. Speaker - 1.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Substitute Senate Bill No. 5001 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071 AS AMENDED BY THE HOUSE, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Williams and Rinehart)

Changing provisions relating to dangerous wastes.

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

Ms. Rust spoke in favor of the bill.

POINT OF INQUIRY

Mr. Jesernig yielded to question by Ms. Hankins.

Ms. Hankins: I understand this bill is prompted by EPA requirements that states must modify their hazardous waste programs to include the situation where you have substances composed of both radioactive and hazardous components. Will this bill assist us in the proper handling and cleaning up of these forms of mixed wastes?

Mr. Jesernig: This bill provides a framework in which state, private and federal operators of facilities that handle all forms of hazardous wastes can work together to work within the regulations and permitting processes.

The department of ecology already obtains compliance reports from Hanford and other federal facilities, so the reporting requirements imposed in this act merely require that the department bring these annual reports together for the legislature to review. This does not impose a burden on the department that cannot be met within existing budget and staffing.

Ms. Hankins: It does provide an opportunity for the legislature to become better informed on these important issues.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5071 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher,

Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Brooks, Moyer - 2.

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

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

SECOND READING

The Speaker called on Mr. O'Brien to preside.

ENGROSSED SENATE BILL NO. 5996:

The House resumed consideration of the bill on second reading. The Speaker (Mr. O'Brien presiding) stated the question before the House to be the further consideration of Engrossed Senate Bill No. 5996 on second reading.

The Clerk read the following amendment by Representative Wineberry to the committee amendment:

On page 2 of the Higher Education Committee amendment, line 13, after "named the" strike "Washington" and insert "Reverend Dr. Samuel B. McKinney"

With consent of the House, Mr. Wineberry withdrew the amendment.

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

On page 3, of the Higher Education Committee amendment, line 13, after "act" insert ", but may require modifications prior to approval"

Representatives Ebersole, Jacobsen and Allen spoke in favor of the amendment, and it was adopted.

Representatives Jacobsen, Wineberry and Allen spoke in favor of the committee amendment as amended, and it was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Valle, Barnes and Sayan spoke in favor of the bill, and Representatives Taylor, Holland, K. Wilson and R. King spoke against it.

POINT OF INQUIRY

Mr. Jacobsen yielded to question by Mr. Wineberry.

Mr. Wineberry: Representative Jacobsen, the Washington Institute of Applied Technology, as it is named in Engrossed Senate Bill No. 5996, is an institution for vocational technical training. Is it only for Seattle residents?

Mr. Jacobsen: No. It's for all residents in the state of Washington. It would be unconstitutional to limit it within that, and I also call the members' attention to subsection 9 of section 4 of the adopted amendment, which calls for the intercontract between school districts to provide reimbursement to the institution for the costs of the student enrolled in the school. So it could also enroll high school students from outside the Seattle School District.

Mr. Wineberry: One last question to the Chair of the Higher Education Committee. Would students or enrollees outside the Seattle area have to pay tuition higher than those who reside inside the Seattle area?

Mr. Jacobsen: No.

Representatives Wineberry and Heavey spoke in favor of the bill, and Mr. Taylor again opposed it.

Representative Crane demanded the previous question, and the demand was not sustained.

Mr. Holland again opposed the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5996 as amended by the House, and the bill passed the House by the following vote: Yeas, 59; nays, 37; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Jacobsen, Jesernig, King P, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 59.

Voting nay: Representatives Amondson, Ballard, Beck, Betzoff, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Holm, King R, Kremen, Lewis, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 37.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Senate Bill No. 5996 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The Speaker called the House to order.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5570, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Bluechel, Bottiger and Stratton)

Providing for regulation of incinerator residues.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. Rust moved adoption of the committee amendments.

Ms. Rust moved adoption of the following amendments by Representatives Rust, Todd, Unsoeld, Allen, Walker and May to the committee amendments:

Strike everything after line 4 of the amendment and insert the following:

*NEW SECTION, Sec. 1. The legislature finds:

(1) Solid wastes generated in the state are to be managed in the following order of descending priority: (a) Waste reduction; (b) recycling; (c) treatment; (d) energy recovery or incineration; (e) solidification/stabilization; and (f) landfill.

(2) Special incinerator ash residues from the incineration of municipal solid waste that would otherwise be regulated as hazardous wastes need a separate regulatory scheme in order to (a) ease the permitting and reporting requirements of chapter 70.105 RCW, the state hazardous waste management act, and (b) supplement the environmental protection provisions of chapter 70.95 RCW, the state solid waste management act.

(3) Raw garbage poses significant environmental and public health risks. Municipal solid waste incineration constitutes a higher waste management priority than the land disposal of untreated municipal solid waste due to its reduction of waste volumes and environmental health risks.

It is therefore the purpose of this chapter to establish management requirements for special incinerator ash that otherwise would be regulated as hazardous waste under chapter 70.105 RCW, the hazardous waste management act.

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

(1) 'Department' means the department of ecology.

(2) 'Director' means the director of the department of ecology or the director's designee.

(3) 'Dispose' or 'disposal' means the treatment, utilization, processing, or final deposit of special incineration ash.

(4) 'Generate' means any act or process which produces special incinerator ash or which first causes special incinerator ash to become subject to regulation.

(5) 'Management' means the handling, storage, collection, transportation, and disposal of special incinerator ash.

(6) 'Person' means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(7) 'Facility' means all structures, other appurtenances, improvements, and land used for recycling, storing, treating, or disposing of special incinerator ash.

(8) 'Special incinerator ash' means ash residues resulting from the operation of incinerator or energy recovery facilities managing municipal solid waste, including solid waste from residential, commercial, and industrial establishments, if the ash residues (a) would otherwise be regulated as hazardous wastes under chapter 70.105 RCW; and (b) are not regulated as a hazardous waste under the federal resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.

NEW SECTION. Sec. 3. (1) Prior to managing special incinerator ash, persons who generate special incinerator ash shall develop plans for managing the special incinerator ash. These plans shall:

(a) Identify procedures for all aspects relating to the management of the special incinerator ash that are necessary to protect employees, human health, and the environment;

(b) Identify alternatives for managing solid waste prior to incineration for the purpose of (i) reducing the toxicity of the special incinerator ash; and (ii) reducing the quantity of the special incinerator ash;

(c) Establish a process for submittal of an annual report to the department disclosing the results of a testing program to identify the toxic properties of the special incinerator ash as necessary to ensure that the procedures established in the plans submitted pursuant to this chapter are adequate to protect employees, human health, and the environment; and

(d) Comply with the rules established by the department in accordance with this section.

(2) Prior to managing any special incinerator ash, any person required to develop a plan pursuant to subsection (1) of this section shall submit the plan to the department for review and approval. Prior to approving a plan, the department shall find that the plan complies with the provisions of this chapter, including any rules adopted under this chapter. Approval may be conditioned upon additional requirements necessary to protect employees, human health, and the environment, including special management requirements, waste segregation, or treatment techniques such as neutralization, detoxification, and solidification/stabilization.

(3) The department shall give notice of receipt of a proposed plan to interested persons and the public and shall accept public comment for a minimum of thirty days. The department shall approve, approve with conditions, or reject the plan submitted pursuant to this section within ninety days of submittal.

(4) Prior to accepting any special incinerator ash for disposal, persons owning or operating facilities for the disposal of the incinerator ash shall apply to the department for a permit. The department shall issue a permit if the disposal will provide adequate protection of human health and the environment. Prior to issuance of any permit, the department shall find that the facility meets the requirements of chapter 70.95 RCW and any rules adopted under this chapter. The department may place conditions on the permit to include additional requirements necessary to protect employees, human health, and the environment, including special management requirements, waste segregation, or treatment techniques such as neutralization, detoxification, and solidification/stabilization.

(5) The department shall give notice of its receipt of a permit application to interested persons and the public and shall accept public comment for a minimum of thirty days. The department shall issue, issue with conditions, or deny the permit within ninety days of submittal.

(6) The department shall adopt rules to implement the provisions of this chapter. The rules shall (a) establish minimum requirements for the management of special incinerator ash as necessary to protect employees, human health, and the environment, (b) clearly define the elements of the plans required by this chapter, and (c) require special incinerator ash to be disposed at facilities that are operating in compliance with this chapter.

NEW SECTION. Sec. 4. (1) Any person who violates any provision of a department regulation or regulatory order relating to the management of special incinerator ash shall incur in addition to any other penalty provided by law, a penalty in an amount up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense. If case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in this chapter.

NEW SECTION. Sec. 5. Whenever a person violates any provision of this chapter or any permit or regulation the department may issue an order appropriate under the circumstances to assure compliance with the chapter, permit, or regulation. Such an order must be served personally or by registered mail upon any person to whom it is directed.

NEW SECTION. Sec. 6. The department, with the assistance of the attorney general, may bring any appropriate action at law or in equity, including action for injunctive relief as may be necessary to enforce the provisions of this chapter or any permit or regulation issued thereunder.

NEW SECTION. Sec. 7. Any person found guilty of wilfully violating, without sufficient cause, any of the provisions of this chapter, or permit or order issued pursuant to this chapter is guilty of a gross misdemeanor and upon conviction shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment for up to one year, or by both. Each day of violation may be deemed a separate violation.

NEW SECTION. Sec. 8. Any person aggrieved by an action taken under this chapter, or the failure of another to take an action under this chapter when required to do so, may bring an appropriate action in law or equity to the pollution control hearings board pursuant to the provisions of chapter 43.21B RCW, except that such action shall be expedited by the board to the maximum extent possible. In any appeal of the board's decision, the court may award reasonable costs and attorneys' fees to the prevailing party.

NEW SECTION. Sec. 9. A new section is added to chapter 70.105 RCW to read as follows:
This chapter does not apply to special incinerator ash regulated under chapter 70.— (sections 1 through 8, 11, and 12 of this act) except that, for purposes of RCW 4.22.070(3)(a), special incinerator ash shall be considered hazardous waste.

NEW SECTION. Sec. 10. The department shall submit draft rules required by section 3 of this act to the appropriate standing committees of the legislature for review by January 1, 1988. Final rules shall be adopted by April 1, 1988.

NEW SECTION. Sec. 11. This chapter shall be known as the special incinerator ash disposal act.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act shall not apply to municipal solid waste incinerators that are in operation on the effective date of this section until a special incinerator waste disposal permit is issued in the county where the municipal solid waste incinerator is located, or July 1, 1989, whichever is sooner.

NEW SECTION. Sec. 13. Sections 1 through 8, 11, and 12 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 8 of the amendment, after line 5, strike everything and on page 1, line 1 of the title after "residues;" strike the remainder of the title and insert "adding a new section to chapter 70.105 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency."

Representatives Rust, Walker, Ebersole and Todd spoke in favor of the amendments to the committee amendments, and Mr. Nelson spoke against them.

POINT OF ORDER

Ms. Brough: I believe it is now time to invoke House Rule 14(C).

MOTION

On motion of Mr. McMullen, House Rule 14(C) was suspended.

Mr. Schoon spoke in favor of adoption of the amendments to the committee amendments.

The amendments to the committee amendments were adopted.

The committee amendments as amended were adopted.

Ms. Rust moved adoption of the following amendments by the Committee on Environmental Affairs:

On page 3, after line 8, insert the following:

NEW SECTION. Sec. 5. A new section is added to chapter 70.105 RCW to read as follows:

Any person who owns, develops, or maintains a landfill shall post a liability bond for the purpose of indemnifying that person against future damages resulting from the landfill. The department of ecology shall establish a schedule of amounts estimated to cover the costs of damages resulting from differing types of landfills."

Ms. Rust spoke against adoption of the committee amendment on page 3, after line 8, and the amendment was not adopted.

Ms. Rust moved adoption of the following amendments by the Committee on Environmental Affairs:

On page 3, after line 8, insert the following:

NEW SECTION. Sec. 5. (1) The Washington state legislature finds that the state faces a solid waste disposal crisis. The siting of new landfills, the location and design of new solid waste incinerators, the disposal of ash residue, and compliance with the priorities of the solid waste management act and the hazardous waste management act require that an effort be made by the state to ensure that local governments and private industry have adequate technical information, and that programs are developed to accomplish the statutory waste management priorities.

(2) A comprehensive evaluation of preferred solid waste management programs shall be undertaken by the joint select committee for preferred solid waste management. The committee shall consist of four members of the house of representatives appointed by the speaker of the house and four members of the senate appointed by the president of the senate. The committee shall involve representatives of organizations representing cities, counties, the public, the waste management industry, waste haulers, and the private recycling industry. The committee shall report its findings and recommendations to the appropriate standing committees of the legislature by January 1, 1988.

(3) The department of ecology may provide the committee with specific recommendations on waste management programs from studies the department has undertaken as required by RCW 70.95.263.

(4) The committee shall attempt to determine the reasons why higher rates of waste reduction and recycling have not been achieved in the state and develop recommendations on how to achieve higher rates.

(5) The committee's recommendations shall include (a) specific programs for waste reduction, recycling, incineration, and landfills, (b) specific goals for solid waste management, and (c) specific responsibilities for state government, local government, and the private sectors to accomplish the committee's recommendations. The committee shall also recommend specific legislation and rule-making requirements to accomplish the committee's findings.

(6) The joint select committee for preferred solid waste management shall cease to exist on July 1, 1988.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the remaining section consecutively.

On page 1, line 3 of the title, after "70.105 RCW," strike the remainder of the title and insert "creating new sections; and declaring an emergency."

Representatives Rust, Walker, Ebersole and Todd spoke in favor of adoption of the committee amendments on page 3, after line 8, and page 1, line 3 of the title, and they were adopted.

The Clerk read the following amendment by Representative Rasmussen:

On page 3, after line 8, insert the following:

NEW SECTION. Sec. 5. A new section is added to chapter 70.95 RCW to read as follows:

A solid waste permit for an incineration or energy recovery facility shall be approved by the city and county legislative authority.

NEW SECTION. Sec. 6. A new section is added to chapter 70.95 RCW to read as follows:

Prior to the approval of a permit to locate or operate a private or public incineration or energy recovery facility that disposes publicly collected refuse, the city or county legislative authority considering such permit shall consider the feasibility of incinerating solid waste from nearby jurisdictions.

NEW SECTION. Sec. 7. A new section is added to chapter 70.95 RCW to read as follows:

Prior to issuing a permit to locate or operate a private or public incineration or energy recovery facility, the city or county legislative authority shall consider the lifetime costs of

operating such an incineration or energy recovery facility or the disposing of incineration ash. The lifetime costs considerations shall include, but not be limited to:

- (1) The protection of the ground water and the costs of protecting drinking water aquifers or providing alternate sources of drinking water and servicing other water needs;
- (2) The containment of hazardous wastes or other potentially harmful material during transporting, generation, and disposal; and
- (3) Preventing air emissions and fumes from reaching unacceptable levels or preventing such emissions from harming any important single resource, such as a watershed."

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

Mr. Todd moved adoption of the following amendment:

On page 3, after line 8, insert the following:

NEW SECTION. Sec. 5. A new section is added to 70.95 RCW to read as follows:

The legislature finds that, in order to reduce the amount of special incinerator ash generated and to reduce the toxicity of the ash, a goal of the state and local governments in solid waste management is to achieve consistency in program development, administration, and implementation. The solid waste management act, chapter 70.95 RCW, recognizes the importance of technical assistance by the state to local governments and the private sector in developing programs that will achieve waste reduction and recycling.

To ensure that the priorities of chapter 70.95 RCW are met, the department shall develop programs, in conjunction with the appropriate standing committees of the house of representatives and the senate, by January 1, 1988, that will:

- (1) Provide an evaluation of existing and potential systems for waste recycling and energy recovery or incineration;
- (2) Identify existing and potential markets for recycled resources and the impact of the distribution of such resources on existing markets;
- (3) Identify methods of waste reduction, separation and packaging which will encourage more efficient utilization of existing and planned incineration or energy recovery facilities; and
- (4) Assist local governments and the private sector in developing programs for recycling.

NEW SECTION. Sec. 6. A new section is added to 70.95 RCW to read as follows:

The department shall adopt rules as necessary to implement the programs developed under Section 5 of this act. Each local government shall address the adopted programs in the local solid waste management plans by June 30, 1989. In addressing the recommended programs the local solid waste plans shall include a local analysis of local and state markets for recycled material, waste generation trends, waste composition and the application of the state programs in reducing the toxic components of the waste, cost analysis of recycling programs on collection and disposal rates, environmental protection and the need for additional support or additional programs to assist private sector recycling programs."

POINT OF ORDER

Mr. May: I request a ruling on scope and object.

SPEAKER'S RULING

The Speaker: Representative May, the Speaker has examined Engrossed Substitute Senate Bill No. 5570. In this case we have a relatively tight title, an act relating to disposal of incinerator ash residues. The amendment by Representative Todd directs the department to develop programs dealing comprehensively with the whole solid waste management question. I think that the amendment is outside the scope and object of the original bill. I find your point to be well taken.

The committee amendment as amended to the title was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust, Walker, Todd, Rasmussen, Ebersole, P. King, D. Sommers and Pruitt spoke in favor of the bill, and Mr. Nelson spoke against it.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5570 as amended by the House, and the bill passed the House by the following vote: Yeas, 82; nays, 14; excused, 2.

Volting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Bristow, Brough, Bumgarner, Cantwell, Chandler,

Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, May, McLean, McMullen, Meyers, Miller, Nealey, Nutley, O'Brien, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Belcher, Brække, Fisher, Locke, Lux, Madsen, Nelson, Niemi, Padden, Pruitt, Silver, Taylor, Wineberry, Winsley - 14.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Substitute Senate Bill No. 5570 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Mr. Appelwick, having voted on the prevailing side by which Reengrossed Substitute House Bill No. 1037 failed to pass the House, served notice that he would, on the next working day, move for reconsideration of the vote.

POINT OF ORDER

Ms. Brough: My point of order, Mr. Speaker, is that I believe that we have already reconsidered Reengrossed Substitute House Bill No. 1037. It's been before us twice, and that's the end of it, is it not?

SPEAKER'S RULING

The Speaker: Representative Brough, the Speaker would refer you to Reed's Rule 204: "A question can be reconsidered but once, but if on reconsideration an amendment has been made making a substantial change, a second reconsideration can be had." The Speaker would remind the body that we ran the bill; the bill failed; we moved it back to second reading for purposes of amendment; we made a substantial amendment to the bill, then moved it to third reading where we voted it down this morning. We did substantially amend the bill, so we can reconsider.

MOTION

On motion of Mr. McMullen, the House adjourned until 8:30 a.m., Friday, April 17, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 17, 1987

The House was called to order at 8:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Belcher, Bristow, Brooks, Day, Grant, McLean, Moyer, Schoon, H. Sommers, Todd, Vekich, Walk, J. Williams, Wineberry and Winsley. Representatives Brooks and Moyer were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jesse Norris and Dianna Stritmatter. Prayer was offered by The Reverend Ron Marrs, Minister of the Westwood Baptist Church of Olympia.

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

MESSAGES FROM THE SENATE

April 15, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5130,
 SENATE BILL NO. 5412,
 SENATE BILL NO. 5416,
 SENATE BILL NO. 5444,
 SENATE BILL NO. 5469,
 SUBSTITUTE SENATE BILL NO. 5911,
 SENATE JOINT RESOLUTION NO. 8212,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 15, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 138,
 SUBSTITUTE HOUSE BILL NO. 231,
 HOUSE BILL NO. 654,
 HOUSE BILL NO. 770,
 SUBSTITUTE HOUSE BILL NO. 937,
 HOUSE BILL NO. 947,
 HOUSE BILL NO. 954,
 ENGROSSED HOUSE BILL NO. 1123,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1128,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 15, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5150 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 16, 1987

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5032,
 SUBSTITUTE SENATE BILL NO. 5089,
 SUBSTITUTE SENATE BILL NO. 5150,
 SENATE BILL NO. 5936,
 SENATE JOINT MEMORIAL NO. 8000,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 16, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 116. The President has appointed the following members as Conferees: Senators Halsan, McCaslin, and Rasmussen.

Sidney R. Snyder, Secretary.

April 16, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on HOUSE BILL NO. 135. The President has appointed the following members as Conferees: Senators DeJarnatt, Zimmerman and Halsan.

Sidney R. Snyder, Secretary.

April 16, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on HOUSE BILL NO. 1049. The President has appointed the following members as Conferees: Senators Vognild, Newhouse and Talmadge.

Sidney R. Snyder, Secretary.

April 16, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5061. The President has appointed the following members as Conferees: Senators Talmadge, Nelson and Moore, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 16, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5058. The President has appointed the following members as Conferees: Senators Kreidler, Deccio and Halsan, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

On motion of Mr. McMullen, the House advance to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5212, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Newhouse and Vognild; by request of Liquor Control Board)

Specifying procedures for the issuance of temporary liquor licenses.

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

Representatives Wang and Patrick spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5212, and the bill passed the House by the following vote: Yeas, 83; absent, 13; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Walker, Wang, Williams B, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 83.

Absent: Representatives Belcher, Bristow, Day, Grant, McLean, Schoon, Sommers H, Todd, Vekich, Walk, Williams J, Wineberry, Winsley - 13.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Belcher, Bristow, Day, Grant, McLean, Schoon, H. Sommers, Todd, Vekich, Walk, J. Williams, Wineberry and Winsley appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I would have voted "YEA" on SSB 5212.

ALEX W. McLEAN, 12th District

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

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

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 138,
 SUBSTITUTE HOUSE BILL NO. 231,
 HOUSE BILL NO. 654,
 HOUSE BILL NO. 770,
 SUBSTITUTE HOUSE BILL NO. 937,
 HOUSE BILL NO. 947,
 HOUSE BILL NO. 954,
 HOUSE BILL NO. 1123,
 SUBSTITUTE HOUSE BILL NO. 1128,
 SENATE BILL NO. 5032,
 SUBSTITUTE SENATE BILL NO. 5089,
 SUBSTITUTE SENATE BILL NO. 5150,
 SENATE BILL NO. 5936,
 SENATE JOINT MEMORIAL NO. 8000.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 48 with the following amendments:

On page 3, line 19, strike "and"

On page 3, line 22, after "circumstances" strike the period and insert "; and"

On page 3, after line 22, insert:

"(f) Providing for the financial support of the child."

On page 13, after line 24, insert:

"(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan."

On page 17, after line 29, insert the following:

"NEW SECTION, Sec. 17. Each parent shall have full and equal access to the education and medical records of the child absent a court order to the contrary."

Remember the remaining sections consecutively

On page 19, line 31, after "custody of" insert "or visitation with"

On page 27, after line 3, insert the following:

"NEW SECTION, Sec. 42. Each parent shall have full and equal access to the education and medical records of the child absent a court order to the contrary."

Renumber the remaining sections consecutively

On page 30, line 25, after "custody of" insert "or visitation with"

On page 31, line 24, after "custody of" insert "or visitation with"

On page 31, line 26, after "person" strike "for a period of seventy-two hours or more"

On page 31, after line 32, insert the following:

"Sec. 52. Section 3, chapter 95, Laws of 1984 and RCW 9A.40.080 are each amended to read as follows:

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

(2) In any prosecution of custodial interference in the first or second degree, it is a complete defense, if established by the defendant by a preponderance of the evidence, that the defendant's purpose was to protect the child, incompetent person, or himself or herself from imminent physical harm. ~~((and))~~ that the belief in the existence of the imminent physical harm was reasonable, that the defendant sought the assistance of the police, sheriff's office, or protective agencies of the state of Washington prior to committing the acts giving rise to the charges or within three hours thereafter, that the defendant thereafter did not leave the jurisdiction in which the acts occurred or change addresses within the jurisdiction, and that the defendant reported to the police or sheriff's department (a) the defendant's name, (b) the name and address of the child or incompetent person, and (c) the address and phone number where the defendant is residing.

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

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to Substitute House Bill No. 48.

Representatives Armstrong, Appelwick and Padden spoke in favor of the motion, and Ms. Niemi opposed it.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Heavey.

Mr. Heavey: Representative Appelwick, does the language in Substitute House Bill No. 48 as amended by the Senate change the standard for the determination of custody in a dissolution action? That being what is in the best interest of the child?

Mr. Appelwick: Substitute House Bill No. 48, with or without the Senate amendments, does not change the best interest of the child section at all. It eliminates the concept of custody in favor of separating decision-making from the allegation of a residential schedule. The best interest standard is, in no way, affected.

Representatives Belcher and Miller spoke against the motion, and Ms. Brough spoke in favor of it. Ms. Niemi again opposed the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to Substitute House Bill No. 48, and the motion was carried by the following vote: Yeas, 61; nays, 35; excused, 2.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Basich, Braddock, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Heavey, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Lewis, Lux, Madsen, May, McLean, Meyers, Nealey, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rayburn, Sanders, Schoon, Silver, Smith C, Smith L, Sommers D, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, and Mr. Speaker - 61.

Voting nay: Representatives Allen, Barnes, Baugher, Beck, Belcher, Betrozoff, Brekke, Cole, Ferguson, Fisher, Hankins, Haugen, Hine, Holm, Leonard, Locke, McMullen, Miller, Nelson, Niemi, Nutley, Rasmussen, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprengle, Walker, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 35.

Excused: Representatives Brooks, Moyer - 2.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 48 as amended by the Senate.

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

POINT OF INQUIRY

Mr. Appelwick yielded to question by Ms. Brough.

Ms. Brough: Is the Senate amendment to subsection (3) of Section 3 intended to give an advantage to one parent over the other in terms of involvement or contact with their children?

Mr. Appelwick: No. Representative Brough, the amendment to Section 3(3) with the addition of new subsection (f) is intended only to recognize that supporting a child is a function for each of the parents to fulfill. It is not intended to say that a parent who has greater income or greater earning power should have greater rights, greater access, greater decision-making over or with the child. It is simply an acknowledgment of the facts of life.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 48 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; nays, 13; excused, 2.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Sayan, Schoon, Scott, Silver, Smith C. Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Allen, Beck, Belcher, Cole, Miller, Niemi, Nutley, Rust, Schmidt, Sommers H, Vekich, Walker, Winsley - 13.

Excused: Representatives Brooks, Moyer - 2.

Substitute House Bill No. 48 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Representative O'Brien to preside.

SECOND READING

ENGROSSED SENATE BILL NO. 5110, by Senators Gaspard, Bauer, Bailey, Bender, Patterson, Smitherman, Warnke, Saling, Anderson, Zimmerman, Kiskaddon, Rinehart, Garrett, von Reichbauer and Moore

Changing provisions relating to tuition and fee waivers for recipients of the Washington scholars award.

The bill was read the second time. Committee on Ways & Means/Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Locke moved adoption of the committee amendments.

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

On page 3 of the committee amendment, beginning on line 28, after "waiver," insert "The higher education coordinating board shall adopt rules outlining a procedure to be used by award recipients who wish to decline their waiver. If a recipient declines a waiver, the waiver may be used by a nominee from the same legislative district who was not selected to receive the award, under rules adopted by the board."

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

Mr. Locke spoke in favor of the committee amendment as amended, and it was adopted.

On motion of Mr. Locke, the title amendment was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Allen and Basich spoke in favor of passage of the bill, and Mr. Prince opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5110 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Holland, May, Nealey, Prince - 4.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Senate Bill No. 5110 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4650, by Representatives Jacobsen, Heavey, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, In 1981 the Washington State Legislature created the Washington Scholars Program to honor outstanding senior students from high schools in this state; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts for their exceptional academic achievements, leadership abilities and contributions to their communities; and

WHEREAS, The one hundred forty-seven students selected for special recognition as Washington Scholars in 1987 have distinguished themselves as student leaders and also through their enthusiastic and energetic participation in diverse activities including music, drama, debate, art, sports, Junior Achievement and knowledge competitions; and

WHEREAS, These distinguished students have also contributed to the welfare of those less fortunate in their communities through volunteer efforts with organizations such as the Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives and church groups; and

WHEREAS, The State of Washington benefits from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens and future leaders of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That the members of the House of Representatives honor and congratulate the one hundred forty-seven Washington Scholars for their hard work, dedication and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this Resolution to all of the one hundred forty-seven Washington Scholars selected in 1987.

Mr. Jacobsen moved adoption of the resolution. Representatives Jacobsen, Allen and Heavey spoke in favor of the resolution, and it was adopted.

On motion of Mr. McMullen, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5825, by Committee on Judiciary (originally sponsored by Senators Conner and Talmadge)

Revising provisions on horizontal property regimes.

The bill was read the second time.

On motion of Mr. Appelwick, the following amendment was adopted:

On page 1, line 5, strike section 1

Renumber the remaining sections and correct any internal references

On motion of Mr. Appelwick, the following amendments were adopted:

On page 5, line 8, after "bedrooms;" strike "and"

On page 5, line 9, after "fireplaces" insert ";

(7) A statement of any scenic view which might affect the value of the apartment; and

(8) The initial value of the apartment relative to the other apartments in the building"

Mr. Appelwick moved adoption of the following amendment:

On page 6, line 2, after "(3)" strike all material through "force" on line 3 and insert "Four public members, appointed by the governor, who own and occupy individual apartments, none of whom is a member of any of the entitles described in subsections (4) through (11) of this section;

(4) One member appointed by the director of licensing;"

Renumber the remaining subsections

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

On motion of Mr. McMullen the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5825 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5825 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5115, by Committee on Transportation (originally sponsored by Senators Bender, Peterson, Owen, McDermott, Kreidler, Newhouse, Vognild, Bauer, Saling, DeJarnatt, Stratton, Barr, Lee, Garrett, Rasmussen, Moore, Johnson and Deccio)

Requiring motor vehicle liability insurance.

The bill was read the second time. Committee on Ways & Means/Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Grimm moved adoption of the committee amendments.

Representatives Lux, Meyers and Locke spoke in favor of the committee amendments, and Representatives Silver, Day, B. Williams and Barnes spoke against them.

Mr. Lux spoke again in favor of the amendments, and Ms. Silver again opposed them.

POINT OF INQUIRY

Ms. Silver yielded to question by Mr. B. Williams.

Mr. Williams: Representative Silver, in the case just outlined would medical bills and the wage loss be paid?

Ms. Silver: Thank you, Representative Williams. Yes, they certainly will. All medical expenses, wage losses, funeral expenses, that type of thing are paid under personal injury. This has nothing to do with what we're discussing now. The intra-family involved is pain and suffering. It's a pain and suffering lawsuit that intra-family pertains to, not medical expenses, not funeral expenses, not wage loss. Thank you.

Mr. Padden spoke in favor of the committee amendments.

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

ROLL CALL

The Clerk called the roll on the motion to adopt the committee amendments to Substitute Senate Bill No. 5115, and the amendments were adopted by the following vote: Yeas, 63; nays, 33; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Padden, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprengle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brough, Bumgarner, Chandler, Day, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Holland, May, McLean, Nealey, Patrick, Peery, Prince, Schoon, Silver, Smith C, Smith L, Sommers D, Sutherland, Walker, Williams B, Williams J, Wilson S - 33.

Excused: Representatives Brooks, Moyer - 2.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5115 as amended by the House, and the bill passed the House by the following vote: Yeas, 89; nays, 6; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betrozoff, Braddock, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle,

Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Allen, Amondson, Beck, McLean, Nutley, Prince - 6.

Absent: Representative Brekke - 1.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5115 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker resumed the chair.

SUBSTITUTE SENATE BILL NO. 5124, by Committee on Transportation (originally sponsored by Senators Peterson, Conner, Patterson, DeJarnatt, Hansen and Garrett)

Revising procedures for impoundment and disposition of unauthorized, abandoned, junk, and other vehicles.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 27, 1987.)

Mr. Baugher moved adoption of the committee amendments.

Mr. Todd moved adoption of the following amendment by Representatives Todd, Baugher, Crane and Walk to the committee amendment:

On page 22, line 6, after "impound," insert "A registered tow truck operator may not serve as an agent of a property owner for the purposes of signing an impound authorization."

Representatives Todd, Crane and Baugher spoke in favor of the amendment to the committee amendment, and Mr. Zellinsky spoke against it.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

The amendment to the title was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5124 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5124 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5086, by Committee on Ways & Means (originally sponsored by Senators Halsan, Talmadge, Moore, Stratton and Gaspard)

Revising provisions on community supervision.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Braddock moved adoption of the committee amendments.

Ms. Brough moved adoption of the following amendment by Representatives Brough and Padden to the committee amendment:

On page 26, after line 28 insert:

*Sec. 11. Section 3, chapter 115, Laws of 1983 as last amended by section 23, chapter 257, Laws of 1986 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW (9A.36.010) <u>9A.36.011</u>)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	<u>Statutory rape 1 (RCW 9A.44.070)</u>
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	(Statutory Rape 1 (RCW 9A.44.070))
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW (9A.82.061(1)(b) RCW 9A.82.060(1)(b))))
	<u>9A.82.060(1)(b)</u>
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
	<u>Statutory Rape 2 (RCW 9A.44.080)</u>
	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020)
	Vehicular Homicide (RCW 46.61.520)
	Introducing Contraband 1 (RCW 9A.76.140)
	(Statutory Rape 2 (RCW 9A.44.080))
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010)
	Manslaughter 2 (RCW 9A.32.070)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
	Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) (and), (c), and (d))
	Incest 1 (RCW 9A.64.020(1))
	Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
	Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 60.50.401(α)(1)(i))
	Intimidating a Judge (RCW 9A.72.160)
V	Rape 3 (RCW 9A.44.060)
	<u>Statutory Rape 3 (RCW 9A.44.090)</u>
	Kidnapping 2 (RCW 9A.40.030)
	Extortion 1 (RCW 9A.56.120)
	Incest 2 (RCW 9A.64.020(2))
	Perjury 1 (RCW 9A.72.020)
	Extortionate Extension of Credit (RCW 9A.82.020)
	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW ~~((9A.36.020))~~ 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Wilful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(i) through (iv))
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III ~~((Statutory Rape 3 (RCW 9A.44.090)))~~
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW ~~((9A.36.030))~~ 9A.36.031)
 Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
 Harassment (RCW 9A.46.020)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Wilful Failure to Return from Work Release (RCW 72.65.070)
 Introducing Contraband 2 (RCW 9A.76.150)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- II Theft of livestock 1 (RCW 9A.56.080)
 Malicious Mischief 1 (RCW 9A.48.070)
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Theft of Livestock 2 (RCW 9A.56.080)
 Burglary 2 (RCW 9A.52.030)
 Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
 Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- I Computer Trespass 1 (RCW 9A.52.110)
 Theft 2 (RCW 9A.56.040)
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Forgery (RCW 9A.60.020)
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 Vehicle Prowl 1 (RCW 9A.52.095)
 Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 Malicious Mischief 2 (RCW 9A.48.080)
 Reckless Burning 1 (RCW 9A.48.040)
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 False Verification for Welfare (RCW 74.08.055)
 Forged Prescription (RCW 69.41.020)
 Forged Prescription for a Controlled Substance (RCW 69.50.403)
 Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))*
- Renumber subsequent section accordingly.

POINT OF ORDER

Ms. Niemi: Thank you, Mr. Speaker. I request a ruling on scope and object of the amendment.

SPEAKER'S RULING

The Speaker: Representative Niemi, I've examined Second Substitute Senate Bill No. 5086 and find that it deals with the general subject of community custody of

sexual offenders and serious violent offenders. The purpose of the amendment as offered by Representative Brough and others is to make the penalty for rape of a minor at least the same as the penalty for rape of an adult. I find your point is well taken and that the amendment is out of the scope and object of the bill.

The Clerk read the following amendment by Representative Niemi to the committee amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this act is to ensure that sex offenders and serious violent offenders continue to be supervised by department of corrections staff when released from total or partial confinement upon reaching their earned early release date. Community custody is designed to provide more effective offender management and to thereby assist in the protection of the public. Community custody is distinct and separate from community supervision.

Sec. 2. Section 3, chapter 137, Laws of 1981 as last amended by section 17, chapter 257, Laws of 1986 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Commission' means the sentencing guidelines commission.

(2) 'Community corrections officer' means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) 'Community custody' is a department of corrections program designed to intensely monitor offenders convicted of any sex offense or serious violent offense following transfer from partial or total confinement.

(4) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

~~((4))~~ (5) 'Community supervision' means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

~~((5))~~ (6) 'Confinement' means total or partial confinement as defined in this section.

~~((6))~~ (7) 'Conviction' means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((7))~~ (8) 'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

~~((8))~~ (9) (a) 'Criminal history' means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) 'Criminal history' includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

~~((9))~~ (10) 'Department' means the department of corrections.

~~((10))~~ (11) 'Determinate sentence' means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through 'earned early release' can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((11))~~ (12) 'Drug offense' means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).

~~((12))~~ (13) 'Escape' means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), or willful failure to return from work release (RCW 72.65.070).

~~((13))~~ (14) 'Felony traffic offense' means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

~~((14))~~ (15) 'Fines' means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((15)) (16) (a) 'First-time offender' means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

((16)) (17) 'Nonviolent offense' means an offense which is not a violent offense.

((17)) (18) 'Offender' means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms 'offender' and 'defendant' are used interchangeably.

((18)) (19) 'Partial confinement' means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

((19)) (20) 'Restitution' means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

((20)) (21) 'Serious traffic offense' means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

((21)) (22) 'Serious violent offense' is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

((22)) (23) 'Sentence range' means the sentencing court's discretionary range in imposing a nonappealable sentence.

((23)) (24) 'Sex offense' means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

((24)) (25) 'Total confinement' means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((25)) (26) 'Victim' means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

((26)) (27) 'Violent offense' means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular homicide, and vehicular assault;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection ((26)) (27)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection ((26)) (27) (a) or (b) of this section.

Sec. 3, Section 12, chapter 137, Laws of 1981 as last amended by section 20, chapter 257, Laws of 1986 and by section 4, chapter 301, Laws of 1986 and RCW 9.94A.120 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or

intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
 - (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
 - (c) Pursue a prescribed, secular course of study or vocational training;
 - (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ~~((of))~~ prior to any change in the offender's address or employment;
 - (e) Report as directed to the court and a community corrections officer; or
 - (f) Pay a fine and/or accomplish some community service work.
- (6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ~~((of))~~ prior to any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender ~~((is convicted of))~~ commits any felony sexual offense ~~((and is sentenced))~~ on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

If the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community ~~((supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:~~

- ~~(i) Devote time to a specific employment or occupation;~~

~~(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;~~
~~(iii) Report as directed to the court and a community corrections officer;~~
~~(iv) Undergo available outpatient treatment)) custody with the same conditions as placed on the offender by the court at the original imposition of sentence pursuant to subsection (8)(a) of this section.~~

If the offender violates any of the terms of his community ((supervision) custody, the court may order the offender to serve out the balance of his ((community supervision)) term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

~~((c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:~~

~~(i) Crime-related provisions;~~

~~(ii) A requirement that the offender report to a community corrections officer at regular intervals; and~~

~~(iii) A requirement to remain within or without stated geographical boundaries.~~

~~The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.~~

~~If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.))~~

~~(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for a sex offense or a serious violent offense committed on or after July 1, 1987, the court shall order that the offender shall be transferred from confinement to community custody when the offender is eligible for community custody status in lieu of earned early release time pursuant to RCW 9.94A.150(1), as computed by the department of corrections. An offender shall be released from community custody after serving the total sentence imposed by the court or one year, whichever is less.~~

~~(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for a sex offense or serious violent offense committed on or after July 1, 1987, unless a condition is waived by the court, the sentence shall include, in addition to the other terms of the sentence, the following conditions regarding the community custody program of the department of corrections:~~

~~(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;~~

~~(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;~~

~~(iii) The offender shall not consume or possess controlled substances; and~~

~~(iv) The offender shall pay community custody fees as determined by the department of corrections.~~

~~(c) The court may also order any of the following special community custody conditions:~~

~~(i) The offender shall remain within, or outside of, a specified geographical boundary;~~

~~(ii) The offender shall not have direct or indirect contact with the victim of the crime;~~

~~(iii) The offender shall not consume alcohol;~~

~~(iv) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or~~

~~(v) The offender shall comply with any crime-related prohibitions.~~

~~(d) The offender shall submit to a search and seizure of the offender's person, residence, automobile, or other personal property.~~

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

~~((9))~~ (10) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of ~~((the))~~ judgment ~~((of conviction))~~ and sentence. The offender's compliance with payment of monetary obligations shall be supervised by the department. The rate of payment shall be determined by the court or, in the absence of a rate determined by the court, the rate shall be set by the department.

An offender's default in the payment of restitution, fines, and other monetary obligations imposed under this chapter, or any installment thereof, may be collected by any means authorized by law for the enforcement of a judgment. Judgments for monetary obligations under this chapter are and may be made liens upon the property of the offender in the same manner and with like effect as judgments in civil actions.

~~((10))~~ (11) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

~~((11))~~ (12) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

~~((12))~~ (13) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

~~((13))~~ (14) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

~~((14))~~ (15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

Sec. 4. Section 15, chapter 137, Laws of 1981 as last amended by section 8, chapter 209, Laws of 1984 and RCW 9.94A.150 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except for sex offenders and serious violent offenders, the terms of the sentence may be reduced by earned early release time in accordance with procedures developed and promulgated by the department. The earned early release time shall be for good behavior and good performance, as determined by the department. In no case shall the aggregate earned early release time exceed one-third of the sentence. Sex offenders and serious violent offenders may become eligible for community custody in lieu of earned early release time in accordance with the program developed and promulgated by the department.

(2) When a sex offender or serious violent offender is eligible for transfer to community custody status in lieu of earned early release time pursuant to RCW 9.94A.150(1), as computed by the department of corrections, the offender shall be transferred from confinement to community custody. A person so transferred shall continue to be considered an inmate for all purposes.

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers:

~~((3))~~ (4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances:

~~((4))~~ ~~if the sentence of confinement is in excess of twelve months but not in excess of three years;~~ (5) No more than the final ~~((three))~~ six months of the sentence may be served in partial confinement designed to aid the qualified offender, as determined by the department of corrections, in finding work and reestablishing him or herself in the community.~~((if the sentence of~~

confinement is in excess of three years, no more than the final six months of the sentence may be served in such partial confinement));

((5)) (6) The governor may pardon any offender;

((6)) (7) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

((7)) (8) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

NEW SECTION. Sec. 5. A new section is added to chapter 9.94A RCW to read as follows:

If an offender violates any condition or requirement of community custody, the department may impose sanctions. If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before sanctions may be imposed. The department shall promulgate rules governing such hearing procedures and sanctions. Detention of an offender pursuant to section 6 of this act shall not be considered a sanction.

NEW SECTION. Sec. 6. A new section is added to chapter 9.94A RCW to read as follows:

(1) The secretary may issue warrants for the arrest of any offender who violates a condition of community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending return to confinement in a state correctional institution. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440. A community corrections officer, if he or she has reasonable cause to believe an offender in community custody has violated a condition of community custody, may suspend the person's community custody status and arrest or cause the arrest and detention in total confinement of the offender in a state facility, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community custody status.

(2) Inmates, as defined in RCW 72.09.020, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of corrections. The community custody inmate shall be removed from the local correctional facility not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution. However, if good cause is shown, the department may negotiate with local correctional authorities for an additional period of detention.

NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW to read as follows:

An offender in community custody who willfully fails to report to the assigned community corrections officer at the time specified by the department of corrections shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

Community corrections officers and volunteers who assist community corrections officers in the community custody program are not liable for civil damages resulting from any act or omission in the rendering of community custody monitoring activities, other than acts or omissions constituting gross negligence or willful or wanton misconduct. For purposes of this section, 'volunteers' is defined according to RCW 51.12.035.

Sec. 9. Section 7, chapter 136, Laws of 1981 and RCW 72.09.020 are each amended to read as follows:

For purposes of this chapter, 'inmate' means any person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough ((or)), work release, or community custody.

Sec. 10. Section 17, chapter 137, Laws of 1981 and RCW 9.94A.170 are each amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from ((supervision)) confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) A term of supervision ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3) For confinement sentences, the date for the tolling of the sentence shall be established by the entity responsible for the confinement. For sentences involving supervision, the date for the tolling of the sentence shall be established by the court, based on reports from the entity responsible for the supervision.

(4) The period of community custody shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to section 6 of this 1987 act and is later found not to have violated a condition or requirement of community

custody, time spent in total confinement due to such detention shall not toll the period of community custody. The period of community custody shall be tolled by any period of time during which the offender has absented himself or herself from monitoring without prior approval of the entity under whose supervision the offender has been placed. For the period of a sentence during which an offender is placed in community custody, the date for the tolling of the sentence shall be established by the department of corrections.

Sec. 11. Section 11, chapter 137, Laws of 1981 as last amended by section 34, chapter 257, Laws of 1986 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall order the department to complete a presentence report for the purpose of offender management before imposing a sentence upon a defendant who has been convicted of a felony sex offense. The department shall give priority to presentence investigations for sex offenders. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

Sec. 12. Section 11, chapter 209, Laws of 1984 and RCW 9.94A.195 are each amended to read as follows:

If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court. If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, an offender may be required to submit to a search and seizure of the offender's person, residence, automobile, or other personal property. A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court.

If the community corrections officer has reasonable cause to believe that an offender has committed a violent offense, an offense involving a deadly weapon, or any felony violation of the uniform controlled substances act, the community corrections officer may arrest and detain or cause the arrest and detention of the offender for up to five working days in order to investigate the facts and circumstances. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court, pursuant to a written order.

Sec. 13. Section 20, chapter 137, Laws of 1981 as amended by section 12, chapter 209, Laws of 1984 and RCW 9.94A.200 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage for each hour of community service. Any time served in confinement awaiting a hearing on non-compliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of fines or other monetary payments and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 14. Section 9, chapter 115, Laws of 1983 as amended by section 21, chapter 209, Laws of 1984 and RCW 9.94A.380 are each amended to read as follows:

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons if they are not used.

These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement or eight hours of community service may be substituted for one day of total confinement; (2) the community service conversion is limited to two hundred forty hours or thirty days. The conversion of total confinement to partial confinement may be applied to all sentences of one year or less, including those for violent offenses. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

Sec. 15. Section 22, chapter 209, Laws of 1984 and RCW 9.94A.383 are each amended to read as follows:

On all sentences of confinement for one year or less the court may impose up to one year of community supervision. ~~((For confinement sentences, unless otherwise ordered by the court, the period of community supervision begins at the date of release from confinement. For non-confinement sentences, the period of community supervision begins at the date of entry of the judgment and sentence.))~~ An offender shall be on community supervision as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of a sentence, the period of community supervision shall toll.

Sec. 16. Section 11, chapter 115, Laws of 1983 as last amended by section 28, chapter 257, Laws of 1986 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. If two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Sec. 17. Section 1, chapter 6, Laws of 1973 2nd ex. sess. and RCW 9.91.120 are each amended to read as follows:

Any person who resells food stamps manufactured under the food stamp program established pursuant to RCW 74.04.500, 74.04.505 and 74.04.510, or food purchased therewith, and any person who knowingly purchases such resold stamps or food, shall (1) if the face value of the stamps or food transferred ~~((be one))~~ is two hundred and fifty dollars or more, be guilty of a ((gross misdemeanor)) class C felony as defined in RCW 9A.20.021 and (2) if the face value of

the stamps or food transferred ((be)) is less than ((one)) two hundred and fifty dollars, shall be guilty of a gross misdemeanor as defined in RCW 9A.20.021.

Sec. 18. Section 3, chapter 115, Laws of 1983 as last amended by section 23, chapter 257, Laws of 1986 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW ((9A.36.010)) <u>9A.36.011</u>)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW ((9A.82.061(1)(b)) (RCW 9A.82.060(1)(b)))) <u>9A.82.060(1)(b)</u>)
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020)
	Vehicular Homicide (RCW 46.61.520)
	Introducing Contraband 1 (RCW 9A.76.140)
	Statutory Rape 2 (RCW 9A.44.080)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010)
	Manslaughter 2 (RCW 9A.32.070)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
	Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) ((and)), (c), <u>and (d)</u>)
	Incest 1 (RCW 9A.64.020(1))
	Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
	Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
	Intimidating a Judge (RCW 9A.72.160)
V	Rape 3 (RCW 9A.44.060)
	Kidnapping 2 (RCW 9A.40.030)
	Extortion 1 (RCW 9A.56.120)
	Incest 2 (RCW 9A.64.020(2))
	Perjury 1 (RCW 9A.72.020)
	Extortionate Extension of Credit (RCW 9A.82.020)
	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
	Rendering Criminal Assistance 1 (RCW 9A.76.070)
IV	Robbery 2 (RCW 9A.56.210)
	Assault 2 (RCW ((9A.36.020)) <u>9A.36.021</u>)

- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Wilful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run -- Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(i) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Statutory Rape 3 (RCW 9A.44.090)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW ((9A.36.030)) 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Wilful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock 2 (RCW 9A.56.080)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Resale or Purchase of Food Stamps (RCW 9.91.120(1))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

NEW SECTION. Sec. 19. Increased sanctions authorized by this act are applicable only to those persons committing offenses after the effective date of this act.

NEW SECTION. Sec. 20. Sections 1 through 16 and 19 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Sections 17 and 18 of this act shall take effect July 1, 1987."

With consent of the House, Ms. Niemi withdrew the amendment.

POINT OF ORDER

Ms. Brough: You've just said with consent of the House, amendment 660 is withdrawn. I would like to offer that amendment if the Representative from the 43rd district is not going to. I would move the adoption of amendment 660.

POINT OF ORDER

Ms. Niemi: Thank you, Mr. Speaker. I once again request a ruling on scope and object.

SPEAKER'S RULING

The Speaker: Representative Niemi, the Speaker has again examined Second Substitute Senate Bill No. 5086. I still find that it deals with the subject of community custody of sexual offenders. The amendment, while fairly parallel to the committee amendment, however, reaches far outside of the original intent of the bill and gets into food stamps and a cleanup of the code. So I find, Representative Niemi, that your point is well taken. The amendment is outside the scope and object of the original bill.

The committee amendment was adopted.

The amendment to the title was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Brough spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5086 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Soyran, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Brooks, Moyer - 2.

Second Substitute Senate Bill No. 5086 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Representative Lewis moved that the remarks by Ms. Brough on final passage of Second Substitute Senate Bill No. 5086 as amended by the House be spread upon the Journal.

The motion was not carried.

MOTION

Ms. Brough moved that the House immediately consider Second Substitute Senate Bill No. 5654.

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

ROLL CALL

The Clerk called the roll on the motion to immediately consider Second Substitute Senate Bill No. 5654, and the motion was not carried by the following vote: Yeas, 35; nays, 61; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller,

Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 35.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 61.

Excused: Representatives Brooks, Moyer - 2.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5002,
 SENATE BILL NO. 5017,
 SUBSTITUTE SENATE BILL NO. 5130,
 SENATE BILL NO. 5194,
 SENATE BILL NO. 5248,
 SUBSTITUTE SENATE BILL NO. 5285,
 SENATE BILL NO. 5412,
 SENATE BILL NO. 5413,
 SENATE BILL NO. 5416,
 SENATE BILL NO. 5444,
 SENATE BILL NO. 5469,
 SENATE BILL NO. 5642,
 SUBSTITUTE SENATE BILL NO. 5717,
 SUBSTITUTE SENATE BILL NO. 5824,
 SUBSTITUTE SENATE BILL NO. 5911,
 SENATE JOINT MEMORIAL NO. 8008,
 SENATE JOINT RESOLUTION NO. 8207,
 SENATE JOINT RESOLUTION NO. 8212.

On motion of Mr. McMullen, the House was recessed until 12:41 p.m.

AFTERNOON SESSION

The House was called to order by the Speaker. The Clerk called the roll and all members were present except Representatives Brooks, Lux, Moyer and Wineberry. Representatives Brooks and Moyer were excused.

SECOND READING

SENATE BILL NO. 5008, by Senator Moore

Revising provisions relating to property tax payments made by check.

The bill was read the second time. Committee on Ways & Means/Revenue recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Madsen moved adoption of the committee amendments.

On motion of Mr. Madsen, the following amendment by Representative Appelwick to the committee amendment was adopted:

On page 3, following line 33, add a new section:

"NEW SECTION. Sec. 2. This act shall take effect January 1, 1988."

Mr. Madsen spoke in favor of the committee amendment as amended, and it was adopted.

The committee amendment to the title was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Madsen spoke in favor of the bill.

POINT OF INQUIRY

Mr. Madsen yielded to question by Mr. Hargrove.

Mr. Hargrove: Could you tell me whether or not a check made out to the name of the county treasurer will have to be returned in order to comply with this law? Or will they be able to still use those for tax payments?

Mr. Madsen: The answer is no. The check need not be returned to the individual. The law is directed at instructions from the treasurer to the people.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5008 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zelinsky, and Mr. Speaker - 94.

Absent: Representatives Lux, Wineberry - 2.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5008 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

Representative Lux appeared at the bar of the House.

ENGROSSED SENATE BILL NO. 6003, by Senator Hansen

Changing provisions relating to nonrelinquishment of water rights.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. Rayburn moved adoption of the committee amendments.

Ms. H. Sommers moved adoption of the following amendments by Representatives H. Sommers, Nelson, Grimm, Brekke, Locke, Barnes, Armstrong, Rust, K. Wilson, Unsoeld, Braddock, Leonard, Valle, Miller, Silver, Allen, Winsley, B. Williams, Haugen, Holland, Sanders, Fisher, Sutherland, Niemi, Cole, Vekich, Pruitt, Lux, Todd and P. King to the committee amendment:

On page 1 of the amendment, line 10, before "Any" insert "(1)"

On page 1 of the amendment, beginning on line 14, after "appropriation" strike all material through "States," on line 21 and insert "until December 31, 1991, without need for renewal.

(2) This withdrawal of the water from appropriation may be continued administratively beyond December 31, 1991, under RCW 90.40.030 if the action to continue the withdrawal is taken before December 31, 1991.

(3) If the project is declared completed or abandoned by the United States acting by and through the secretary of the interior or such other duly authorized officer of the United States before the date established by subsection (1) of this section or before a date established under subsection (2) of this section, the water shall be subject to appropriation as provided by law."

Representatives H. Sommers, Sutherland, Nelson and K. Wilson spoke in favor of the amendments to the committee amendment, and Representatives Rayburn, Prince, Baugher, C. Smith and Chandler spoke against them.

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

The amendments to the committee amendment were not adopted.

The committee amendments were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn, Nealey, McLean, C. Smith, Lux and Sayan, spoke in favor of passage of the bill, and Ms. H. Sommers opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6003 as amended by the House, and the bill passed the House by the following vote: Yeas, 83; nays, 12; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson S, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Belcher, Brekke, Cole, Fisher, Nelson, Niemi, Sommers H, Todd, Unsoeld, Wang, Wilson K, Winsley - 12.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Senate Bill No. 6003 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5181, by Committee on Judiciary (originally sponsored by Senator Tanner)

Prohibiting the dumping of trash in charitable donation receptacles.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 81st Day, April 2, 1987.)

On motion of Ms. Rust, the committee amendment was adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5181 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5181 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5513, by Senators Gaspard and Johnson; by request of Department of Retirement Systems

Revising provisions relating to withdrawal, restoration, and interest on state patrol retirement contributions.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5513, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5423, by Committee on Transportation (originally sponsored by Senators Peterson, Metcalf, Patterson, Johnson, Garrett and Bender)

Reinstating special consular license plates.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendment:

On page 1, line 23, after "shall be" insert "immediately forwarded to the director to be"

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

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5423 as amended by the House, and the bill passed the House by the following vote: Yeas, 87; nays, 8; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walker, Wang, Williams B, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Lewis, Locke, Lux, Padden, Rasmussen, Unsoeld, Walk, Williams J - 8.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5243 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5732, by Senators Tanner, Peterson, Smitherman, Bender, Bailey and Garrett

Encouraging right-of-way donations.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendment:

On page 2, line 19, after "chapter _____" strike "(SB _____, S-204/87)" and insert "(HB 396)"

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

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5732 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5732 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5502, by Committee on Commerce & Labor (originally sponsored by Senators Rinehart, Warnke, Halsan, Lee, Wojahn, Talmadge, Tanner, Bottiger, Bailey, Smitherman, Vognild, Williams, Garrett, Stratton and Moore)

Creating enforcement provisions for new motor vehicle warranties.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.) Committee on Ways & Means/Appropriations recommendation: Majority, do pass with amendments by Committee on Commerce & Labor.

Mr. Wang moved that the committee amendments not be adopted, and the motion was carried.

Mr. Wang moved adoption of the following amendments by Representatives Wang, Patrick, Sayan, Hine, R. King and Sanders:

Strike everything after the enacting clause and insert the following:

***NEW SECTION. Sec. 1.** The legislature recognizes that a new motor vehicle is a major consumer purchase and that a defective motor vehicle is likely to create hardship for, or may cause injury to, the consumer. The legislature further recognizes that good cooperation and communication between a manufacturer and a new motor vehicle dealer will considerably increase the likelihood that a new motor vehicle will be repaired within a reasonable number of attempts.

It is the intent of the legislature to ensure that the consumer is made aware of his or her rights under this chapter and is not refused information, documents, or service that would otherwise obstruct the exercise of his or her rights.

In enacting these comprehensive measures, it is the intent of the legislature to create the proper blend of private and public remedies necessary to enforce this chapter, such that a manufacturer will be sufficiently induced to take necessary steps to improve quality control at the time of production or provide better warranty service for the new motor vehicles that it sells in this state.

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

- (1) 'Board' means new motor vehicle arbitration board.
- (2) 'Collateral charges' means any sales-related charges including but not limited to sales tax, arbitration service fees, license fees, registration fees, title fees, finance charges, insurance costs, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory installed options.
- (3) 'Condition' means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.
- (4) 'Consumer' means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the warranty period defined under this section.
- (5) 'Court' means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.
- (6) 'Incidental costs' means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.
- (7) 'Manufacturer' means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers.
- (8) 'New motor vehicle' means any new self-propelled vehicle primarily designed for the transportation of persons or property over the public highways that was leased or purchased in this state and registered in this state, but does not include vehicles purchased or leased by a business as part of a fleet of ten or more vehicles. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as a mobile dwelling, office, or commercial space. The term 'new motor vehicle' does not include motorcycles or trucks with nineteen thousand pounds or more gross vehicle weight rating. The term 'new motor vehicle' includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.
- (9) 'New motor vehicle dealer' means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is licensed as a dealer by the state of Washington.
- (10) 'Nonconformity' means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.
- (11) 'Purchase price' means the cash price of the new motor vehicle appearing in the sales agreement or contract, including any allowance for a trade-in vehicle.
- (12) 'Reasonable offset for use' means an amount directly attributable to use by the consumer before repurchase or replacement by the manufacturer. The reasonable offset for use shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by one hundred thousand.
- (13) 'Reasonable number of attempts' means the definition provided in section 4 of this act.
- (14) 'Replacement motor vehicle' means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of purchase.
- (15) 'Serious safety defect' means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.
- (16) 'Substantially impair' means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.
- (17) 'Warranty' means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term 'warranty' pertains to the obligations of the manufacturer in relation to materials, workmanship, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the warranty period as defined under this section.
- (18) 'Warranty period' means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first.

NEW SECTION. Sec. 3. (1) Each new motor vehicle dealer shall provide an owner's manual which shall be published by the manufacturer and include a list of the addresses and phone numbers for its zone or regional offices for this state.

(2) At the time of purchase, the new motor vehicle dealer shall provide the consumer with a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared and supplied by the attorney general and shall contain a toll-free number that the consumer can contact for information regarding the procedures and remedies under this chapter.

(3) For the purposes of this chapter, if a new motor vehicle does not conform to the warranty and the consumer reports the nonconformity during the term of the warranty period or the period of coverage of the applicable manufacturer's written warranty, whichever is less, to the manufacturer, its agent, or the new motor vehicle dealer who sold the new motor vehicle, the manufacturer, its agent, or the new motor vehicle dealer shall make repairs as are necessary to conform the vehicle to the warranty, regardless of whether such repairs are made after the expiration of the warranty period. Any corrections or attempted repairs undertaken by a new motor vehicle dealer under this chapter shall be treated as warranty work and billed by the dealer to the manufacturer in the same manner as other work under the manufacturer's written warranty is billed. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(4) Upon request from the consumer, the manufacturer or new motor vehicle dealer shall provide a copy of any report or computer reading compiled by the manufacturer's field or zone representative regarding inspection, diagnosis, or test-drive of the consumer's new motor vehicle, or shall provide a copy of any technical service bulletin issued by the manufacturer regarding the year and model of the consumer's new motor vehicle as it pertains to any material, feature, component, or the performance thereof.

(5) The new motor vehicle dealer shall provide to the consumer each time the consumer's vehicle is returned from being diagnosed or repaired under the warranty, a fully itemized, legible statement or repair order indicating any diagnosis made, and all work performed on the vehicle including but not limited to, a general description of the problem reported by the consumer or an identification of the defect or condition, parts and labor, the date and the odometer reading when the vehicle was submitted for repair, and the date when the vehicle was made available to the consumer.

(6) No manufacturer, its agent, or the new motor vehicle dealer may refuse to diagnose or repair any nonconformity covered by the warranty for the purpose of avoiding liability under this chapter.

(7) For purposes of this chapter, consumers shall have the rights and remedies, including a cause of action, against manufacturers as provided in this chapter.

(8) The warranty period and thirty-day out-of-service period shall be extended by any time that repair services are not available to the consumer as a direct result of a strike, war, invasion, fire, flood, or other natural disaster.

NEW SECTION. Sec. 4. (1) If the manufacturer, its agent, or the new motor vehicle dealer is unable to conform the new motor vehicle to the warranty by repairing or correcting any nonconformity after a reasonable number of attempts, the manufacturer, within forty calendar days of a consumer's written request shall, at the option of the consumer, replace or repurchase the new motor vehicle.

The replacement motor vehicle shall be identical or reasonably equivalent to the motor vehicle to be replaced. Compensation for a reasonable offset for use shall be paid by the consumer to the manufacturer in the event that the consumer accepts a replacement motor vehicle.

When repurchasing the new motor vehicle, the manufacturer shall refund to the consumer the purchase price, all collateral charges, and incidental costs, less a reasonable offset for use. Refunds shall be made to the consumer and lienholder of record, if any, as his or her interests may appear.

(2) Reasonable number of attempts shall be deemed to have been undertaken by the manufacturer, its agent, or the new motor vehicle dealer to conform the new motor vehicle to the warranty within the warranty period, if: (a) The same serious safety defect has been subject to repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty; (b) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; or (c) the vehicle is out-of-service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(3) No new motor vehicle dealer may be held liable by the manufacturer for any collateral charges, incidental costs, purchase price refunds, or vehicle replacements. Manufacturers

shall not have a cause of action against dealers under this chapter, but may pursue rights and remedies in other proceedings in accordance with the manufacturer-dealer franchise agreement. Consumers shall not have a cause of action against dealers under this chapter, but a violation of any responsibilities imposed upon dealers under this chapter is a per se violation of chapter 19.86 RCW. Consumers may pursue rights and remedies against dealers under any other law, including chapters 46.70 and 46.71 RCW. Manufacturers and consumers may not make dealers parties to arbitration board proceedings under this chapter.

NEW SECTION. Sec. 5. (1) A manufacturer shall be prohibited from reselling any motor vehicle determined or adjudicated as having a serious safety defect unless the serious safety defect has been corrected and the manufacturer warrants upon the resale that the defect has been corrected.

(2) After the replacement or repurchase of a motor vehicle with a nonconformity uncorrected pursuant to this chapter, the manufacturer shall notify the attorney general and the department of licensing, by certified mail, upon receipt of the manufacturer's motor vehicle. If such nonconformity is corrected, the manufacturer shall notify the attorney general and the department of licensing of such correction.

(3) Upon the resale, either at wholesale or retail, or transfer of title of a motor vehicle with an uncorrected nonconformity and which was previously returned after a final determination, adjudication, or settlement under this chapter or under a similar statute of any other state, the manufacturer, its agent, or the new motor vehicle dealer shall execute and deliver to the buyer before sale an instrument in writing setting forth information identifying the nonconformity in a manner to be specified by the attorney general, and the department of licensing shall place on the certificate of title information indicating the vehicle was returned under this chapter.

(4) Upon receipt of the manufacturer's notification under subsection (2) of this section that the nonconformity has been corrected and upon the manufacturer's request and payment of any fees, the department of licensing shall issue a new title with information indicating the vehicle was returned under this chapter and that the nonconformity has been corrected. Upon the resale, either at wholesale or retail, or transfer of title of a motor vehicle for which a new title has been issued under this subsection, the manufacturer shall warrant upon the resale that the nonconformity has been corrected, and the manufacturer, its agent, or the new motor vehicle dealer shall execute and deliver to the buyer before sale an instrument in writing setting forth information identifying the nonconformity and indicating that it has been corrected in a manner to be specified by the attorney general.

NEW SECTION. Sec. 6. (1) Except as provided in section 15 of this act, the attorney general shall contract with one or more private entities to establish new motor vehicle arbitration boards to settle disputes between consumers and manufacturers as provided in this chapter. The entities shall not be affiliated with any manufacturer or new motor vehicle dealer and shall have available the services of persons with automotive technical expertise to assist in resolving disputes under this chapter. Payment to the entities for the arbitration services shall be made from the new motor vehicle arbitration account.

(2) The attorney general shall adopt rules for the uniform conduct of the arbitrations by the boards, which rules shall include but not be limited to the following procedures:

(a) At all arbitration proceedings, the parties are entitled to present oral and written testimony, to present witnesses and evidence relevant to the dispute, to cross-examine witnesses, and to be represented by counsel.

(b) A dealer, or a manufacturer or other party shall produce records and documents requested by a party which the board finds are reasonably related to the dispute. If a dealer, or a manufacturer or other party refuses to comply with the board's determination, a party may request the attorney general to issue a subpoena on behalf of the board. A party may also request the attorney general to issue a subpoena on behalf of the board for the records and documents of other persons.

(c) A party may obtain written affidavits from employees and agents of a dealer, a manufacturer or other party, or from other potential witnesses, and may submit such affidavits for consideration by the board.

(d) Records of the board proceedings shall be open to the public. The hearings shall be open to the public to the extent practicable.

(3) A consumer shall exhaust the new motor vehicle arbitration board remedy or informal dispute resolution settlement procedure under section 14 of this act before filing any superior court action.

(4) The attorney general shall maintain records of each dispute submitted to the new motor vehicle arbitration board, including an index of new motor vehicles by year, make, and model.

(5) The attorney general shall compile aggregate annual statistics for all disputes submitted to, and decided by, the new motor vehicle arbitration board, as well as annual statistics for each manufacturer that include, but shall not be limited to, the number and percent of: (a) Replacement motor vehicle requests; (b) purchase price refund requests; (c) replacement motor vehicles obtained in prehearing settlements; (d) purchase price refunds obtained in

prehearing settlements; (e) replacement motor vehicles awarded in arbitration; (f) purchase price refunds awarded in arbitration; (g) board decisions neither complied with during the forty calendar day period nor petitioned for appeal within the thirty calendar day period; (h) board decisions appealed categorized by consumer or manufacturer; (i) the nature of the court decisions and who the prevailing party was; (j) appeals that were held by the court to be brought without good cause; and (k) appeals that were held by the court to be brought solely for the purpose of harassment. The statistical compilations shall be public information.

(6) The attorney general shall submit biennial reports of the information in this section to the senate and house of representatives committees on commerce and labor, with the first report due January 1, 1990.

(7) The attorney general shall adopt rules to implement this chapter. Such rules shall include uniform standards by which the boards shall make determinations under this chapter, including but not limited to rules which provide:

(a) A board shall find that a nonconformity exists if it determines that the consumer's new motor vehicle has a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of the vehicle.

(b) A board shall find that a reasonable number of attempts to repair a nonconformity have been undertaken if: (i) The same serious safety defect has been subject to repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty; (ii) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; or (iii) the vehicle is out-of-service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(c) A board shall find that a manufacturer has failed to comply with section 4 of this act if it finds that the manufacturer, its agent, or the new motor vehicle dealer has failed to correct a nonconformity after a reasonable number of attempts and the manufacturer has failed, within forty days of the consumer's written request, to repurchase the vehicle or replace the vehicle with a vehicle identical or reasonably equivalent to the vehicle being replaced.

(8) The attorney general shall provide consumers with information regarding the procedures and remedies under this chapter.

NEW SECTION, Sec. 7. (1) A consumer may request arbitration under this chapter by submitting the request to the attorney general. Within ten days after receipt of an arbitration request, the attorney general shall make a reasonable determination of the cause of the request for arbitration and provide necessary information to the consumer regarding the consumer's rights and remedies under this chapter. The attorney general shall assign the dispute to a board, except that if it clearly appears from the materials submitted by the consumer that the dispute is not eligible for arbitration, the attorney general may refuse to assign the dispute and shall explain any required procedures to the consumer.

(2) Manufacturers shall submit to arbitration if such arbitration is requested by the consumer within thirty months from the date of original delivery of the new motor vehicle to the consumer and if the consumer's dispute is deemed eligible for arbitration by the board.

(3) The new motor vehicle arbitration board may reject for arbitration any dispute that it determines to be frivolous, fraudulent, filed in bad faith, res judicata or beyond its authority. Any dispute deemed by the board to be ineligible for arbitration due to insufficient evidence may be reconsidered by the board upon the submission of other information or documents regarding the dispute that would allegedly qualify for relief under this chapter. Following a second review, the board may reject the dispute for arbitration if evidence is still clearly insufficient to qualify the dispute for relief under this chapter. A rejection by the board is subject to review by the attorney general or may be appealed under section 8 of this act.

A decision to reject any dispute for arbitration shall be sent by certified mail to the consumer and the manufacturer, and shall contain a brief explanation as to the reason therefor.

(4) The arbitration board shall award the remedies under section 4 of this act if it finds a nonconformity and that a reasonable number of attempts have been undertaken to correct the nonconformity.

(5) It is an affirmative defense to any claim under this chapter that: (a) The alleged nonconformity does not substantially impair the use, value, or safety of the new motor vehicle; or (b) the alleged nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the new motor vehicle.

(6) The board shall have thirty calendar days from the date the board receives the consumer's request for arbitration to hear the dispute. If the board determines that additional information is necessary, the board may continue the arbitration proceeding on a subsequent date within ten calendar days of the initial hearing. The board shall decide the dispute within sixty calendar days from the date the board receives the consumer's request for arbitration.

The decision of the board shall be sent by certified mail to the consumer and the manufacturer, and shall contain a written finding of whether the new motor vehicle meets the standards set forth under this chapter.

(7) The consumer may accept the arbitration board decision or appeal to superior court, pursuant to section 8 of this act. Upon acceptance by the consumer, the arbitration board decision shall become final. The consumer shall send written notification of acceptance to the arbitration board who shall immediately send a copy of the consumer's acceptance to the manufacturer by certified mail, return receipt requested.

(8) Upon receipt of the consumer's acceptance, the manufacturer shall have forty calendar days to comply with the arbitration board decision or thirty calendar days to file a petition of appeal in superior court. At the time the petition of appeal is filed, the manufacturer shall send, by certified mail, a conformed copy of such petition to the attorney general. If the attorney general receives no notice of petition of appeal after forty calendar days, the attorney general shall contact the consumer to verify compliance.

(9) If, at the end of the forty calendar day period, neither compliance with, nor a petition to appeal the board's decision has occurred, the attorney general may impose a fine of one thousand dollars per day until compliance occurs or a maximum penalty of one hundred thousand dollars accrues unless the manufacturer can provide clear and convincing evidence that any delay or failure was beyond its control or was acceptable to the consumer as evidenced by a written statement signed by the consumer. If the manufacturer fails to provide such evidence or fails to pay the fine, the attorney general shall initiate proceedings against the manufacturer for failure to pay any fine that accrues until compliance with the board's decision occurs or the maximum penalty of one hundred thousand dollars results.

NEW SECTION. Sec. 8. (1) The consumer or the manufacturer may request a trial de novo of the arbitration decision, including a rejection, in superior court.

(2) If the manufacturer appeals, the court may require the manufacturer to post security for the consumer's financial loss due to the passage of time for review.

(3) If the consumer prevails, recovery shall include the monetary value of the award, attorneys' fees and costs incurred in the superior court action, and, if the board awarded the consumer replacement or repurchase of the vehicle and the manufacturer did not comply, continuing damages in the amount of twenty-five dollars per day for all days beyond the forty calendar day period following the manufacturer's receipt of the consumer's acceptance of the board's decision in which the manufacturer did not provide the consumer with the free use of a comparable loaner replacement motor vehicle. If it is determined by the court that the manufacturer acted without good cause in bringing the appeal or brought the appeal solely for the purpose of harassment, the court may triple, but at least shall double, the amount of the total award.

NEW SECTION. Sec. 9. A five-dollar arbitration fee shall be collected by the new motor vehicle dealer from the consumer at completion of sale. The fee shall be forwarded to the department of licensing for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriation.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

NEW SECTION. Sec. 10. A violation of this chapter shall constitute an unfair or deceptive trade practice affecting the public interest under chapter 19.86 RCW. All public and private remedies provided under that chapter shall be available to enforce this chapter.

NEW SECTION. Sec. 11. Any agreement entered into by a consumer for the purchase of a new motor vehicle that waives, limits, or disclaims the rights set forth in sections 2 through 12 of this act shall be void as contrary to public policy. Said rights shall extend to a subsequent transferee of such new motor vehicle.

NEW SECTION. Sec. 12. Nothing in this chapter limits the consumer from pursuing other rights or remedies under any other law.

Sec. 13. Section 5, chapter 240, Laws of 1983 and RCW 19.118.050 are each amended to read as follows:

It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if during the term of such express warranties or during the period of one year following the date of original delivery of the motor vehicle to a buyer: (1) The same nonconformity has been subject to diagnosis or repair four or more times by the manufacturer or its agents; ~~((or))~~ (2) ~~((the vehicle is out of service by reason of repair for a cumulative total of more than thirty days since the delivery of the vehicle to the buyer))~~ a serious safety defect has been subject to repair two or more times, and the defect continues to exist; or (3) the new motor vehicle is out-of-service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days. The thirty-day period includes each calendar day or portion thereof during which the service shop is open for business, but does not include periods during which repairs cannot be made due to ~~((conditions beyond the control of the service facility and does not include periods during~~

~~which the buyer has been provided with a comparable replacement vehicle by the dealer or manufacturer)) reasons specified in section 3(8) of this 1987 act.~~

This section shall expire December 31, 1988.

NEW SECTION, Sec. 14. (1) If a manufacturer has established an informal dispute resolution settlement procedure which substantially complies with the applicable provision of Title 15, Code of Federal Regulations Part 703, as from time to time amended, a consumer may choose to first submit a dispute under this chapter to the informal dispute resolution settlement procedure.

(2) After the new motor vehicle arbitration board has been established and is operational and until December 31, 1988, consumers who have a pending case in the informal dispute resolution settlement procedure in this section may choose to transfer the case to be heard before the new motor vehicle arbitration board.

NEW SECTION, Sec. 15. If the attorney general is unable, or will be unable, to contract with private entities to conduct arbitrations under the procedures and standards in this chapter, by January 1, 1988, the attorney general shall establish one or more new motor vehicle arbitration boards. Each such board shall consist of three members appointed by the attorney general, only one of whom may be directly involved in the manufacture, distribution, sale, or service of any motor vehicle. Board members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated pursuant to RCW 43.03.240.

NEW SECTION, Sec. 16. A new section is added to chapter 82.32 RCW to read as follows:

If a manufacturer makes a refund of sales tax to a consumer upon return of a new motor vehicle under chapter 19.118 RCW, the department shall credit or refund to the manufacturer the amount of the tax refunded, upon receipt of documentation as required by the department.

NEW SECTION, Sec. 17. Sections 2 through 12, 14, and 15 of this act are each added to chapter 19.118 RCW.

NEW SECTION, Sec. 18. By January 1, 1990, the appropriate standing committees of the house of representatives and the senate shall review sections 2 through 12 and 14 through 16 of this act. The committees shall receive input from consumers, manufacturers, dealers, private entities who have established boards, board members, the attorney general, and other interested persons and shall consider, among other issues, the effectiveness of the remedies available to consumers and the role of the attorney general.

NEW SECTION, Sec. 19. Sections 2 through 12 and 14 through 16 of this act shall expire on June 30, 1992, unless extended for an additional fixed period of time. By January 1, 1992, the legislative budget committee shall conduct a review of such provisions under the standards in chapter 43.131 RCW and report to the legislature.

NEW SECTION, Sec. 20. (1) There is appropriated from the new motor vehicle arbitration account to the attorney general for the biennium ending June 30, 1989, the sum of two million dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

(2) Before January 1, 1988, the attorney general may expend funds appropriated under this section to establish the new motor vehicle arbitration boards.

NEW SECTION, Sec. 21. The following acts or parts of acts are each repealed effective January 1, 1988:

(1) Section 2, chapter 240, Laws of 1983 and RCW 19.118.020;

(2) Section 3, chapter 240, Laws of 1983, section 1, chapter 148, Laws of 1984 and RCW 19.118.030;

(3) Section 4, chapter 240, Laws of 1983, section 2, chapter 148, Laws of 1984 and RCW 19.118.040; and

(4) Section 6, chapter 240, Laws of 1983 and RCW 19.118.060.

NEW SECTION, Sec. 22. (1) Section 9 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 1, 1987.

(2) Sections 2 through 8, 10 through 12, and 14 through 16 of this act shall take effect January 1, 1988, except that the attorney general may take such actions as are necessary to ensure the new motor vehicle arbitration boards are established and operational.

NEW SECTION, Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "warranties;" strike the remainder of the title and insert "amending RCW 19.118.050; adding new sections to chapter 19.118 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 19.118.020, 19.118.030, 19.118.040, and 19.118.060; prescribing penalties; making an appropriation; providing effective dates; providing an expiration date; and declaring an emergency."

Mr. Wang spoke in favor of the amendments.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Barnes.

Mr. Barnes: Representative Wang, in the striking amendment the warranty period is defined as a certain amount. Does this mean that in this bill a dealer would have to give a warranty that is defined here by law?

Mr. Wang: It does not extend the basic warranty that is offered on a new car such as the typical 12-month/12,000 mile warranty. What it does do, however, is to allow a person who has made a claim during that time period—for example, the brake system doesn't work—you take it in; you try to repair it during that first time period; it still doesn't work; you keep trying to repair it over and over again even in the second year. If you cannot repair it even during the second year up to a period of 24 months or 24,000 miles, then it would be treated as a lemon.

Mr. Zellinsky spoke in favor of the amendment, and it was adopted.

On motion of Mr. Wang, the amendment to the title was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Barnes.

Mr. Barnes: Representative Wang, there are several places in this bill that would require a manufacturer to do certain things during certain periods of time. What mechanisms would the state use to force manufacturers to conform to the law?

Mr. Wang: I'm not sure I fully understand the question. There is a procedure outlined for the process of the board, assuming that the contracted out board would have the power to have manufacturers comply with the procedure. The Attorney General will be establishing some general procedures of how the provisions would work for the board.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5502 as amended by the House, and the bill passed the House by the following vote: Yeas, 88; nays, 7; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Winsley, and Mr. Speaker - 88.

Voting nay: Representatives Baugher, Chandler, Crane, Fuhrman, Prince, Williams J, Zellinsky - 7.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5502 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5546, by Senators Talmadge, Newhouse, Bauer, Nelson, Hayner and Moore

Revising provisions relating to assault.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Crane moved adoption of the committee amendments.

Mr. Locke moved adoption of the following amendments by Representatives Locke and Padden to the committee amendment:

On page 1, after line 5 of the amendment, strike the remainder of the amendment and insert the following:

*Sec. 1. Section 5, chapter 257, Laws of 1986 and RCW 9A.36.021 are each amended to read as follows:

(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults ~~((another))~~ a person less than twelve years of age and thereby inflicts substantial bodily harm; or

(b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or

(c) Knowingly inflicts substantial bodily harm upon another with or without a weapon; or
(d) Knowingly assaults another with a deadly weapon; or

~~((e))~~ (e) With intent to inflict bodily harm, administers to or causes to be taken by another,
poison or any other destructive or noxious substance; or

~~((f))~~ (f) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony.

Sec. 2. Section 9A.04.110, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 257, Laws of 1986 and RCW 9A.04.110 are each amended to read as follows:

In this title unless a different meaning plainly is required:

(1) 'Acted' includes, where relevant, omitted to act;

(2) 'Actor' includes, where relevant, a person failing to act;

(3) 'Benefit' is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;

(4) (a) 'Bodily injury,' 'physical injury,' or 'bodily harm' means physical pain or injury, illness, or an impairment of physical condition;

(b) 'Substantial bodily harm' means bodily injury which involves a ~~((temporary but))~~ substantial disfigurement, ~~((or which causes a temporary but substantial))~~ any loss or impairment of the function of any bodily part or organ, or ((which causes)) a fracture of any bodily part, or substantial pain, whether such substantial bodily harm is temporary or permanent;

(c) 'Great bodily harm' means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ;

(5) 'Building', in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;

(6) 'Deadly weapon' means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a 'vehicle' as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm;

(7) 'Dwelling' means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

(8) 'Government' includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;

(9) 'Governmental function' includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

(10) 'Indicted' and 'indictment' include 'informed against' and 'information', and 'informed against' and 'information' include 'indicted' and 'indictment';

(11) 'Judge' includes every judicial officer authorized alone or with others, to hold or preside over a court;

(12) 'Malice' and 'maliciously' shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;

(13) 'Officer' and 'public officer' means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;

(14) 'Omission' means a failure to act;

(15) 'Peace officer' means a duly appointed city, county, or state law enforcement officer;

(16) 'Pecuniary benefit' means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

(17) 'Person', 'he', and 'actor' include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

(18) 'Place of work' includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

(19) 'Prison' means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

(20) 'Prisoner' includes any person held in custody under process of law, or under lawful arrest;

(21) 'Property' means anything of value, whether tangible or intangible, real or personal;

(22) 'Public servant' means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

(23) 'Signature' includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(24) 'Statute' means the Constitution or an act of the legislature or initiative or referendum of this state;

(25) 'Substantial pain' means serious physical pain extending for a period of time long enough to cause considerable suffering. The pain shall be the result of an actual injury capable of causing serious physical pain;

(26) 'Threat' means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or
 (b) To cause physical damage to the property of a person other than the actor; or
 (c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships;

~~((26))~~ (27) 'Vehicle' means a 'motor vehicle' as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

~~((27))~~ (28) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

Sec. 3. Section 12, chapter 257, Laws of 1986 (uncodified) is amended to read as follows:

Sections 3 through 10 of this act shall take effect on ~~((July 1, 1987))~~ November 1, 1988.

NEW SECTION. Sec. 4. (1) The legislature finds that current statutes and proposals for change regarding the crime of assault are in need of careful review. Therefore, it is the intent of the legislature to delay the implementation of changes in the assault statutes in order to provide for a comprehensive examination of the current law and the desirability of amendment.

(2) There is created the assault law review commission. The commission shall consist of the following members:

(a) Three judges from courts of record appointed by the chief justice of the state supreme court;

(b) Three representatives from law schools in the state appointed by the governor;

(c) Two representatives from among the county prosecutors in the state appointed by the governor;

(d) Two representatives from the legal profession with experience in criminal defense appointed by the governor;

(e) Two state representatives, one from each caucus of the house of representatives, appointed by the speaker of the house;

(f) Two state senators, one from each caucus of the senate, appointed by the president of the senate.

(3) The commission shall, as part of its comprehensive review of the assault laws, consider the advisability of separate assault provisions regarding minors and of providing a statutory

definition or definitions of 'assault.' The commission shall consult with members of the public and interested groups, including but not limited to law enforcement and crime victims. The commission shall report its findings and recommendations to the legislature by December 1, 1987.

(4) Staffing for the commission shall be provided by the house of representatives and the senate. Legislative members of the commission shall be reimbursed for their travel expenses in accordance with RCW 44.04.060. Other members of the commission shall be reimbursed jointly by the house of representatives and the senate for their travel expenses on the same basis as is provided for in RCW 43.03.050 and 43.03.060.

(5) This section shall expire December 15, 1987.

NEW SECTION, Sec. 5. Sections 3 and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. The remainder of this act shall take effect November 1, 1988."

On page 1, line 1 of the title, after "assault," strike the remainder of the title and insert "amending RCW 9A.36.021 and 9A.04.110; amending section 12, chapter 257, Laws of 1986 (uncodified); creating a new section; providing an effective date; and declaring an emergency."

Representatives Locke and Padden spoke in favor of the amendments to the committee amendments, and they were adopted.

The committee amendments as amended were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5546 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Senate Bill No. 5546 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5094, by Committee on Ways & Means (originally sponsored by Senator Bottiger)

Taxing the labor rendered by speculative builders.

The bill was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Schoon and J. Williams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5094, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld,

Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5512, by Committee on Ways & Means (originally sponsored by Senators Gaspard and Johnson; by request of Department of Retirement Systems)

Revising provisions relating to service credit under the public employees retirement system.

The bill was read the second time. Committee on Ways & Means/Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Grimm moved that the committee amendments not be adopted, and the motion was carried.

On motion of Mr. Grimm, the following amendment by Representatives Grimm, H. Sommers, B. Williams and Holland was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 16, chapter 274, Laws of 1947 as last amended by section 3, chapter 317, Laws of 1986 and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.185 or 41.40.190, the individual shall thereupon cease to be a member except:

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

(3) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from April 4, 1986, through June 30, 1987, to restore the contributions, with interest as determined by the director.

(4) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

(5) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

(6) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated(~~(-but no additional service credit shall be allowed)~~);

(b) The recipient of a retirement allowance elected to office or appointed to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his or her retirement status and shall

become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180; PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed; AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

(7) Any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the Washington public employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue membership therein until attaining age sixty, shall remain a member for the exclusive purpose of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five; however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five; PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

Sec. 2. Section 2, chapter ... (ESSB 5150), Laws of 1987 and RCW 41.---,--- are each amended to read as follows:

(1) Those persons who are dual members on or after July 1, 1988, shall not receive a retirement benefit from any prior system while dual members without the loss of all benefits under this chapter. Retroactive retirement in any prior system will cancel membership in any subsequent systems except as allowed under RCW 41.04.270 and will result in the refund of all employee and employer contributions made to such systems.

(2) If a member has withdrawn contributions from a prior system, the member may restore the contributions, together with interest since the date of withdrawal as determined by the system, and recover the service represented by the contributions. Such restoration must be completed within two years of establishing dual membership or prior to retirement, whichever occurs first.

(3) A member of the retirement system under chapter 41.32 RCW who is serving in office pursuant to Article II or III of the state Constitution may, notwithstanding the provisions of RCW 41.40.120(4), within one year from the effective date of this section make an irrevocable election to become a member of the retirement system under chapter 41.40 RCW. A member who makes this election shall receive service credit under chapter ((41-32)) 41.40 RCW for all prior and future periods of employment which are, or otherwise would be, credited under chapter 41.32 RCW. Such a member who established membership under chapter 41.32 RCW prior to June 30, 1977, shall be granted membership under chapter 41.40 RCW as if he or she had been a member of that system prior to June 30, 1977.

All contributions credited to such member under chapter 41.32 RCW for service now to be credited in the retirement system under chapter 41.40 RCW shall be transferred to the system and the member shall not receive any credit nor enjoy any rights under chapter 41.32 RCW for those periods of service.

(4) Any service accrued in one system by the member shall not accrue in any other system.

NEW SECTION. Sec. 3. Section 1 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1987. Section 2 of this act shall take effect July 1, 1988."

On page 1, beginning on line 2 of the title, after "system," strike the remainder of the title and insert "amending RCW 41.40.150; amending section 2, chapter ... (ESSB 5150), Laws of 1987 and RCW 41.-----; providing effective dates; and declaring an emergency."

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5512 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; absent, 4; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Braddock, Bristow, Walk, Wineberry - 4.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5512 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5882, by Senators Moore and Patterson

Authorizing contractors to deposit cash or securities to meet insurance requirements.

The bill was read the second time.

On motion of Mr. Wang, the following amendment by Representatives Wang, Patrick, Walker, Sayan and Prince was adopted:

On page 1, after line 26, insert the following:

“(3)(a) Proof of financial responsibility authorized in this section may be given by providing, in the amount required by subsection (1) of this section, an assigned account acceptable to the department. The assigned account shall be held by the department to satisfy any execution on a judgment issued against the contractor for damage to property or injury or death to any person occurring in the contractor's contracting operations, according to the provisions of the assigned account agreement. The department shall have no liability for payment in excess of the amount of the assigned account.

(b) The assigned account filed with the director as proof of financial responsibility shall be canceled at the expiration of three years after:

(i) The contractor's registration has expired or been revoked; or

(ii) The contractor has furnished proof of insurance as required by subsection (1) of this section;

if, in either case, no legal action has been instituted against the contractor or on the account at the expiration of the three-year period.

(c) If a contractor chooses to file an assigned account as authorized in this section, the contractor shall, on any contracting project, notify each person with whom the contractor enters into a contract or to whom the contractor submits a bid that the contractor has filed an assigned account in lieu of insurance and that recovery from the account for any claim against the contractor for property damage or personal injury or death occurring in the project requires the claimant to obtain a court judgment.”

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. R. King.

Mr. R. King: A contractor is required to have property damage insurance of \$20,000 and multiple personal injury insurance of \$100,000. If the contractor chooses to provide an assigned account in lieu of this insurance, may the contractor provide proof of insurance to satisfy one portion of the requirement and an assigned account to satisfy the remainder of the requirements?

Mr. Wang: Yes. The assigned account is intended to be flexible to accommodate various different financial responsibility arrangements. The department of labor and industries will have discretion to approve these flexible arrangements.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5882 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Senate Bill No. 5882 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5780, by Senators Bottiger and Hayner

Authorizing diversified investment of campaign funds.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5780, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Fisch - 1.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5735, by Senators Peterson, Bender, Tanner, Bailey and Garrett

Establishing revised standards for the issuance of permits for the construction of approach roads on state highway rights of way.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5735, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher,

Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5428, by Senators Warnke, Sellar and Garrett

Raising amount over which cities are required to call for competitive bids.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Cooper, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cooper and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5428 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5428 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5522, by Senators Halsan, McCaslin and Garrett; by request of Department of General Administration

Revising provisions relating to public works contracts.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5522, and the bill passed the House by the following vote: Yeas, 92; nays, 3; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C,

Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Sanders, Valle, Williams J - 3.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5191, by Committee on Governmental Operations (originally sponsored by Senators Kreidler and Warnke)

Redesignating the commission on Mexican-American affairs.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. H. Sommers moved adoption of the committee amendments.

On motion of Ms. H. Sommers, the following amendments by Representatives H. Sommers and Hankins to the committee amendments were adopted:

On page 7 of the amendment, line 7, after "43.03.060." insert the following:

NEW SECTION, Sec. 8. A new section is added to chapter 43.131 RCW to read as follows:

The Washington state commission on Hispanic affairs and its powers and duties shall be terminated on June 30, 1996, as provided in section 9 of this act.

NEW SECTION, Sec. 9. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

- (1) Section 1, chapter 34, Laws of 1971 ex. sess., section 1 of this act and RCW 43.115.010;
- (2) Section 2, chapter 34, Laws of 1971 ex. sess., section 2 of this act and RCW 43.115.020;
- (3) Section 3, chapter 34, Laws of 1971 ex. sess., section 130, chapter 34, Laws of 1975-'76 2nd ex. sess., section 15, chapter 338, Laws of 1981, section 3 of this act and RCW 43.115.030;
- (4) Section 4, chapter 34, Laws of 1971 ex. sess., section 4 of this act and RCW 43.115.040;
- (5) Section 5, chapter 34, Laws of 1971 ex. sess., section 5 of this act and RCW 43.115.050;
- (6) Section 6, chapter 34, Laws of 1971 ex. sess., section 6 of this act and RCW 43.115.060;

and

(7) Section 7, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.900."

On page 7, line 16 of the committee title amendment, after "43.03.028" insert "; adding new sections to chapter 43.131 RCW; and repealing RCW 43.115.010, 43.115.020, 43.115.030, 43.115.040, 43.115.050, 43.115.060, and 43.115.900"

The committee amendments as amended were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5191 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5191 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wineberry appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5511, by Committee on Ways & Means (originally sponsored by Senators Gaspard and Johnson; by request of Department of Retirement Systems)

Establishing a mechanism for mandatory assignment of divided retirement benefit payments.

The bill was read the second time. Committee on Ways & Means/Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

On motion of Mr. Locke, the committee amendments were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5511 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spaniel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5511 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 6033, by Committee on Ways & Means (originally sponsored by Senators Newhouse, Hansen, Benitz and Deccio)

Exempting from business and occupation tax wholesale sales of hops for shipment out of state.

The bill was read the second time.

Mr. Braddock moved adoption of the following amendment:

On page 1, beginning on line 9, after "use," strike everything through "warehoused" on line 10 and insert "if those hops have been processed into extract, pellets, or powder"

POINT OF INQUIRY

Mr. Braddock yielded to question by Mr. Padden.

Mr. Padden: Representative Braddock, what else would have been included, or is this simply just a clarification?

Mr. Braddock: The amendment is to clarify and be certain that we follow the precedent that we have set with other manufacturers. You might remember ferrosilicon last year. We gave an exemption because of the unique processing properties and requirements, and this would maintain that precedent.

The amendment was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6033 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Belcher, Cole, Locke - 3.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 6033 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5606, by Committee on Ways & Means (originally sponsored by Senators McDermott, McDonald and Rasmussen; by request of Office of Financial Management)

Revising budget and accounting procedures.

The bill was read the second time. Committee on Ways & Means/Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Locke moved adoption of the committee amendments.

On motion of Mr. Locke the following amendments by Representatives Locke and Silver to the committee amendments were adopted:

On page 9, line 29 of the amendment, after "for" insert "objects of expenditure, including but not limited to"

On page 12, line 17 of the amendment, after "of" insert "estimated"

On page 17, beginning on line 20 of the amendment, strike all material down to and including line 24 on page 19 and insert the following:

*Sec. 7. Section 2, chapter 83, Laws of 1975-'76 2nd ex. sess. and RCW 43.88.260 are each amended to read as follows:

(1) It shall be unlawful for any agency head or disbursing officer to incur any cash deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal.

(2) This section does not apply to:

(a) Temporary cash deficiencies resulting from disbursements under a expenditure plan approved under RCW 43.88.110.

(b) Temporary cash deficiencies authorized by the director of financial management for funds and accounts in the state treasury or in the custody of the state treasurer. Each authorization under this subsection (b) shall distinctly specify the fund or account for which a deficiency is authorized, the maximum amount of cash deficiency which may be incurred, and the maximum time period during which the cash deficiency may continue. Each authorization shall expire at the end of each fiscal biennium unless renewed by the director of financial management. The director of financial management shall report each authorization and renewal to the legislative fiscal committees.

(c) Temporary cash deficiencies in funds or accounts which are neither in the state treasury, nor in the custody of the treasurer. If the cash deficiency does not continue past the end of the fiscal biennium.

(3) Nothing in this section permits the expenditure of moneys in excess of an applicable appropriation.

Sec. 8. Section 33, chapter 7, Laws of 1983 as last amended by section 85, chapter 57, Laws of 1985 and RCW 82.32.400 are each amended to read as follows:

The revenue accrual account is hereby created in the state treasury. At the close of each fiscal biennium, the state treasurer shall transfer the cash balance in the basic account of the state general fund, other than amounts (~~reappropriated~~) restricted for liabilities to be paid in the next fiscal biennium, to this account. Moneys in this account may only be spent after

appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system (~~(or, during the 1983-1985 fiscal biennium, for the purpose of discharging obligations which the legislature determines are correctly chargeable to a prior biennium)~~). All earnings of investments of balances in the revenue accrual account shall be credited to the basic account of the general fund."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 22, beginning on line 29 of the amendment, strike all material down to and including "Immediately," on line 35 and insert the following:

"**NEW SECTION.** Sec. 13. Section 7 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. The remainder of this act shall take effect August 1, 1987."

On page 23, line 10 of the title amendment, strike "43.88.140."

On page 23, line 13 of the title amendment, after "43.88.040," insert "providing effective dates:"

The committee amendments as amended were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5606 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doly, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zöllinsky, and Mr. Speaker - 96.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5606 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5483, by Senators Patterson and Metcalf

Authorizing certain leaves of absence to be credited toward higher education retirement benefits.

The bill was read the second time. Committee on Ways & Means/Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Locke moved that the committee amendments not be adopted, and the motion carried.

On motion of Ms. Allen, the following amendments by Representatives Allen, H. Sommers and Jacobsen were adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) A faculty member or other employee designated by the boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, or the state board for community college education who is granted an authorized leave of absence without pay may apply the period of time while on the leave in the computation of benefits in any annuity and retirement plan authorized under RCW 28B.10.400 through 28B.10.430 only to the extent provided in subsection (2) of this section.

(2) An employee who is eligible under subsection (1) of this section may receive a maximum of two years' credit during the employee's entire working career for periods of authorized leave without pay. Such credit may be obtained only if the employee pays both the employer and employee contributions required under RCW 28B.10.405 and 28B.10.410 while on the authorized leave of absence and if the employee returns to employment with the university or college immediately following the leave of absence for a period of not less than two years.

The employee and employer contributions shall be based on the average of the employee's compensation at the time the leave of absence was authorized and the time the employee resumes employment. Any benefit under RCW 28B.10.400(3) shall be based only on the employee's compensation earned from employment with the university or college.

An employee who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence."

On page 1, beginning on line 1 of the title, after "benefits;" strike the remainder of the title and insert "and adding a new section to chapter 28B.10 RCW."

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5483 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Barnes, Ferguson, Sanders, Taylor - 4.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5483 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5584, by Committee on Commerce & Labor (originally sponsored by Senators Tanner, Lee and Anderson; by request of Department of Labor and Industries)

Changing penalties for misrepresentations in reports or claims to the department of labor and industries.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5584, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5219, by Committee on Human Services & Corrections (originally sponsored by Senators Williams, Johnson, Kreidler, Kiskaddon and Conner)

Regulating naturopathic physicians.

The bill was read the second time.

Ms. Brekke moved adoption of the following amendments by Representatives Brekke, Fuhrman, Vekich, Sprenkle, Lux, Lewis, Bumgarner and D. Sommers:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that it is necessary to regulate the practice of naturopaths in order to protect the public health, safety, and welfare. It is the legislature's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide service to the public.

NEW SECTION, Sec. 2. (1) No person may practice or represent himself or herself as a naturopath without first applying for and receiving a license from the director to practice naturopathy.

(2) A person represents himself or herself as a naturopath when that person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Naturopath or doctor of naturopathic medicine.

NEW SECTION, Sec. 3. Naturopathic medicine or naturopathy is the practice by naturopaths of the art and science of the diagnosis, prevention, and treatment of disorders of the body by stimulation or support, or both, of the natural processes of the human body. A naturopath is responsible and accountable to the consumer for the quality of naturopathic care rendered.

The practice of naturopathy includes the prescription, administration, dispensing, and use, except for the treatment of malignancies or neoplastic disease, of nutrition and food science, manual manipulation (mechanotherapy), physical modalities, homeopathy, certain medicines of mineral, animal, and botanical origin, hygiene and immunization, common diagnostic procedures, and suggestion; however, nothing in this chapter shall prohibit consultation and treatment of a patient in concert with a practitioner licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION, Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Department' means the department of licensing.
- (2) 'Director' means the director of licensing or the director's designee.
- (3) 'Naturopath' means an individual licensed under this chapter.
- (4) 'Committee' means the Washington state naturopathic practice advisory committee.
- (5) 'Educational program' means a program preparing persons for the practice of naturopathy.
- (6) 'Nutrition and food science' means the prevention and treatment of disease or other human conditions through the use of foods, water, herbs, roots, bark, or natural food elements.
- (7) 'Manual manipulation' or 'mechanotherapy' means manipulation of a part or the whole of the body by hand or by mechanical means.
- (8) 'Physical modalities' means use of physical, chemical, electrical, and other modalities including, but not limited to heat, cold, air, light, water in any of its forms, sound, massage, and therapeutic exercise.
- (9) 'Homeopathy' means a system of medicine based on the use of infinitesimal doses of medicines capable of producing symptoms similar to those of the disease treated, as listed in the homeopathic pharmacopeia of the United States.
- (10) 'Medicines of mineral, animal, and botanical origin' means medicines derived from animal organs, tissues, and oils, minerals, and plants administered orally and topically, excluding legend drugs with the following exceptions: Vitamins, minerals, whole gland thyroid, and substances as exemplified in traditional botanical and herbal pharmacopoeia, and non-drug contraceptive devices excluding interuterine devices. The use of intermuscular injections are limited to vitamin B-12 preparations and combinations when clinical and/or laboratory evaluation has indicated vitamin B-12 deficiency. The use of controlled substances is prohibited.
- (11) 'Hygiene and immunization' means the use of such preventative techniques as personal hygiene, asepsis, public health, and immunizations, to the extent allowed by rule and regulation.
- (12) 'Minor office procedures' means care incident thereto of superficial lacerations and abrasions, and the removal of foreign bodies located in superficial structures, not to include the eye; and the use of antiseptics and topical local anesthetics in connection therewith.
- (13) 'Common diagnostic procedures' means the use of venipuncture to withdraw blood, commonly used diagnostic modalities consistent with naturopathic practice, health history taking, physical examination, radiography, examination of body orifices excluding endoscopy, and laboratory medicine which obtains samples of human tissue products, including superficial scrapings but excluding procedures which would require surgical incision.

(14) 'Suggestion' means techniques including but not limited to counseling, biofeedback, and hypnosis.

(15) 'Radiography' means the ordering but not the interpretation of radiographic diagnostic studies and the taking and interpretation of standard radiographs.

NEW SECTION. Sec. 5. Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state who are performing services within their authorized scope of practice;

(2) The practice of naturopathic medicine by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed for him or her by the laws and regulations of the United States;

(3) The practice of naturopathic medicine by students enrolled in a school approved by the director. The performance of services shall be pursuant to a course of instruction or assignments from an instructor and under the supervision of the instructor. The instructor shall be a naturopath licensed pursuant to this chapter; or

(4) The practice of oriental medicine or oriental herbology, or the rendering of other dietary or nutritional advice.

NEW SECTION. Sec. 6. (1) In addition to any other authority provided by law, the director may:

(a) Adopt rules, in accordance with chapter 34.04 RCW, necessary to implement this chapter;

(b) Set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Determine the minimum education and experience requirements for licensure in conformance with section 9 of this act, including but not limited to approval of educational programs;

(e) Prepare and administer or approve the preparation and administration of examinations for licensure;

(f) Issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure; except that denial of licenses based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(g) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and to hire individuals, including those licensed under this chapter, to serve as examiners or consultants as necessary to implement and administer this chapter;

(h) Maintain the official department record of all applicants and licensees;

(i) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's equivalent alternative training to determine the applicant's eligibility to take the examination;

(j) Establish by rule the procedures for an appeal of examination failure;

(k) Conduct a hearing on an appeal of a denial of a license based on the applicant's failure to meet the minimum qualifications for licensure. The hearing shall be conducted pursuant to chapter 34.04 RCW; and

(l) Adopt rules implementing a continuing competency program.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses and the discipline of licensees under this chapter. The director shall be the disciplining authority under this chapter.

NEW SECTION. Sec. 7. (1) There is hereby created the Washington state naturopathic advisory committee consisting of five members appointed by the director who shall advise the director concerning the administration of this chapter. Three members of the initial committee shall be persons who would qualify for licensing under this chapter. Their successors shall be naturopaths who are licensed under this chapter. Two members of the committee shall be individuals who are unaffiliated with the profession. For the initial committee, one unaffiliated member and one naturopath shall serve four-year terms, one unaffiliated member and one naturopath shall serve three-year terms, and one naturopath shall serve a two-year term. The term of office for committee members after the initial committee is four years. Any committee member may be removed for just cause including a finding of fact of unprofessional conduct, impaired practice, or more than three unexcused absences. The director may appoint a new member to fill any vacancy on the committee for the remainder of the unexpired term.

No committee member may serve more than two consecutive terms, whether full or partial.

(2) Committee members shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The committee may elect annually a chair and vice-chair to direct the meetings of the committee. The committee shall meet at least once each year, and may hold additional meetings as called by the director or the chair.

NEW SECTION. Sec. 8. The director, members of the committee, or individuals acting on their behalf, are immune from suit in any civil action based on any act performed in the course of their duties.

NEW SECTION. Sec. 9. The department shall issue a license to any applicant who meets the following requirements:

(1) Successful completion of an educational program approved by the director, the minimum standard of which shall be the successful completion of a doctorate degree program in naturopathy which includes a minimum of two hundred post-graduate hours in the study of mechanotherapy from an approved educational program, or successful completion of equivalent alternate training that meets the criteria established by the director;

(2) Successful completion of any equivalent experience requirement established by the director;

(3) Successful completion of an examination administered or approved by the director;

(4) Good moral character; and

(5) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

The director shall establish what constitutes adequate proof of meeting the above requirements. Any person holding a valid license to practice drugless therapeutics under chapter 18.36 RCW upon the effective date of this section shall be deemed licensed pursuant to this chapter.

NEW SECTION. Sec. 10. The director shall establish by rule the standards for approval of educational programs and alternate training and may contract with individuals or organizations having expertise in the profession and/or in education to report to the director the information necessary for the director to evaluate the educational programs. The standards for approval shall be based on the minimal competencies necessary for safe practice. The standards and procedures for approval shall apply equally to educational programs and equivalent alternate training within the United States and those in foreign jurisdictions. The director may establish a fee for educational program evaluation. The fee shall be determined by the administrative costs for the educational program evaluation, including, but not limited to, costs for site evaluation.

NEW SECTION. Sec. 11. (1) The date and location of the examination shall be established by the director. Applicants who have been found to meet the education and experience requirements for licensure shall be scheduled for the next examination following the filing of the application. The director shall establish by rule the examination application deadline.

(2) The examination shall contain subjects appropriate to the standards of competency and scope of practice.

(3) The director shall establish by rule the requirements for a reexamination if the applicant has failed the examination.

(4) The committee may recommend to the director an examination prepared or administered, or both, by a private testing agency or association of licensing boards.

NEW SECTION. Sec. 12. The director shall establish by rule the standards for licensure of applicants licensed in another jurisdiction. However, the standards for reciprocity of licensure shall not be less than required for licensure in the state of Washington.

NEW SECTION. Sec. 13. Applications for licensure shall be submitted on forms provided by the department. The department may require any information and documentation needed to determine if the applicant meets the criteria for licensure as provided in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086. The fee shall be submitted with the application.

NEW SECTION. Sec. 14. The director shall establish by rule the requirements for renewal of licenses. The director shall establish a renewal and late renewal penalty fee as provided in RCW 43.24.086. Failure to renew shall invalidate the license and all privileges granted by the license. The director shall determine by rule whether a license shall be canceled for failure to renew and shall establish procedures and prerequisites for relicensure.

Sec. 15. Section 5, chapter 326, Laws of 1985 and RCW 18.06.050 are each amended to read as follows:

Any person seeking to be examined shall present to the director at least forty-five days before the commencement of the examination:

(1) A written application on a form or forms provided by the director setting forth under affidavit such information as the director may require; and

(2) Proof that the candidate has:

((~~tb~~)) (a) Successfully completed a course, approved by the director, of didactic training in basic sciences and acupuncture over a minimum period of two academic years. The training shall include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene, and a survey of western clinical sciences. The basic science classes must be equivalent to those offered at the collegiate level. However, if the applicant is a licensed chiropractor under chapter 18.25 RCW or a (~~drugless healer under chapter 18.36 RCW~~) naturopath licensed under chapter 18.— RCW (sections 1 through 14 of this 1987 act), the requirements of

this subsection relating to basic sciences may be reduced by up to one year depending upon the extent of the candidate's qualifications as determined under rules adopted by the director:

((e)) (b) Successfully completed a course, approved by the director, of clinical training in acupuncture over a minimum period of one academic year. The training shall include a minimum of: (i) Twenty-nine quarter credits of supervised practice, consisting of at least four hundred separate patient treatments involving a minimum of one hundred different patients, and (ii) one hundred hours or nine quarter credits of observation which shall include case presentation and discussion.

Sec. 16. Section 14, chapter 122, Laws of 1969 as amended by section 170, chapter 35, Laws of 1982 and RCW 18.100.140 are each amended to read as follows:

Nothing in this chapter shall authorize a director, officer, shareholder, agent or employee of a corporation organized under this chapter, or a corporation itself organized under this chapter, to do or perform any act which would be illegal, unethical or unauthorized conduct under the provisions of the following acts: (1) Medical disciplinary act, chapter 18.72 RCW; (2) Anti-rebating act, chapter 19.68 RCW; (3) State bar act, chapter 2.48 RCW; (4) Professional accounting act, chapter 18.04 RCW; (5) Professional architects act, chapter 18.08 RCW; (6) Professional auctioneers act, chapter 18.11 RCW; (7) ~~Barbers, chapter 18.15 RCW; (8) Cosmetology, chapter 18.18 RCW;~~ (8) Cosmetologists, barbers, and manicurists, chapter 18.16 RCW; ((9)) (8) Boarding homes act, chapter 18.20 RCW; ((10)) (9) Podiatry, chapter 18.22 RCW; ((11)) (10) Chiropractic act, chapter 18.25 RCW; ((12)) (11) Registration of contractors, chapter 18.27 RCW; ((13)) (12) Debt adjusting act, chapter 18.28 RCW; ((14)) (13) Dental hygienist act, chapter 18.29 RCW; ((15)) (14) Dentistry, chapter 18.32 RCW; ((16)) (15) Dispensing opticians, chapter 18.34 RCW; ((17) ~~Drugless healing, chapter 18.36 RCW; (18)~~) (16) Naturopathic act, chapter 18.34 RCW (sections 1 through 14 of this 1987 act); (17) Embalmers and funeral directors, chapter 18.39 RCW; ((19)) (18) Engineers and land surveyors, chapter 18.43 RCW; ((20)) (19) Escrow agents registration act, chapter 18.44 RCW; ((21) ~~Furniture and bedding industry, chapter 18.45 RCW; (22)~~) (20) Maternity homes, chapter 18.46 RCW; ((23)) (21) Midwifery, chapter 18.50 RCW; ((24)) (22) Nursing homes, chapter 18.51 RCW; ((25)) (23) Optometry, chapter 18.53 RCW; ((26)) (24) Osteopathy, chapter 18.57 RCW; ((27)) (25) Pharmacists, chapter 18.64 RCW; ((28)) (26) Physical therapy, chapter 18.74 RCW; ((29)) (27) Practical nurses, chapter 18.78 RCW; ((30) ~~Prophylactic vendors, chapter 18.81 RCW; (31)~~) (28) Psychologists, chapter 18.83 RCW; ((32)) (29) Real estate brokers and salesmen, chapter 18.85 RCW; ((33)) (30) Registered professional nurses, chapter 18.88 RCW; ((34) ~~Sanitarians, chapter 18.90 RCW; (35)~~) (31) Veterinarians, chapter 18.92 RCW.

Sec. 17. Section 3, chapter 117, Laws of 1985 and section 28, Laws of 326, Laws of 1985 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) 'Applicant group' includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) 'Certificate' and 'certification' mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use 'certified' in the title or designation to perform prescribed health professional tasks.

(3) 'Grandfather clause' means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) 'Health professions' means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; ~~(drugless healing under chapter 18.36 RCW)~~ naturopaths under chapter 18.34 RCW (sections 1 through 14 of this 1987 act); embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; and acupuncturists certified under chapter 18.06 RCW.

(5) 'Inspection' means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) 'Legislative committees of reference' means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) 'License', 'licensing', and 'licensure' mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) 'Professional license' means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) 'Practitioner' means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) 'Public member' means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) 'Registration' means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) 'Regulatory entity' means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) 'State agency' includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 18. Section 4, chapter 279, Laws of 1984 as amended by section 29, chapter 326, Laws of 1985 and by section 3, chapter 259, Laws of 1986 and RCW 18.130.040 are each reenacted and amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) ~~(Drugless healers licensed under chapter 18.36 RCW)~~ Naturopaths licensed under chapter 18.-- RCW (sections 1 through 14 of this act);

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW; and

(vii) Acupuncturists certified under chapter 18.106 RCW.

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

(iv) The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(v) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vi) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(vii) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(viii) The board of physical therapy as established in chapter 18.74 RCW;

(ix) The board of occupational therapy practice as established in chapter 18.59 RCW;

(x) The board of practical nursing as established in chapter 18.78 RCW;

(xi) The board of nursing as established in chapter 18.88 RCW; and

(xii) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses

provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION. Sec. 19. Sections 1 through 14 of this act shall constitute a chapter in Title 18 RCW.

NEW SECTION. Sec. 20. Sections 1 through 14 of this act shall take effect January 1, 1988.

NEW SECTION. Sec. 21. A new section is added to chapter 43.131 RCW to read as follows:

The Washington state naturopathic practice advisory committee and its powers and duties shall be terminated on June 30, 1993, as provided in section 22 of this act.

NEW SECTION. Sec. 22. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1994:

- (1) Section 1 of this act and RCW 18._____;
- (2) Section 2 of this act and RCW 18._____;
- (3) Section 3 of this act and RCW 18._____;
- (4) Section 4 of this act and RCW 18._____;
- (5) Section 5 of this act and RCW 18._____;
- (6) Section 6 of this act and RCW 18._____;
- (7) Section 7 of this act and RCW 18._____;
- (8) Section 8 of this act and RCW 18._____;
- (9) Section 9 of this act and RCW 18._____;
- (10) Section 10 of this act and RCW 18._____;
- (11) Section 11 of this act and RCW 18._____;
- (12) Section 12 of this act and RCW 18._____;
- (13) Section 13 of this act and RCW 18._____; and
- (14) Section 14 of this act and RCW 18._____.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed, effective June 30, 1988:

(1) Section 13, chapter 36, Laws of 1919, section 1, chapter 131, Laws of 1985, section 50, chapter 259, Laws of 1986 and RCW 18.36.010;

(2) Section 12, chapter 36, Laws of 1919, section 51, chapter 259, Laws of 1986 and RCW 18.36.020;

(3) Section 8, chapter 36, Laws of 1919, section 52, chapter 259, Laws of 1986 and RCW 18.36.030;

(4) Section 3, chapter 36, Laws of 1919, section 39, chapter 30, Laws of 1975 1st ex. sess., section 34, chapter 7, Laws of 1985, section 53, chapter 259, Laws of 1986 and RCW 18.36.040;

(5) Section 11, chapter 36, Laws of 1919, section 40, chapter 30, Laws of 1975 1st ex. sess., section 35, chapter 7, Laws of 1985, section 54, chapter 259, Laws of 1986 and RCW 18.36.050;

(6) Section 4, chapter 36, Laws of 1919, section 55, chapter 259, Laws of 1986 and RCW 18.36.060;

(7) Section 1, chapter 83, Laws of 1953, section 7, chapter 266, Laws of 1971 ex. sess., section 41, chapter 30, Laws of 1975 1st ex. sess., section 36, chapter 7, Laws of 1985 and RCW 18.36.115;

(8) Section 14, chapter 36, Laws of 1919 and RCW 18.36.120;

(9) Section 7, chapter 36, Laws of 1919, section 56, chapter 259, Laws of 1986 and RCW 18.36.130;

(10) Section 49, chapter 259, Laws of 1986 and RCW 18.36.136;

(11) Section 17, chapter 36, Laws of 1919 and RCW 18.36.165;

(12) Section 1, chapter 10, Laws of 1925 and RCW 18.36.170;

(13) Section 2, chapter 10, Laws of 1925 and RCW 18.36.200;

(14) Section 3, chapter 10, Laws of 1925 and RCW 18.36.210;

(15) Section 4, chapter 10, Laws of 1925 and RCW 18.36.220;

(16) Section 5, chapter 10, Laws of 1925 and RCW 18.36.230;

(17) Section 6, chapter 10, Laws of 1925 and RCW 18.36.240; and

(18) Section 7, chapter 10, Laws of 1925 and RCW 18.36.245.

NEW SECTION. Sec. 24. The following acts are each repealed, effective June 30, 1987:

(1) Section 20, chapter 197, Laws of 1983 and RCW 43.131.293; and

(2) Section 46, chapter 197, Laws of 1983 and RCW 43.131.294.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. Section 24 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987."

On page 1, line 1 of the title, after "physicians;" strike the remainder of the title and insert "amending RCW 18.06.050 and 18.100.140; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; adding new sections to chapter 43.131 RCW;

repealing RCW 18.36.010, 18.36.020, 18.36.030, 18.36.040, 18.36.050, 18.36.060, 18.36.115, 18.36.120, 18.36.130, 18.36.136, 18.36.165, 18.36.170, 18.36.200, 18.36.210, 18.36.220, 18.36.230, 18.36.240, 18.36.245, 43.131.293, and 43.131.294; declaring an emergency; and providing for effective dates."

On motion of Mr. Locke, the following amendment to the amendments was adopted:

On page 1, line 17, after "practice" insert "naturopathy"

On motion of Ms. Brække, the following amendments by Representatives Brække and Day to the amendments were adopted:

On page 2, line 10 of the amendment, after "includes" insert "manual manipulation (mechanotherapy) until June 30, 1988,"

On page 2, beginning on line 14 of the amendment, after "science," strike all material through "(mechanotherapy)," on line 15

On page 2, after line 25, insert the following:

"The legislature shall review the practice of manual manipulation (mechanotherapy) by naturopaths before December 15, 1987, to determine whether the practice should be continued or modified."

On page 9, line 35 of the amendment, after "director" insert ". The requirement for two hundred post-graduate hours in the study of mechanotherapy shall expire June 30, 1989"

On motion of Mr. Locke the following amendment to the amendments was adopted:

On page 3, line 19, after "other" insert "noninvasive"

The Clerk read the following amendment by Representative Brække to the amendments:

On page 11, after line 8 of the amendment, insert the following:

"The department shall conduct a review of the education and training of naturopaths by December 1, 1987 and report its findings to the legislature."

With consent of the House, Ms. Brække withdrew the amendment.

Ms. Brække spoke in favor of adoption of the amendments as amended, and they were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5219 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Brække, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsöld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Barnes, Braddock - 2.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5219 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5774, by Senators Tanner and Anderson

Requiring permanent identification markings on dentures and removable dental prosthesis.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading consider the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5774, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Walker - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5774 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE JOINT MEMORIAL NO. 8005, by Senators Williams, Smitherman, Benitz, Owen, Stratton, Nelson, Tanner, Bauer, Rasmussen, Zimmerman, Saling and McCaslin

Petitioning Congress and the President to prohibit the sale of BPA.

The memorial was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8005, and the memorial passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Sanders - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Joint Memorial No. 8004, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5941, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bottiger)

Revising provisions on hazardous waste.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. Rust moved adoption of the committee amendments.

On motion of Mr. Locke, the following amendments by the Committee on Ways & Means/Appropriations to the committee amendments were adopted:

On page 5 of the amendment, after line 7, strike all of section 8

On page 6, line 2 of the title amendment, strike "making an appropriation;"

Ms. Unsoeld moved adoption of the following amendment by Representatives Unsoeld and Rust to the committee amendments:

On page 5, after line 1, strike all material through line 7 and insert the following:

"The director shall adopt a comprehensive plan for establishing hazardous waste fees. Such plan shall require (1) the department to impose fees, or a method of determining fees, with respect to any notices, reports, permits or applications required to be filed with the department under, or any inspections, reports or studies conducted by the department under, this chapter or rules adopted pursuant to this chapter; (2) all fees charged to be reasonable; and (3) the fees for each type of notice, report, permit, application, inspection, or study to be set at a level or levels which may not generate revenues in excess of the amount of public funds that are used to pay for the particular hazardous waste program to which that type of notice, report, permit, application, inspection or study pertains. The director shall fully implement the plan within ninety days after the effective date of this 1987 act. The director may revise the plan in order to address changed circumstances and shall implement the revised plan as provided therein. All fees collected pursuant to this section shall be deposited in the hazardous waste control and elimination account. The fees initially established under this 1987 act also shall apply to all permit applications pending before the department at the time the plan is first adopted."

POINT OF ORDER

Mr. May: Thank you, Mr. Speaker. I request a ruling on scope and object, please.

SPEAKER'S RULING

The Speaker: Representative May, the Speaker has examined Substitute Senate Bill No. 5941, an act relating to hazardous waste planning. The intention of the bill is that the Department of Ecology shall identify methods of providing needed hazardous waste capacity. In Section 5 we talk about the department charging fees in amounts sufficient to cover the costs of the processing of the applications. The amendment directs the director, "The director shall adopt a comprehensive plan for establishing hazardous waste fees." and goes on "which cannot exceed generated revenues in excess of the amount of public funds that are used to pay for the particular hazardous waste program". I find the amendment to be perfecting, to be clarifying, and shall rule it within scope and object. Your point is not well taken.

Representatives Unsoeld, Allen and Rust spoke in favor of the amendment to the committee amendments, and Representatives Walker, May and Heavey spoke against it.

Ms. Unsoeld spoke again in favor of the amendment, and Ms. Walker again opposed it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Unsoeld and Rust to the committee amendment to Substitute Senate Bill No. 5941, and the amendment was adopted the following vote: Yeas, 51; nays, 45; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Holm, Jacobsen, King P, King R, Leonard, Locke, Lux, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 51.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Betrozoff, Bristow, Brough, Bumgarner, Chandler, Cooper, Day, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Jesernig, Kremen, Lewis, Madsen, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 45.

Excused: Representatives Brooks, Moyer - 2.

The Speaker stated the question before the House to be the adoption of the committee amendments as amended.

Ms. Rust spoke in favor of the committee amendments as amended, and Ms. Walker opposed them.

The committee amendments as amended were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5941 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Hargrove - 1.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5941 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5393, by Committee on Commerce & Labor (originally sponsored by Senators Tanner, Warnke, Lee, Smitherman, Williams, Talmadge, Wojahn, Rasmussen and Moore; by request of Joint Select Committee on Unemployment Insurance and Compensation)

Making older unemployed workers and the long-term unemployed the highest priority for services available from the job service program of the employment security department.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, April 1, 1987.)

On motion of Mr. Wang, the committee amendments were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Patrick.

Mr. Patrick: Is it the intent of this bill to restructure the current claimant placement program into a program that is only for older workers and long-term unemployed workers?

Mr. Wang: No. This bill simply recognizes that unemployment insurance claimants who are older workers or who are likely to be unemployed for long periods find it more difficult to become reemployed than other claimants. The claimant placement program offers special services that these workers need. This bill ensures their participation in that special assistance program.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5393 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L,

Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Barnes, Sanders - 2.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5393 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5977, by Committee on Education (originally sponsored by Senators Gaspard and Patterson)

Providing for a plan for implementing a state educational telecommunications network.

The bill was read the second time. Committee on Ways & Means/Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Locke moved adoption of the committee amendments.

On motion of Mr. Locke, the following amendments to the committee amendments were adopted:

On page 2 of the amendment, line 6, strike "shall expand, start or implement any new or existing" and insert "may expand any existing educational telecommunication system without the approval of the higher education coordinating board and the superintendent of public instruction or implement or start any new"

On page 2 of the amendment, after line 16, insert "(4) The superintendent of public instruction and the higher education coordinating board will present a progress report to the legislature no later than December 1, 1988."

The committee amendments as amended were adopted.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5977 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Allen, Beck - 2.

Excused: Representatives Brooks, Moyer - 2.

Substitute Senate Bill No. 5977 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5160, by Senators Tanner, Wojahn, Stratton, Kreidler, Vognick, Lee and Moore

Providing for the promulgation of regulations on poisons and hazardous substances.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5160, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5666, by Senators Gaspard, von Reichbauer and Warnke

Designating a portion of SR 161 as Enchanted Parkway.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brough and Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5666, and the bill passed the House by the following vote: Yeas, 90; nays, 5; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 90.

Voting nay: Representatives Belcher, Locke, Rust, Wang, and Mr. Speaker - 5.

Absent: Representative Todd - 1.

Excused: Representatives Brooks, Moyer - 2.

Senate Bill No. 5666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5185, by Senators Owen, Pullen, Tanner, Nelson, Vognil, Talmadge, von Reichbauer, Garrett and Johnson

Providing for the protection of hunters during legally established seasons.

The bill was read the second time. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 3, 1987.)

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

On motion of Mr. Sutherland, the following amendments were adopted:

On page 1, line 24, after "prevent" strike "their" and insert "them from"

On page 2, line 5, after "prevent" strike "their" and insert "them from"

On page 2, line 29, after "(e)" strike "Landowner" and insert "When he or she is a landowner"

On page 2, line 29, after "his" insert "or her"

On page 2, line 30, after "(f)" strike "Authorized" and insert "When he or she is an authorized"

On page 2, line 30, after "wildlife" strike "agency personnel in the conduct of" and insert "agent conducting"

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sutherland, Amondson and Hargrove spoke in favor of the bill, and Representatives Cole, Belcher and Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5185 as amended by the House, and the bill failed to pass the House by the following vote: Yeas, 40; nays, 55; absent, 1; excused, 2.

Voting yea: Representatives Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Brough, Cooper, Crane, Day, Dellwo, Fisch, Gallagher, Grant, Hargrove, Holland, Jesernig, Lewis, May, McMullen, Meyers, Padden, Patrick, Peery, Pruitt, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sutherland, Taylor, Walker, Williams J, Wilson S, Winsley, and Mr. Speaker - 40.

Voting nay: Representatives Allen, Appelwick, Belcher, Betzoff, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Grimm, Hankins, Haugen, Heavey, Hine, Holm, Jacobsen, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McLean, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Prince, Rasmussen, Rust, Sayan, Scott, Sommers D, Sommers H, Spanel, Sprengle, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Zellinsky - 55.

Absent: Representative Bumgarner - 1.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Senate Bill No. 5185 as amended by the House, having failed to receive the constitutional majority, was declared lost.

STATEMENTS FOR THE JOURNAL

I, Max Vekich, support SB 5185 and want to change my vote to AYE.

MAX VEKICH, 35th District.

Please reverse my vote on SB 5185.

PAUL KING, 44th District.

I would have voted YEA on SB 5185.

GARY D. BUMGARNER, 5th District.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5377, by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Kiskaddon, Stratton, Deccio and Johnson)

Creating a department of public health and environment.

The bill was read the second time. Committee on Ways & Means/Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Locke moved adoption of the committee amendments.

On motion of Mr. Braddock, the following amendment to the committee amendments was adopted:

On page 11 of the amendment, after line 15, insert the following:

*NEW SECTION. Sec. 11. A new section is added to chapter 43.21A RCW to read as follows:

When affected local jurisdictions cannot agree, and upon the request of one or more of the jurisdictions or parties affected, the director shall by order, within ninety days of the filing of the request, make the final determination of which jurisdiction shall issue the operating permit required by chapter 70.95 RCW. In making the final determination the director shall consider the continuation of and need for a coordinated and comprehensive plan, preservation of public health and the environment, and the duties described in section 2(6) of this act and RCW 43.21A.060(4).*

Renumber the sections consecutively and correct internal references accordingly.

Mr. Locke spoke in favor of the committee amendments as amended, and Mr. Barnes spoke against them.

The committee amendments as amended were adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Bristow, Lewis and Braddock spoke in favor of passage of the bill, and Representatives H. Sommers, Belcher, Unsoeld, Hankins and Nelson spoke against it.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5377 as amended by the House, and the bill failed to pass the House by the following vote: Yeas, 40; nays, 55; absent, 1; excused, 2.

Voting yea: Representatives Amondson, Basich, Baugher, Braddock, Bristow, Brough, Chandler, Day, Doty, Fisch, Fisher, Fuhrman, Grant, Grimm, Hargrove, Haugen, King R, Kremen, Leonard, Lewis, Lux, McMullen, Nealey, Niemi, Peery, Rayburn, Sanders, Sayan, Schmidt, Schoon, Sommers D, Spanel, Valle, Vekich, Walk, Wang, Williams J, Wilson S, Wineberry, Zellinsky - 40.

Voting nay: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Beck, Belcher, Betzoff, Brekke, Bumgarner, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Ferguson, Gallagher, Hankins, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Locke, Madsen, May, McLean, Meyers, Miller, Nelson, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rust, Scott, Silver, Smith C, Smith L, Sommers H, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Walker, Williams B, Wilson K, Winsley, and Mr. Speaker - 55.

Absent: Representative Rasmussen - 1.

Excused: Representatives Brooks, Moyer - 2.

Engrossed Substitute Senate Bill No. 5377 as amended by the House, having failed to receive the constitutional majority, was declared lost.

Mr. Dellwo demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Brooks, Bumgarner, Chandler and Moyer.

On motion of Mr. McMullen, the absent members were excused and the House proceeded with business under the Call of the House.

MOTION FOR RECONSIDERATION

Mr. Appelwick, having voted on the prevailing side, moved that the House now reconsider the vote by which Reengrossed Substitute House Bill No. 1037 failed to pass the House.

The motion was carried.

The Speaker stated the question before the House to be reconsideration of final passage of Reengrossed Substitute House Bill No. 1037.

Representatives Walk and Schmidt spoke in favor of passage of the bill.

Mr. McMullen demanded an oral roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on reconsideration of the final passage of Reengrossed Substitute House Bill No. 1037, and the bill passed the House by the following vote: Yeas, 52; nays, 42; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Brough, Cantwell, Dellwo, Ebersole, Ferguson, Fisher, Gallagher, Grimm, Heavey, Hine, Jacobsen, King P, King R, Leonard, Locke, Madsen, McMullen, Meyers, Miller, Niemi, Nutley, O'Brien, Patrick, Sanders, Sayan, Schmidt, Scott, Spanel, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 52.

Voting nay: Representatives Amondson, Ballard, Beck, Bristow, Cole, Cooper, Crane, Day, Doty, Fisch, Fuhrman, Grant, Hankins, Hargrove, Haugen, Holland, Holm, Jesernig, Kremen, Lewis, Lux, May, McLean, Nealey, Nelson, Padden, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Sprenkle, Williams B, Williams J, Wilson K - 42.

Excused: Representatives Brooks, Bumgarner, Chandler, Moyer - 4.

Reengrossed Substitute House Bill No. 1037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 427, by Representatives Walk, Schmidt, Baugher and S. Wilson; by request of Governor Gardner

Adopting the transportation budget.

The bill was read the second time. On motion of Mr. Baugher, Substitute House Bill No. 427 was substituted for House Bill No. 427 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 427 was read the second time.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen, Betrozoff, Silver, Schmidt and S. Wilson:

On page 20, beginning on line 23, strike all of section 46 and renumber the remaining sections consecutively.

Representatives Haugen, Betrozoff, J. Williams and B. Williams spoke in favor of the amendment, and Representatives Baugher, Meyers and Belcher spoke against it.

The amendment was adopted.

The Clerk read the following amendment by Representatives Walk and Schmidt:

On page 2, beginning on line 11, strike all material down to and including line 2 on page 3 and insert the following:

<u>NEW SECTION, Sec. 7. FOR THE STATE PATROL—FIELD OPERATIONS BUREAU</u>	
Motor Vehicle Fund—State Patrol Highway Account Appropriation—State	\$ 93,447,592
Motor Vehicle Fund—State Patrol Highway Account Appropriation—Federal	\$ 2,733,175
Motor Vehicle Fund Appropriation	\$ 463,045
Total Appropriation	\$ 96,643,812

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section include \$675,000 for the sole purpose of providing additional commercial vehicle enforcement officers.

(2) The appropriations in this section include \$370,000 for the sole purpose of providing replacement pursuit cars.

(3) The appropriation in this section includes \$300,000 for the sole purpose of providing additional traffic troopers.

<u>NEW SECTION, Sec. 8. FOR THE STATE PATROL—SUPPORT SERVICES BUREAU</u>	
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$ 40,110,753

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,310,000 is provided solely for implementation of the second phase of the patrol information collection system.

(2) \$150,000 is provided solely for a study of and development of curriculum for a safety education program in consultation with the superintendent of public instruction and the traffic safety commission.

(3) The appropriation in this section includes \$300,000 for the sole purpose of providing additional communications officers.

(4) No additional funds are provided for the purchase of radios and radars."

With consent of the House, Mr. Walk withdrew the amendment.

Mr. Walk moved adoption of the following amendments:

On page 2, line 14, decrease the State Patrol Highway Account—State appropriation \$325,000 and adjust the total appropriation accordingly.

On page 2, after line 20, insert the following:

"The appropriation in this section includes 300,000 for the sole purpose of providing additional traffic troopers."

With consent of the House, Mr. Walk withdrew the amendments.

Mr. Appelwick moved adoption of the following amendments:

On page 3, line 5, increase the Motor Vehicle Fund appropriation by \$750,000 and adjust the tax appropriation accordingly.

On page 3, line 13, strike all material through line 14.

Renumber the remaining subsections accordingly.

Representatives Appelwick and Zellinsky spoke in favor of the amendments, and they were adopted.

On motion of Ms. Valle, the following amendment by Representatives Valle, Rust, Walk, Nelson, K. Wilson and D. Sommers was adopted:

On page 3, following line 33 insert a new subsection to read as follows:

"(3) The department shall participate in the establishment of uniform rules for all commercial drivers, including special rules for training and testing of hazardous material drivers in compliance with the federal motor carrier safety act of 1986."

On motion of Mr. Walk, the following amendments by Representatives Walk and Schmidt were adopted:

On page 3, line 24, increase the General Fund-Public Safety and Education appropriation by \$1,267,000.

On page 3, line 25, decrease the Highway Safety Fund appropriation by \$2,267,000.

On motion of Mr. Walk, the following amendment was adopted:

On page 4, after line 16, insert "(3) In the collection of motor vehicle license fees and excise taxes, the department shall collect data in sufficient detail to ensure the correct allocation of revenues between the Motor Vehicle Fund and other funds and to provide an accurate data base to support revenue forecasting. Such data shall include but not be limited to vehicle weight distributions corresponding to combined licensing fee revenues.

If the department finds that it is not cost effective to achieve these objectives with the existing data collection and reporting system, it shall undertake a study to determine feasible alternatives. The department shall report the results of this study including its recommended alternative to the legislative transportation committee and to the office of financial management not later than November, 1987 and obtain approval from the LTC and the OFM prior to the implementation of any alternative."

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt, Brough, Schoon, J. Williams, May, Betzoff, D. Sommers and S. Wilson:

On page 14, line 10, add \$2,750,000 to the Operations Account appropriation and adjust the total appropriation accordingly.

On page 14, beginning on line 35, after "(4)" strike all material through line 8 on page 15 and insert the following:

"The appropriation contained in this section provides for a compensation increase. The expenditure base for compensation paid to ferry employees during the 1987-89 biennium shall not exceed \$105,137,000 and, for the purposes of this section, shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under Objects of Expenditures 'A' and 'L' (7.2.6.2.). Of the \$105,137,000 provided for compensation, no more than \$870,000 may be used to increase insurance benefits and salary and related payroll benefit costs for the 1987-88 fiscal year and \$1,880,000 may be used to increase insurance benefits and salary and related payroll benefit costs for the 1988-89 fiscal year."

Representatives Schmidt, S. Wilson and Schoon spoke in favor of the amendment, and Representatives Sayan, Vekich and McMullen spoke against it.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 14, line 10, to Substitute House Bill No. 427, and the amendment was not adopted by the following vote: Yeas, 40; nays, 54; excused, 4.

Voting yea: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brough, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Haugen, Holland, Holm, Jesernig, Kremen, Lewis, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Rasmussen, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Taylor, Walker, Williams B, Williams J, Wilson S, Zellinsky - 40.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Heavey, Hine, Jacobsen, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rayburn, Rust, Sayan, Scott, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 54.

Excused: Representatives Brooks, Bumgarner, Chandler, Moyer - 4.

Mr. Sprenkle moved adoption of the following amendment by Representatives Sprenkle, Rasmussen, Braddock and Leonard:

On page 16, after line 12, insert:

"NEW SECTION, Sec. 36. The department shall not plant Scotch Broom (*Cytisus Scotarius*) along highway rights of way. The department shall participate in its proportional share in any areawide Scotch Broom eradication program sponsored by a public governmental agency."

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Sprenkle, R. King, Jacobsen and Nealey spoke in favor of the amendment, and Representatives Schmidt, Sanders and Hargrove spoke against it.

The amendment was adopted.

The Clerk read the following amendments by Representatives Walk and Schmidt:

On page 21, beginning on line 29, strike all of section 51

Renumber the remaining sections consecutively

On page 22, beginning on line 5, strike all of sections 53 through 56

Renumber the remaining sections consecutively

With consent of the House, Mr. Walk withdrew the amendments.

On motion of Mr. Walk, the following amendments by Representatives Walk and Schmidt were adopted:

On page 23, line 3, strike "14,400,000" and insert "11,000,000"

On page 23, line 6, strike "63,000,000" and insert "57,000,000"

The bill was ordered engrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Walk spoke in favor of passage of the bill, and Ms. Schmidt spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 427, and the bill passed the House by the following vote: Yeas, 68; nays, 26; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Cantwell, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Madsen, McMullen, Meyers, Miller, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 68.

Voting nay: Representatives Amondson, Ballard, Betzoff, Brough, Cole, Doty, Fuhrman, Hankins, Holm, Lewis, Lux, May, McLean, Nealey, Nelson, Padden, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Williams B, Williams J, Wilson S - 26.

Excused: Representatives Brooks, Bumgarner, Chandler, Moyer - 4.

Engrossed Substitute House Bill No. 427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Mr. Vekich, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Senate Bill No. 5185 failed to pass the House.

The motion was not carried.

MOTION

On motion of Mr. McMullen, the House dispensed with further business under the Call of the House.

STATEMENTS FOR THE JOURNAL

On April 16 and 17, 1987, I attended an important conference on the disease AIDS at Swedish Hospital in Seattle, Washington. The chair of the House Committee on Health Care appointed me as a representative to attend this conference on behalf of the committee. This, unfortunately, resulted in my missing 49 final passage votes. In each case, my vote on final passage would have be YEA except for: SB 5693, ESSB 5001, ESB 5996, RESHB 1037 and ESHB 427.

JOHN A. MOYER, 6th District.

On April 16 and 17, 1987, I attended an important conference on AIDS. My attendance was at the request of the Chairman of the House Committee on Health Care. Unfortunately, this resulted in my missing 62 final passage votes. In each case, my vote on final passage would have be YEA except for: SB 5195, SB 5693, ESSB 5001, ESB 5996, RESHB 1037, ESHB 427, ESSB 5850 and ESSB 5377.

PETER T. BROOKS, 16th District.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:00 a.m., Monday, April 20, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 20, 1987

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Locke.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nancy Mauer and Aaron McLean. Prayer was offered by Michael Grimshaw, Minister of the First Church of the Nazarene of Bremerton.

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

MESSAGES FROM THE SENATE

April 17, 1987

Mr. Speaker:

The Senate has failed to pass ENGROSSED HOUSE BILL NO. 823.

Bill Gleason, Assistant Secretary.

April 17, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 138,
 HOUSE BILL NO. 220,
 SUBSTITUTE HOUSE BILL NO. 231,
 HOUSE BILL NO. 654,
 HOUSE BILL NO. 770,
 SUBSTITUTE HOUSE BILL NO. 937,
 HOUSE BILL NO. 947,
 HOUSE BILL NO. 954,
 HOUSE BILL NO. 1123,
 SUBSTITUTE HOUSE BILL NO. 1128,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 18, 1987

Mr. Speaker:

The Senate has concurred in the House amendment(s) and passed the following bills as amended by the House:

SENATE BILL NO. 5013,
 ENGROSSED SENATE BILL NO. 5097,
 SUBSTITUTE SENATE BILL NO. 5113,
 SUBSTITUTE SENATE BILL NO. 5123,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5143,
 ENGROSSED SENATE BILL NO. 5201,
 SUBSTITUTE SENATE BILL NO. 5206,
 SENATE BILL NO. 5335,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5501,
 SUBSTITUTE SENATE BILL NO. 5520,
 SUBSTITUTE SENATE BILL NO. 5561,
 SENATE BILL NO. 5605,
 SENATE BILL NO. 5739.

Bill Gleason, Assistant Secretary.

April 20, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 6073, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF STANDING COMMITTEE

April 16, 1987

HB 1225 Prime Sponsor, Representatives Brekke: Developing and implementing prepaid capitated dental hygiene and care programs for medical assistance recipients. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Bristow, Brooks, Cantwell, Lux, D. Sommers, Sprenkle and Vekich.

Absent: Representatives Day, Vice Chair; Bumgarner and Lewis.

Passed to Committee on Rules for second reading.

MOTION

Mr. McMullen moved that House Bill No. 1225 be advanced to second reading and read in full.

The motion was carried.

SECOND READING

HOUSE BILL NO. 1225, by Representatives Brekke, Sayan, Lewis, Braddock, Sprenkle, Nelson, Allen, Jacobsen, Grimm, Appelwick, Wineberry, Hine, Niemi, Hargrove, Bristow, Belcher, Lux and P. King

Developing and implementing prepaid capitated dental hygiene and care programs for medical assistance recipients.

The bill was read the second time.

MOTION

On motion of Mr. McMullen, further consideration of House Bill No. 1225 was deferred and it was ordered that it hold its place on the second reading calendar.

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

MOTIONS

On motion of Mr. McMullen, the following bills from the second reading calendar were referred to Committee on Rules for second reading: HOUSE BILL NO. 1221, SENATE BILL NO. 5117, ENGROSSED SUBSTITUTE SENATE BILL NO. 5122, ENGROSSED SENATE BILL NO. 5422, SECOND SUBSTITUTE SENATE BILL NO. 5654, and SENATE JOINT MEMORIAL NO. 8015.

On motion of Mr. McMullen, ENGROSSED SUBSTITUTE SENATE BILL NO. 6058 was rereferred from the third reading calendar to Committee on Rules for third reading.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 63 with the following amendments:

On page 8, after line 21, strike all material down to and including "public" on line 27 and insert "Public property, including property owned by the state of Washington, shall be subject to special assessments to the same extent that private property is subject to the special assessments"

On page 9, beginning on line 7, strike "except public uses" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House refused to concur in the Senate amendments to Substitute House Bill No. 63 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Haugen, Unsoeld and Bumgarner as conferees on Substitute House Bill No. 63.

The Speaker assumed the Chair.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed Engrossed Substitute House Bill No. 88 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.003 are each amended to read as follows:

It is the intent of this chapter to ~~((provide for a comprehensive legislative review of))~~ establish a policy of open competition for all personal service contracts ~~((negotiated within))~~ entered into by state ~~((government))~~ agencies, unless specifically exempted under this chapter ~~((and to centralize executive supervision of these expenditures by the office of financial management)).~~ It is further the intent to provide for legislative and executive review of all personal service contracts negotiated without an open competitive process.

Sec. 2. Section 2, chapter 61, Laws of 1979 ex. sess. as amended by section 1, chapter 263, Laws of 1981 and RCW 39.29.006 are each amended to read as follows:

As used in this chapter:

(1) ~~(('Personal service contract' means an agreement, or any amendment or renewal thereto, with an independent contractor for the rendering of personal services to the state.~~

(2) ~~'Personal service' means performing a specific study, project, or task which requires professional or technical expertise but does not mean personal service performed for the purpose of routine continuing and necessary services, including but not limited to routine maintenance, operation of the physical plant, security, data entry, key punch services, and graphic design.~~

(3) ~~'Agency' means any state ((officer)) office or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.~~

(4) ~~'Client services' means services provided directly to agency clients including, but not limited to, medical and dental services, employment and training programs, residential care, and subsidized housing.~~

(5) ~~'Competitive solicitation' means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.~~

(6) ~~'Consultant' means an independent individual or firm contracting with an agency to perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the agency except as to the result of the work. The agency monitors progress under the contract and authorizes payment.~~

(7) ~~'Emergency' means a set of unforeseen circumstances beyond the control of the agency that either:~~

(a) Present a real, immediate threat to the proper performance of essential functions; or

(b) May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

(8) ~~'Evidence of competition' means documentation demonstrating that the agency has solicited responses from multiple firms in selecting a consultant.~~

(9) ~~'Personal service' means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement. This term does not include purchased services as defined under subsection (9) of this section. This term does include client services.~~

(10) ~~'Personal service contract' means an agreement, or any amendment thereto, with a consultant for the rendering of personal services to the state.~~

(11) ~~'Purchased services' means services provided by a vendor to accomplish routine, continuing and necessary functions. This term includes, but is not limited to, services acquired under RCW 43.19.190 or 43.105.041 for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.~~

(10) 'Sole source' means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on either the uniqueness of the service or sole availability at the location required.

NEW SECTION. Sec. 3. A new section is added to chapter 39.29 RCW to read as follows:

All personal service contracts shall be entered into pursuant to competitive solicitation, except for:

- (1) Emergency contracts;
- (2) Sole source contracts;
- (3) Contract amendments;

(4) Contracts between a consultant and an agency of less than ten thousand dollars. However, contracts of two thousand five hundred dollars or greater but less than ten thousand dollars shall have documented evidence of competition. Agencies shall not structure contracts to evade these requirements; and

(5) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the director of the office of financial management when it has been determined that a competitive solicitation process is not appropriate or cost-effective.

NEW SECTION. Sec. 4. A new section is added to chapter 39.29 RCW to read as follows:

Emergency contracts shall be filed with the office of financial management and the legislative budget committee and made available for public inspection within three working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the office of financial management and the legislative budget committee when the contract is filed.

NEW SECTION. Sec. 5. A new section is added to chapter 39.29 RCW to read as follows:

(1) Sole source contracts shall be filed with the office of financial management and the legislative budget committee and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management and the legislative budget committee when the contract is filed.

(2) The office of financial management shall approve sole source contracts of ten thousand dollars or more before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than ten thousand dollars if the total amount of such contracts between an agency and the same consultant is ten thousand dollars or more within a fiscal year.

Sec. 6. Section 2, chapter 191, Laws of 1974 ex. sess. and RCW 39.29.020 are each amended to read as follows:

No state officer or activity of state government subject to this chapter shall expend any funds for personal service contracts ~~((without first complying with the provisions of RCW 39.29.010. Except in cases where filing delay has been authorized under RCW 39.29.010, no contract shall become effective until ten days following the date of filing pursuant to this chapter, or the effective date of the contract whichever is later))~~ unless the agency has complied with the competitive procurement and other requirements of this chapter. The state officer or employee executing the personal service contracts shall be responsible for compliance with the ~~((filing))~~ requirements of this chapter. Failure to comply with the ~~((filing))~~ requirements of this chapter shall subject the state officer or employee to a civil penalty in the amount of three hundred dollars. A consultant who knowingly violates this chapter in seeking or performing work under a personal services contract shall be subject to a civil penalty of three hundred dollars or twenty-five percent of the amount of the contract, whichever is greater. The state auditor is responsible for auditing violations of this chapter. The attorney general is responsible for prosecuting violations of this chapter.

Sec. 7. Section 4, chapter 61, Laws of 1979 ex. sess. as amended by section 3, chapter 33, Laws of 1986 and RCW 39.29.040 are each amended to read as follows:

~~((Except as provided in RCW 39.29.070))~~ This chapter does not apply to:

(1) Contracts specifying a fee of less than two thousand five hundred dollars if the total of ~~((such))~~ the contracts from that agency with the contractor within a ~~((twelve-month period))~~ fiscal year does not exceed two thousand five hundred dollars;

(2) ~~((Contracts awarded through competitive bids if the bidding follows a formal, documented bid procedure and if the request for bids is advertised through the media normally used by the particular service being sought. PROVIDED, That for management purposes, the office of financial management may require the filing of certain contracts exempted under this subsection;~~

~~((3) Contracts where the contracting agency recognizes that an employee-employer relationship exists;~~

~~((4))~~ Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

~~((5))~~ (3) Intergovernmental agreements awarded to any ~~((public corporation))~~ governmental entity, whether federal, state, or local and any department, division, or subdivision thereof; ~~((and~~

~~(6))~~ (4) Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other ~~((public corporation))~~ governmental entity and a like contract is available to all qualified applicants;

(5) Contracts for services that are necessary to the conduct of collaborative research if prior approval is granted by the funding source;

(6) Contracts for client services;

(7) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW; and

(8) Contracts for the employment of expert witnesses for the purposes of litigation, except that such contracts shall be filed within the same time period as emergency contracts.

NEW SECTION. Sec. 8. A new section is added to chapter 39.29 RCW to read as follows:

To implement this chapter, the director of the office of financial management shall establish procedures for the competitive solicitation and award of personal service contracts, recordkeeping requirements, and procedures for the reporting and filing of contracts. For reporting purposes, the director may establish categories for grouping of contracts. The procedures required under this section shall also include the criteria for amending personal service contracts.

NEW SECTION. Sec. 9. A new section is added to chapter 39.29 RCW to read as follows:

Personal service contracts that establish an employer-employee relationship between the contracting agency and a consultant are hereby prohibited. The procedures required under section 8 of this act shall include criteria to distinguish employer-employee relationships from independent contractor relationships.

NEW SECTION. Sec. 10. A new section is added to chapter 39.29 RCW to read as follows:

As requested by the legislative auditor, the office of financial management shall provide information on contracts filed under this chapter for use in preparation of summary reports on personal services contracts.

NEW SECTION. Sec. 11. A new section is added to chapter 39.29 RCW to read as follows:

During a legislative session, any lobbyist registered under chapter 42.17 RCW or any business that has a lobbyist as one of the principal owners or partners, shall not enter into a personal services contract with the legislature, any committee, office, officer, or employee of the legislature, the executive branch, any officer or employee of the executive branch, or any state agency.

Sec. 12. Section 3, chapter 32, Laws of 1969 as last amended by section 1, chapter 103, Laws of 1980 and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by cooperative hospital service organizations as defined in section 501(e) of the Internal Revenue Code, or its successor: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services ~~((authorized for direct acquisition from vendors by state organizations and filed under the provisions of RCW 39.29.010 through 39.29.030))~~ as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 as now or hereafter amended;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, as now or hereafter amended, or from policies established by the

director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein:

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 191, Laws of 1974 ex. sess., section 44, chapter 151, Laws of 1979, section 3, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.010;

(2) Section 3, chapter 191, Laws of 1974 ex. sess., section 1, chapter 225, Laws of 1981 and RCW 39.29.030;

(3) Section 1, chapter 33, Laws of 1986 and RCW 39.29.060; and

(4) Section 2, chapter 33, Laws of 1986 and RCW 39.29.070.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 39.29.003, 39.29.006, 39.29.020, 39.29.040, and 43.19.190; adding new sections to chapter 39.29 RCW; repealing RCW 39.29.010, 39.29.030, 39.29.060, and 39.29.070; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 88 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives H. Sommers, Peery and Hankins as conferees on Engrossed Substitute House Bill No. 88.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 359 with the following amendments:

On page 3, beginning on line 4, after "judge," strike all material down to and including line 8

On page 5, line 15, strike "ten" and insert "((ten)) eight"

On page 5, beginning on line 22, after "death" strike all material down to and including "cease," on line 24 and insert "(~~AND PROVIDED FURTHER, That if the surviving spouse remarries all benefits under this chapter shall cease~~))."

On page 5, after line 30, insert the following:

"(3) The surviving spouse of any judge who had served eight or more years and who died in office after January 1, 1986, but prior to the effective date of this 1987 section is eligible for the survivor benefit provided in subsection (1) of this section."

On page 8, beginning on line 5, strike all material down to and including line 16

Renumber the sections consecutively and correct internal references accordingly.

On page 8, after line 23, insert the following:

"Sec. 12. Section 3, chapter 229, Laws of 1937 as last amended by section 1, chapter 154, Laws of 1973 1st ex. sess. and RCW 2.12.030 are each amended to read as follows:

Supreme court, court of appeals, or superior court judges of the state who retire from office under the provisions of this chapter other than as provided in RCW 2.12.012 shall be entitled to receive monthly during the period of their natural life, out of the fund hereinafter created, an amount equal to one-half of the monthly salary they were receiving as a judge at the time of their retirement, or at the end of the term immediately prior to their retirement if their retirement is made after expiration of their term. The surviving spouse of any judge who shall have heretofore retired or may hereafter retire, or of a judge who was heretofore or may hereafter be eligible for retirement at the time of death, if the surviving spouse had been married to the judge for three years, if the surviving spouse had been married to the judge prior to retirement, shall be paid an amount equal to one-half of the retirement pay of the judge (~~as long as such surviving spouse remains unmarried~~). The retirement pay shall be paid monthly by the state treasurer on or before the tenth day of each month. The provisions of this section shall apply to the surviving spouse of any judge who dies while holding such office or dies after having retired under the provisions of this chapter and who at the time of death had served ten or more years in the aggregate as a judge of the supreme court, court of appeals, or superior court or any of such courts, or had served an aggregate of twelve years in the supreme court, court of appeals, or superior court if such pension rights are based upon RCW 2.12.012.

Sec. 13. Section 1, chapter 274, Laws of 1947 as last amended by section 7, chapter 13, Laws of 1985 and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) 'Retirement system' means the public employees' retirement system provided for in this chapter.

(2) 'Retirement board' means the board provided for in this chapter and chapter 41.26 RCW.

(3) 'State treasurer' means the treasurer of the state of Washington.

(4) (a) 'Employer' for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) 'Employer' for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) 'Member' means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) 'Original member' of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the

provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system, except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) 'New member' means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) 'Compensation earnable' for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) 'Compensation earnable' for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) 'Service' for persons who establish membership in the retirement system on or before September 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for seventy hours or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by the state school for the blind, or the state school for the deaf shall receive twelve months of service for each contract year or school year of employment commencing on or after June 15, 1979.

Each member who is employed by an institution of higher education or a community college shall receive twelve months of service for each academic year of employment commencing on or after June 15, 1979, in which the member makes member contributions under this chapter for each month of such academic year, and the member is employed in a position which is restricted as to duration by the employer to the academic year.

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve months of service

credit during any calendar year: PROVIDED FURTHER, That where an individual is employed by two or more employers the individual shall only receive one months service credit during any calendar month in which multiple service for seventy or more hours is rendered.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least three and one-half hours each day the school was open or shall have received compensation for service averaging at least three and one-half hours for each such day.

(b) 'Service' for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for ninety or more hours per calendar month.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least four and one-half hours each day the school was open or shall have received compensation for service averaging at least four and one-half hours for each such day.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges shall receive twelve months of service for each contract year or school year of employment.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve months of service for such calendar year: PROVIDED, That when an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(10) 'Prior service' means all service of an original member rendered to any employer prior to October 1, 1947.

(11) 'Membership service' means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(12) (a) 'Beneficiary' for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) 'Beneficiary' for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) 'Regular interest' means such rate as the director may determine.

(14) 'Accumulated contributions' means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(15) (a) 'Average final compensation' for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if the member has less than two years of service then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) 'Average final compensation' for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) 'Final compensation' means the annual rate of compensation earnable by a member at the time of termination of employment.

(17) 'Annuity' means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) 'Pension' means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) 'Retirement allowance' means the sum of the annuity and the pension.

(20) 'Employee' means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) 'Actuarial equivalent' means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(22) 'Retirement' means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) 'Eligible position' means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) 'Ineligible position' means any position which does not conform with the requirements set forth in subdivision (23).

(25) 'Leave of absence' means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) 'Totally incapacitated for duty' means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) 'Retiree' for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) 'Department' means the department of retirement systems created in chapter 41.50 RCW.

(29) 'Director' means the director of the department.

(30) 'State elective position' means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) 'State actuary' or 'actuary' means the person appointed pursuant to RCW 44.44.010(2).

(32) 'Judges' means judges of the district courts, the superior courts, the court of appeals, and the supreme court first appointed or elected after the effective date of this 1987 section and those members making the election under section 16 or 17 of this 1987 act.

Sec. 14. Section 3, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.620 are each amended to read as follows:

(1) A member of the retirement system other than a judge as defined in RCW 41.40.010 shall receive a retirement allowance equal to two percent of such member's average final compensation for each year of service.

(2) A judge as defined in RCW 41.40.010 shall receive a retirement allowance equal to three percent of such judge's average final compensation for each year of service; PROVIDED, That such allowance shall not exceed seventy-five percent of final compensation.

Sec. 15. Section 6, chapter 295, Laws of 1977 ex. sess. as last amended by section 6, chapter 268, Laws of 1986 and RCW 41.40.650 are each amended to read as follows:

(1) The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates.

(2) Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the

member is not granted service credit. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system for persons who established membership before September 30, 1977, shall be borne in full by the employers.

(3) Notwithstanding any other provision of this section, the contribution rates for judges as defined in RCW 41.40.010 shall be one hundred fifty percent of the members' contribution rate under subsection (2) of this section. The contribution rates for employers of judges as defined in RCW 41.40.010 shall be equal to the contribution rates of judges as defined in RCW 41.40.010 plus a contribution rate to amortize the unfunded supplemental present value as described in subsection (2) of this section.

(4) Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

(5) The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

(6) Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

NEW SECTION. Sec. 16. A new section is added to chapter 41.40 RCW to be codified between RCW 41.40.620 and 41.40.740 to read as follows:

A judge who is a member of the retirement system and who was initially employed on or after October 1, 1977, but before the effective date of this section may elect for periods after the effective date of the election to receive the increased retirement allowance under RCW 41.40.620(2) in return for the increased contributions required under RCW 41.40.650(3).

The election under this section shall be made in writing to the director no later than December 31, 1987.

NEW SECTION. Sec. 17. A new section is added to chapter 41.40 RCW to read as follows:

(1) RCW 41.40.185, 41.40.190, and 41.40.330 notwithstanding, a judge who is a member of the retirement system and who was initially employed on or before September 30, 1977, may elect for periods after the effective date of the election to receive a retirement allowance equal to three percent of the judge's average final compensation for each year or fraction of a year of membership service after the effective date of the election in return for the increased contributions required under RCW 41.40.650(3).

(2) The election under this section shall be made in writing to the director no later than December 31, 1987.

Sec. 18. Section 34, chapter 274, Laws of 1947 as last amended by section 3, chapter 268, Laws of 1986 and RCW 41.40.330 are each amended to read as follows:

(1) Each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable: PROVIDED, HOWEVER, That a department of retirement systems expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each employee account balance in the employees' savings fund to the department of retirement systems expense fund, as set forth in this section. On and after July 1, 1973, each employee who is a member of the retirement system shall contribute six percent of his total compensation earnable: PROVIDED, That the contribution of a member electing to be covered by section 17 of this 1987 act shall be as provided in that section. Effective January 1, 1987, however, no contributions are required for any calendar month in which the member is not granted service credit. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the ((board)) director, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190(5) and 41.40.185(4) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable."

Renumber the sections consecutively.

On page 8, line 24, after "Sec. 12." insert "(1)"

On page 8, after line 26, insert the following:

"(2) Section 16, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.160 are each repealed."

On page 1, line 2 of the title, strike "and 2.10.160" and insert "2.12.030, 41.40.010, 41.40.620, 41.40.650, and 41.40.330"

On page 1, line 3 of the title, strike "a new section" and insert "new sections"

On page 1, line 4 of the title, after "2.10.150" and before the period insert "and 2.10.160" and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Ms. Sommers moved that the House do not concur in the Senate amendments to Substitute House Bill No. 359 and ask the Senate for a conference thereon.

Representatives Padden, Meyers and Patrick spoke against the motion, and Representatives Silver, H. Sommers and B. Williams spoke in favor of it.

MOTION

Mr. Padden moved that the House do concur with the Senate amendments to Substitute House Bill No. 359.

Representatives Padden and Meyers spoke in favor of the motion, and Representatives Silver, H. Sommers and Sutherland spoke against it.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to Substitute House Bill No. 359, and the motion was lost by the following vote: Yeas, 44; nays, 51; absent, 3.

Voting yea: Representatives Allen, Appelwick, Ballard, Beck, Brooks, Brough, Cantwell, Chandler, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Hankins, Heavey, Holland, Jacobsen, Jesernig, King P. King R. Kremen, Lewis, Lux, May, McMullen, Meyers, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Sayan, Schmidt, Smith C, Unsoeld, Vekich, Wang, Williams J, Wineberry, Zellinsky, and Mr. Speaker - 44.

Voting nay: Representatives Amondson, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Bumgarner, Cole, Cooper, Doty, Ferguson, Fisch, Fuhrman, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Leonard, Madsen, McLean, Miller, Moyer, Nealey, Nelson, Peery, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Walk, Walker, Williams B, Wilson K, Wilson S, Winsley - 51.

Absent: Representatives Armstrong, Locke, Niemi - 3.

The Speaker stated that the House had, by its action, refused to concur in the Senate amendments to Substitute House Bill No. 359.

MOTION

On motion of Ms. H. Sommers, the House requested a conference on Substitute House Bill No. 359.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives H. Sommers, Locke and Padden as conferees on Substitute House Bill No. 359.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 364 with the following amendments:

On page 1, line 6, before "contract" insert "bid of"

On page 1, line 6, after "more" strike ".", or on any written bid or contract of any amount," and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House refused to concur in the Senate amendments to Substitute House Bill No. 364 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Wang, Cole and Patrick as conferees on Substitute House Bill No. 364.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 569 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature declares that:

(1) Marketing is a dynamic and changing part of Washington agriculture and a vital element in expanding the state economy.

(2) The sale in the state and export to other states and abroad of wine made in the state contribute substantial benefits to the economy of the state, provide a large number of jobs and sizeable tax revenues, and have an important stabilizing effect on prices received by agricultural producers. Development of exports of these commodities abroad will contribute favorably to the balance of trade of the United States and of the state. The sale and export are therefore affected with the public interest.

(3) The production of wine grapes in the state is a new and important segment of Washington agriculture which has potential for greater contribution to the economy of the state if it undergoes healthy development.

(4) The general welfare of the people of the state will be served by healthy development of the activities of growing and processing wine grapes, which development will improve the tax bases of local communities in which agricultural land and processing facilities are located, and obviate the need for state and federal funding of local services. The industries are therefore affected with the public interest.

(5) Creation of a commission for the public purpose of administering the revenue of the commission under RCW 66.24.210(3) for the enhancement of production of wine grapes and wine and the marketing of Washington wine will materially advance the industries of growing and processing wine grapes and thereby the interests of the citizens of the state.

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

(1) 'Commission' means the Washington wine commission.

(2) 'Director' means the director of agriculture or the director's duly appointed representative.

(3) 'Department' means the department of agriculture.

(4) 'Person' includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(5) 'Grower' means a person who has at least five acres in production of vinifera grapes.

(6) 'Growers' association' means a nonprofit association of Washington producers of vinifera grapes, whether or not incorporated, which the director finds to comprise the interested persons affected by appointment of members of the commission or, if the director finds that no such association exists, a group of growers of vinifera grapes within the state identified by the director as fairly representing growers of vinifera grapes within the state.

(7) 'Vinifera grapes' means the agricultural product commonly known as VITIS VINIFERA and those hybrid of VITIS VINIFERA which have predominantly the character of VITIS VINIFERA

(8) 'Producer' means any person or other entity which grows within the state vinifera grapes or any person or other entity licensed under Title 66 RCW to produce within the state wine made predominantly from vinifera grapes.

(9) 'Wine producer' means any person or other entity licensed under Title 66 RCW to produce within the state wine from vinifera grapes.

(10) 'Eastern Washington' means that portion of the state lying east of the Cascade mountain range.

(11) 'Western Washington' means that portion of the state lying west of the Cascade mountain range.

(12) 'Wine' for the purposes of this section shall be as defined in RCW 66.04.010.

(13) 'Wine institute' means a nonprofit association of Washington wine producers, whether or not incorporated, which the director finds to comprise interested persons affected by appointment of members of the commission or, if the director finds that no such association exists, a group composed of all such producers identified as actively engaged in the production of wine within the state.

NEW SECTION, Sec. 3. (1) There is created an agricultural commodity commission to be known and designated as the Washington wine commission. Except as provided in section 10(2) of this act, the commission shall be composed of eleven voting members, five voting members shall be growers, five voting members shall be wine producers, and one voting

member shall be a wine wholesaler licensed under RCW 66.24.200. Of the grower members, at least one shall be a person who does not have over fifty acres of vinifera grapes in production, at least one shall be a person who has over one hundred acres of vinifera grapes in production, and two may be persons who produce and sell their own wine. Of the wine producer members, at least one shall be a person producing not more than twenty-five thousand gallons of wine annually, at least one shall be a person producing over one million gallons of wine annually, and at least two shall be persons who produce wine from their own grapes. In addition, at least one member shall be a wine producer located in western Washington and at least two members shall be wine producers located in eastern Washington.

(2) In addition to the voting members identified in subsection (1) of this section, the commission shall have one nonvoting member who is a wine producer in this state whose principal wine or wines are produced from fruit other than vinifera grapes.

(3) Except as provided in section 10(2) of this act, seven voting members of the commission constitute a quorum for the transaction of any business of the commission.

(4) Each voting member of the commission shall be a citizen and resident of this state and over the age of twenty-one years. Each must be or must have been engaged in that phase of the grower or wine producer industry that he or she is appointed to represent, and must during his or her term of office derive a substantial portion of income therefrom, or have a substantial investment in the growing of vinifera grapes or the production of wine from vinifera grapes as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the growing of vinifera grapes or wine production from vinifera grapes; or the manager or executive officer of such a corporation. These qualifications apply throughout each member's term of office.

NEW SECTION, Sec. 4. The appointive voting positions on the commission shall be designated as follows: The wine producers shall be designated positions one, two, three, four, and five; the growers shall be designated positions six, seven, eight, nine, and ten; and the at large shall be position eleven. The nonvoting member shall be designated position number twelve. The member designated as filling position one shall be a person producing over one million gallons of wine annually. The member designated as position one shall be the sole representative, directly or indirectly, of the producer eligible to hold position one and in no event shall that producer directly or indirectly control more than fifty percent of the votes of the commission.

Except as provided in section 10(2) of this act, the regular terms of office shall be three years from the date of appointment and until their successors are appointed. However, the first terms of the members appointed upon the effective date of this section shall be as follows: Positions one, six, and eleven shall terminate July 1, 1990; positions two, four, seven, and nine shall terminate July 1, 1989; and positions three, five, eight, and ten shall terminate July 1, 1988. The term of the initial nonvoting member shall terminate July 1, 1990.

NEW SECTION, Sec. 5. The director shall appoint the members of the commission. In making such appointments of the voting members, the director shall take into consideration recommendations made by the growers' association and the wine institute as the persons recommended for appointment as members of the commission. In appointing persons to the commission, the director shall seek to ensure as nearly as possible a balanced representation on the commission which would reflect the composition of the growers and wine producers throughout the state as to number of acres cultivated and amount of wine produced.

The appointment shall be carried out immediately subsequent to the effective date of this section and members so appointed as set forth in this chapter shall serve for the periods set forth for the original members of the commission under section 4 of this act.

In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of the position shall immediately be filled by appointment by the director.

Each member of the commission shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 6. Obligations incurred by the commission and liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any member, officer, employee, or agent of the commission in his or her individual capacity. The members of the commission, including employees of the commission, shall not be held responsible individually or any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employees, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other members of the commission.

NEW SECTION, Sec. 7. The powers and duties of the commission include:

(1) To elect a chairman and such officers as the commission deems advisable. The officers shall include a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole

expense of the commission. The commission shall adopt rules for its own governance, which shall provide for the holding of an annual meeting for the election of officers and transaction of other business and for such other meetings as the commission may direct:

(2) To do all things reasonably necessary to effect the purposes of this chapter. However, the commission shall have no legislative power;

(3) At the pleasure of the commission, to employ and discharge managers, secretaries, agents, attorneys, and employees and to engage the services of independent contractors as the commission deems necessary, to prescribe their duties, and to fix their compensation;

(4) To receive donations of wine from wineries for promotional purposes;

(5) To engage directly or indirectly in the promotion of Washington wine, including without limitation the acquisition in any lawful manner and the dissemination without charge of wine, which dissemination shall not be deemed a sale for any purpose and in which dissemination the commission shall not be deemed a wine producer, supplier, or manufacturer of any kind or the clerk, servant, or agent of a producer, supplier, or manufacturer of any kind. Such dissemination shall be for agricultural development or trade promotion, which may include promotional hosting and shall in the good faith judgment of the commission be in aid of the marketing, advertising, or sale of wine, or of research related to such marketing, advertising, or sale;

(6) To acquire and transfer personal and real property, establish offices, incur expense, enter into contracts (including contracts for creation and printing of promotional literature, which contracts shall not be subject to chapter 43.78 RCW, but which shall be cancelable by the commission unless performed under conditions of employment which substantially conform to the laws of this state and the rules of the department of labor and industries). The commission may create such debt and other liabilities as may be reasonable for proper discharge of its duties under this chapter;

(7) To maintain such account or accounts with one or more qualified public depositories as the commission may direct, to cause moneys to be deposited therein, and to expend moneys for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;

(8) To cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;

(9) To create and maintain a list of producers and to disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;

(10) To employ, designate as agent, act in concert with, and enter into contracts with any person, council, commission or other entity for the purpose of promoting the general welfare of the vinifera grape industry and particularly for the purpose of assisting in the sale and distribution of Washington wine in domestic and foreign commerce, expending moneys as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington wine in domestic or foreign commerce, employing and paying for vendors of professional services of all kinds; and

(11) To sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter.

NEW SECTION. Sec. 8. The commission shall create, provide for, and conduct a comprehensive and extensive research, promotional, and educational campaign as crop, sales, and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of markets, and degree of public awareness of products, and take into account the information adduced thereby in the discharge of its duties under this chapter.

NEW SECTION. Sec. 9. The commission shall adopt as major objectives of its research, promotional, and educational campaign such goals as will serve the needs of producers, which may include, without limitation, efforts to:

(1) Establish Washington wine as a major factor in markets everywhere;

(2) Promote Washington wineries as tourist attractions;

(3) Encourage favorable reporting of Washington wine and wineries in the press throughout the world;

(4) Establish the state in markets everywhere as a major source of premium wine;

(5) Encourage favorable legislative and regulatory treatment of Washington wine in markets everywhere;

(6) Foster economic conditions favorable to investment in the production of vinifera grapes and Washington wine;

(7) Advance knowledge and practice of production of wine grapes in this state;

(8) Discover and develop new and improved vines for the reliable and economical production of wine grapes in the state; and

(9) Advance knowledge and practice of the processing of wine grapes in the state.

NEW SECTION. Sec. 10. (1) Except as provided in subsections (2) and (3) of this section, the vote of each of the voting members of the commission shall be weighted as provided by this

subsection for the transaction of any of the business of the commission. The total voting strength of the entire voting membership of the commission shall be eleven votes. The vote of position one shall be equal to the lesser of the following: Five and one-half votes; or eleven votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(2) In the event the assessment described in section 13(1)(b) of this act is not effective on July 1, 1989, the positions designated for growers cease to exist. In such an event, the commission shall be composed of six voting members and one nonvoting member. The nonvoting member shall be position seven. Four voting members of the commission constitute a quorum for the modified commission. Of the six votes of the entire voting membership of the modified commission, the vote of position one shall be the lesser of the following: Three votes; or six votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(3) In the event that the percentage of wine produced by the producer represented by position one falls below twenty-five percent of the wine produced in this state, the weighted voting mechanism provided for in subsections(1) and (2) of this section shall cease to be effective. In that case, the voting shall be based on one vote per position.

Sec. 11. Section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 10, chapter 3, Laws of 1983 2nd ex. sess. and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.--RCW (sections 1 through 10 of this 1987 act).

NEW SECTION. Sec. 12. A new section is added to chapter 66.08 RCW to read as follows:

To provide for the operation of the wine commission prior to its first quarterly disbursement, the liquor control board shall, on the effective date of this section, disburse one hundred ten thousand dollars to the wine commission. However, such disbursement shall be repaid to the liquor control board by a reduction from the quarterly disbursements to the wine commission under RCW 66.24.210 of twenty-seven thousand five hundred dollars each quarter until such amount is repaid. These funds shall be used to establish the Washington wine commission and the other purposes delineated in chapter 15.-- RCW (sections 1 through 10 this act).

NEW SECTION. Sec. 13. A new section is added to chapter 66.12 RCW to read as follows:

(1) To provide for permanent funding of the wine commission after July 1, 1989, agricultural commodity assessments shall be levied by the board on wine producers and growers as follows:

(a) Beginning on July 1, 1989, the assessment on wine producers shall be two cents per gallon on sales of packaged Washington wines.

(b) Beginning on July 1, 1989, the assessment on growers, on sales of Washington vinifera wine grapes, shall be levied at a rate sufficient to raise an amount equal to the amount raised under subsection (1)(a) of this section. The method of calculation and collection of the grower assessment shall be determined under legislation enacted during the 1988 session of the legislature.

(c) After July 1, 1993, assessment rates under subsection (1)(a) of this section may be changed pursuant to a referendum conducted by the Washington wine commission and approved by a majority vote of wine producers. The weight of each producer's vote shall be equal to the percentage of that producer's share of Washington vinifera wine production in the prior year.

(d) After July 1, 1993, assessment amounts under subsection (1)(b) of this section may be changed pursuant to a referendum conducted by the Washington wine commission and approved by a majority vote of grape growers. The weight of each grower's vote shall be equal to the percentage of that grower's share of Washington vinifera grape sales in the prior year.

(2) Assessments collected under this section shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.-- RCW (sections 1 through 10 of this act).

(3) Prior to July 1, 1996, a referendum shall be conducted to determine whether to continue the Washington wine commission as representing both wine producers and grape growers. The voting shall not be weighted. The wine producers shall vote whether to continue the commission's coverage of wineries and wine production. The grape producers shall vote whether to continue the commission's coverage of issues pertaining to grape growing. If a majority of both wine and grape producers favor the continuation of the commission, the assessments shall continue as provided in subsection (2) (b) and (d) of this section. If only one group of producers favors the continuation, the assessments shall only be levied on the group which favored the continuation.

NEW SECTION. Sec. 14. A new section is added to chapter 66.12 RCW to read as follows:

The Washington wine commission created under section 3 of this act may purchase or receive donations of Washington wine from wineries and may use such wine for promotional purposes. Wine furnished to the commission under this section which is used within the state is subject to the taxes imposed under RCW 66.24.210. No license, permit, or bond is required of the Washington wine commission under this title for promotional activities conducted under chapter 15.-- RCW (sections 1 through 10 of this act).

Sec. 15. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 13, Laws of 1983 and RCW 66.28.040 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no brewer, wholesaler, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 shall prevent a brewer, wholesaler, winery, or importer from furnishing samples of beer or wine to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board; nothing in this section shall prevent a brewery, winery, or wholesaler from furnishing beer or wine for instructional purposes under RCW 66.28.150; nothing in this section shall prevent a winery or wholesaler from furnishing wine without charge to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and any wine so furnished shall be used solely for such educational purposes, provided that the wine furnished shall be subject to the taxes imposed by RCW 66.24.210; nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises; nothing in this section shall prevent donations of wine for the purposes of section 14 of this 1987 act; and nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises.

Sec. 16. Section 1, chapter 26, Laws of 1985 as amended by section 24, chapter 203, Laws of 1986 and RCW 15.04.200 are each amended to read as follows:

(1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.-- (sections 1 through 10 of this 1987 act), and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make

promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW.

NEW SECTION, Sec. 17. A new section is added to chapter 66.44 RCW to read as follows:

Nothing contained in chapter 15.— RCW (sections 1 through 10 of this act) shall affect the compliance by the Washington wine commission with this chapter.

NEW SECTION, Sec. 18. Sections 1 through 10 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION, Sec. 19. This act shall be liberally construed to effectuate its purposes.

NEW SECTION, Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 21. (1) Sections 1 through 9 and 11 through 20 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

(2) Section 10 of this act shall take effect July 1, 1989."

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 66.24.210, 66.28.040, and 15.04.200; adding a new chapter to Title 15 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.12 RCW; adding a new section to chapter 66.44 RCW; creating a new section; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Grimm, the House refused to concur in the Senate amendments to Second Substitute House Bill No. 569 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Grimm, Rayburn and Doty as conferees on Second Substitute House Bill No. 569.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 734 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 9.68A RCW to read as follows:

For the purposes of sections 1 through 3 of this act:

- (1) 'Minor' means any person under the age of eighteen years.
- (2) 'Erotic materials' means any sexually explicit conduct as defined in RCW 9.68A.011.
- (3) 'Live performance' means any play, show, skit, dance, or other exhibition performed or presented to, or before an audience of one or more, with or without consideration.
- (4) 'Person' means any individual, partnership, firm, association, corporation, or other legal entity.

NEW SECTION, Sec. 2. A new section is added to chapter 9.68A RCW to read as follows:

No person may knowingly allow a minor to be on the premises of a commercial establishment open to the public if there is a live performance containing matter which is erotic material.

NEW SECTION, Sec. 3. A new section is added to chapter 9.68A RCW to read as follows:

Any person who is convicted of violating any provision of section 2 of this act is guilty of a gross misdemeanor.

NEW SECTION, Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On line 1 of the title, after "materials;" strike the remainder of the title and insert "adding new sections to chapter 9.68A RCW; and prescribing penalties."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 734 and ask the Senate for a conference thereon.

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

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Armstrong, Scott and Padden as conferees on Substitute House Bill No. 734.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 773 with the following amendments:

On page 1, line 19, after "within" strike "forty-five" and insert "sixty"

On page 2, line 7, after "auditor" strike "may" and insert "shall"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House refused to concur in the Senate amendments to Substitute House Bill No. 773 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Fisher, Pruitt and Sanders as conferees on Substitute House Bill No. 773.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 448 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. SHORT TITLE. This chapter may be cited as the family independence program.

NEW SECTION. Sec. 2. INTENT. The legislature hereby establishes as state policy the goal of economic independence for employable adults receiving public assistance, through employment, training, and education. The legislature finds that children living in families with incomes below the needs standard have reduced opportunities for physical and intellectual development. A family's economic future is frequently not improved by the current program.

Therefore, in order to break the cycle of poverty and dependence, a family independence program is established. Participating families are to receive benefits under this program at no less than they would otherwise have been entitled to receive.

The legislature finds that the state has a vital interest in ensuring that citizens who are in economic need are provided appropriate financial assistance. It is the intent of the legislature to maintain the existing partnership between state and federal government and that this program remain part of the federal welfare entitlement program. The legislature seeks federal authority for a five-year demonstration project and recognizes that waivers and congressional action may be required to achieve our purpose. The legislature does not seek a block grant approach to welfare.

The legislature recognizes that any program intended to assist new and current public assistance recipients will be more likely to succeed when the state, private sector, and recipients work together.

The legislature also recognizes the value of building on successful programs that utilize the development of networking and mentoring strategies to assist public assistance recipients to gain self-sufficiency. The legislature further encourages public-private cooperation in the areas of job readiness training, education, job training, and work opportunities.

The legislature finds that the goal of economic independence requires increased efforts to assist parents in exercising their children's right to economic support from absent parents.

The legislature recognizes the substantial participation in the workforce of women with preschool children, and the difficulty in reentering employment after long absences.

The legislature further recognizes that public assistance recipients can play a major role in setting their own goals.

The objectives of this chapter are to assure that: The maximum number of recipients of public assistance become independent and self-sufficient through employment, training, and education; financial incentives be available to recipients participating in job readiness, education, training, and work programs; the number of children growing up in poverty be substantially reduced; and unemployable recipients be afforded a basic level of financial and medical assistance consistent with the state's financial capabilities.

NEW SECTION, Sec. 3. DEFINITIONS. Unless the context requires to the contrary, the definitions in this section apply throughout this chapter.

(1) 'Benchmark standard' is the basic monthly level of cash benefits, established according to family size, which equals the state's payment standard under the aid to families with dependent children program, plus an amount not less than the full cash equivalent of food stamps for which any family of such size would otherwise be eligible.

(2) 'Department' means the department of social and health services.

(3) 'Enrollee' means the head(s) of household of a family eligible to receive financial assistance or other services under the family independence program.

(4) 'Executive committee' or 'committee' means the family independence program executive committee, authorized by and subject to the provisions of this chapter, to make policy recommendations to the legislature and develop procedure, program standards, data collection and information systems for family independence programs, including making budget allocations, setting incentive rates within appropriated funds, setting cost-sharing requirements for child care and medical services, and making related financial reports under chapter 43.88 RCW.

(5) 'Family independence program services' include but are not limited to job readiness programs, job creation, employment, work programs, training, education, family planning services, development of a mentor program, income and medical support, parent education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training on management of finances and use of credit.

(6) 'Family opportunity councils' or 'councils' means information exchange, networking, and mentoring organizations created through contracts between the department and private nonprofit community organizations providing assistance in self-sufficiency.

(7) 'Food stamps' means the food purchase benefit available through the United States department of agriculture.

(8) 'Gross income' means the total income of an enrollee from earnings, cash assistance, and incentive benefit payments.

(9) 'Incentive benefit payments' means those additional benefits payable to enrollees due to their participation in education, training, or work programs.

(10) 'Job-ready' is the status of an enrollee who is assessed as ready to enter job search activities on the basis of the enrollee's skills, experience, or participation in job and education activities in accordance with section 8 of this act.

(11) 'Job readiness training' means that training necessary to enable enrollees to participate in job search or job training classes. It may include any or all of the following: Budgeting and financial counseling, time management, self-esteem building, expectations of the workplace (including appropriate dress and behavior on the job), goal setting, transportation logistics, and other preemployment skills.

(12) 'Maximum income levels' are those levels of income and cash benefits, both benchmark and incentive, which the state establishes as the maximum level of total gross cash income for persons to continue to receive cash benefits.

(13) 'Medical benefits' or 'medicaid' are categorically or medically needy medical benefits provided in accordance with Title XIX of the federal social security act. Eligibility and scope of medical benefits under this chapter shall incorporate any hereinafter enacted changes in the medicaid program under Title XIX of the federal social security act.

(14) 'Noncash benefits' includes benefits such as child care and medicaid where the family receives a service in lieu of a cash payment related to the purposes of the family independence program.

(15) 'Payment standard' is equal to the standard of need or a lesser amount if rateable reductions or grant maximums are established by the legislature. Standard of need shall be based on periodic studies of actual living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance, and necessary incidentals. The standard of need may take into account the economies of joint living arrangements, but there shall not be proration of any portion of assistance grants unless the amount of the payment standard is equal to the standard of need.

(16) 'Placement' means enrollees who have obtained full-time employment (thirty hours or more per week) or part-time employment (less than thirty hours per week), and who remain employed, as verified by a thirty-day followup contact.

(17) 'Subsidized employment' means employment for which the family independence program has provided the employer the financial resources, in whole or in part, to compensate an enrollee for the performance of work.

(18) 'Unsubsidized employment' means employment for which the family independence program has not provided the employer the financial resources to compensate an enrollee for the performance of work.

NEW SECTION, Sec. 4. ELIGIBILITY FOR BENEFITS. (1) Upon implementation of the family independence program, all applicants for public assistance, except persons eligible for assistance under the general assistance—unemployable program, shall be enrolled in the family independence program and shall be eligible to receive financial and medical benefits under the following criteria:

(a) A person who is a 'dependent child' as defined in 42 U.S.C. Sec. 606(a) or 42 U.S.C. Sec. 607(a), the caretaker relative(s) with whom the dependent child resides, or a pregnant woman as defined in 42 U.S.C. Sec. 606(b); and

(b) A person whose resources do not exceed those established by the United States department of health and human services at 45 C.F.R. Sec. 233.20(a)(3)(i)(B); and

(c) A person whose income does not exceed the benchmark standard plus appropriate incentive benefit payments established in accordance with this chapter. However, subject to subsection (2) of this section and section 18 of this act, the department may limit family independence program eligibility to exclude those new applicants whose monthly income would render them ineligible for aid to families with dependent children benefits under the payment level in effect at the time of the application. For the purposes of this subsection, a new applicant is a person who has not been a recipient of aid to families with dependent children or an enrollee for ninety days prior to application.

(2) Subject to the availability of funds for family independence program benefits, the department may expand eligibility to authorize family independence program benefits for additional categories of persons, but the department shall ensure that no person who would be eligible for benefits under the program requirements in place in this state as of January 1, 1988, pursuant to Titles IV-A and XIX of the federal social security act shall be denied financial or medical benefits under this chapter.

NEW SECTION, Sec. 5. FAMILY INDEPENDENCE PROGRAM—EXECUTIVE COMMITTEE—ADVISORY COMMITTEE—RECORDS—QUORUM—COMPENSATION AND TRAVEL EXPENSES. (1) The family independence program executive committee is hereby established.

(2) The executive committee shall consist of seven members as follows: The secretary of social and health services, the commissioner of the employment security department, the senior official from each of those agencies who is responsible for the family independence program, an official of the office of financial management, and two nonvoting individuals who have received public assistance in the past but have subsequently achieved economic independence. The former recipient members of the executive committee shall be selected by the advisory committee. The former recipient representatives on the committee shall hold a term of two years. Terms may be renewed for one additional two-year term. The former recipient representatives shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The executive committee shall appoint and consult with an advisory committee of not less than ten or more than twenty members broadly representative of business, labor, education, community, enrollee, civic groups, and the public at large. The membership shall be geographically balanced with one-third of the membership composed of enrollees or community members in accordance with section 6 of this act. The advisory committee members shall serve terms of two years. In addition, the speaker of the house of representatives and the president of the senate shall appoint a member of each caucus of the legislature to the advisory committee.

The initial terms of the advisory committee members shall be staggered in a manner determined by the executive committee. In the event of a vacancy on the advisory committee due to death, resignation, or removal of one of the advisory committee members, and upon the expiration of the term of any member, the executive committee shall appoint a successor from a list supplied by the family opportunity councils for a term expiring on the second anniversary of the successor's date of the appointment, except that vacancies in a position appointed by a legislative officer shall be filled by that officer. Advisory committee members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If any one of the state offices on the executive committee is abolished, the resulting vacancy on the executive committee shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office.

(5) The secretary of social and health services shall serve as chairperson of the executive committee. The commissioner of the employment security department shall serve as vice-chairperson. The executive committee shall appoint a secretary who need not be a member of the executive committee.

(6) The secretary of the executive committee shall keep a record of the proceedings of the committee meetings.

(7) Three members of the executive committee constitute a quorum. The executive committee may act on the basis of motions. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the executive committee. A vacancy in the membership of the committee does not impair the power of the committee to act under this chapter. However, in the case of a vacancy in one of the offices which constitutes the membership of the committee, the individual acting in the capacity of that officer shall also act as a member of the committee.

(8) The executive committee shall consult with the advisory committee on significant matters before taking action on such matters. Matters of significance include but are not limited to the nature and extent of contracts with private or nonprofit entities, decisions to modify incentive payments, and a right to review and comment upon the employment and child care plans and all reports submitted to the legislature, prior to their submission. The meetings of the executive committee are subject to chapter 42.30 RCW, the open public meetings act. The advisory committee shall study approaches to allow children in poverty to grow up healthy with self-confidence and the ability to break the cycle of dependence that can result from inadequate nutrition, housing, and other basic needs.

NEW SECTION. Sec. 6. FAMILY OPPORTUNITY COUNCILS. (1) The executive committee shall establish a family opportunity advisory council in each of the department's regions to make recommendations on the social services, procedures, and income maintenance operations used in the family independence program. The councils shall also assist in providing mentors, mutual self-help, and information on alternatives to welfare dependency. The councils shall include: (a) individuals currently receiving assistance; (b) individuals who have received public assistance in the past but have subsequently achieved economic independence; and (c) persons who are board members or employees of nonprofit organizations providing services of the types offered to family independence program recipients, including those with experience in developing self-esteem and individual motivation. A regional advisory council may establish panels representing specific geographic areas within the region.

(2) Each advisory council shall nominate three persons from which the executive committee shall elect one person from each region to be a member of the advisory committee authorized by section 5 of this act. Appointments shall be for a term of two years. Terms may be renewed for one additional two-year term. Three regional appointments shall initially be for a term of one year. The regional representatives shall constitute the consumer and enrollee representatives required by section 5 of this act.

(3) Recipients and former recipients may be paid a per diem rate established by the executive committee. Members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 7. POWERS AND DUTIES. (1) The executive committee shall direct the employment security department and the department of social and health services, or the appropriate successor agencies, subject to the provisions of this chapter and consistent with available funds, to do the following in order to accomplish the purposes of this chapter:

(a) To carry out and ensure the development of job readiness training, job development activities, subsidized employment in or through public, private, volunteer, and nonprofit agencies, and provide training funds for enrollees prior to and during employment;

(b) To carry out training and education activities as set forth in section 8 of this act;

(c) To allow enrollees, consistent with available appropriations, to receive the incentive benefit payments while attending higher education and vocational institutions;

(d) To fund other related family services, including, but not limited to, child care services for enrollees who participate in the education, training, and work programs authorized by the executive committee;

(e) To receive federal and state funds for the family independence program and to otherwise manage the program so as to operate within legislatively determined funding limitations. However, the executive committee has no authority to alter the benchmark standard established by the legislature;

(f) To determine the level and types of program benefits and incentive benefit payments in accordance with this chapter, together with specific administrative requirements to be met by program enrollees;

(g) To authorize other individuals served under aid to families with dependent children—regular and employable to voluntarily seek enrollee status;

(h) To establish rules for the treatment of earnings and unearned income by enrollees as set forth in section 18 of this act;

(i) To establish administrative sanctions consistent with the criteria set forth in section 15(3) of this act which may be applied to enrollees and the conditions under which program benefits may be reduced or terminated;

(j) To establish due process procedures as set forth in section 11 of this act;

(k) To establish the conditions under which child care and other related social services, including parent education and counseling, will be provided, subject to the following: Any child care provided under this chapter shall be in accordance with statutory child day care licensure requirements;

(l) To provide child care without cost to enrollees whose income is below the maximum authorized income level;

(m) To establish copayment requirements for noncash benefits as set forth in section 10 of this act;

(n) To establish the conditions and terms under which the department may enter into contracts with the public, private, and not-for-profit sectors to provide:

(i) Parenting education for parents;

(ii) Job readiness training;

(iii) Training of state agency employees to work with enrollees in developing plans for self-sufficiency, which include but are not limited to the employability, training, and education plans;

(iv) The development of mentoring programs to provide assistance to current recipients through the use of former recipients; and

(v) Facilitation of family opportunity councils in the geographical areas sited for implementation of the program;

(o) To establish the conditions and terms, and to enter into contracts, under which public, private, and not-for-profit sector jobs will be created and financed by the executive committee and the circumstances under which training for employees or potential employees of public, private, and for-profit employers will be subsidized through the family independence program;

(p) To establish the terms and provisions under which training and job development services may be extended to the absent parent(s) of the children of enrollees;

(q) To establish the frequency and method for redetermining eligibility;

(r) To undertake the acquisition of all such services authorized in this chapter on an exempt basis, as provided in RCW 43.19.1901, from the public bid requirements of RCW 43.19.190 through 43.19.200;

(s) To establish a proposed schedule by geographic area for implementation of the family independence program, which shall be submitted to the legislature by January 1, 1988. Until the family independence program is implemented in a particular geographic area, applicants in that area shall continue to be eligible for benefits under the aid to families with dependent children program and shall have a right to convert to the family independence program when it is available in that area;

(t) To determine methods of administration and do all other things necessary to carry out the purposes of this chapter.

(2) The executive committee with assistance from the appropriate agencies shall promulgate rules in accordance with chapter 34.04 RCW in order to accomplish the purposes of this chapter. Policy decisions of the executive committee that require rule-making shall not be final until the adoption of the necessary rules.

NEW SECTION. Sec. 8. ENROLLEE PARTICIPATION. (1) The executive committee may mandate the participation of enrollees in registration and assessment activities unless persons meet the exemption criteria set forth in subsection (2)(d) (i) through (vi) of this section;

(2) The executive committee may mandate the participation of enrollees in education, training, or work activities, subject to the following:

(a) There shall be no mandatory participation of enrollees in education, training, or work activities during the first two years after implementation of this chapter;

(b) The executive committee shall collect and maintain records regarding the number of enrollees awaiting placement in job preparation activities; the number of enrollees who are participating in an education, job training, or other job preparation program; the number of enrollees who are job-ready as defined in this chapter; and the number of enrollees who have obtained placement as defined in this chapter. After the first two years, participation in training, education, or work activities may become mandatory in regions in which the family independence program has been implemented in accordance with this chapter, in which more than fifty percent of the job-ready enrollees obtained placements within three months of the time they became assessed as job-ready, and in which incentive benefit payment levels are set as initially required under section 15 of this act;

(c) If mandatory participation is suspended, it may be suspended by rule on a county or regional basis, but may be retained for a discrete group of enrollees;

(d) When participation in work and training requirements becomes mandatory, the following persons are exempt from the mandatory participation requirement:

(i) One parent with a child under three years of age in the home unless the family has been receiving public assistance for more than three years, in which case the caretaking parent must participate after the child is six months of age;

(ii) New enrollees who are on public assistance for the first time shall not be required to participate in employment, training, or work activities until they have been on public assistance for six months;

(iii) Persons under sixteen years of age or over sixty-four years of age;

(iv) Persons over sixteen years of age who are in high school;

(v) Persons who are incapacitated, temporarily ill, or are needed at home to care for an impaired person;

(vi) A person who is in the third trimester of pregnancy; and

(vii) A person who has not yet been individually notified in writing of the requirement to participate in registration, assessment, work, or training requirements or the expiration of his or her exempt status.

(3) The executive committee may suspend and reinstate, based upon periodic review, the mandatory requirement as affected by the availability of training and job resources.

NEW SECTION, Sec. 9. TRAINING AND EDUCATION ACTIVITIES. (1) The department of social and health services and the employment security department shall provide education and training opportunities to enrollees when appropriate, pursuant to the employability plan required in section 19 of this act, and shall emphasize efforts which prepare enrollees for long-term unsubsidized employment and economic independence. This shall include opportunities for: (a) Enrollees who seek to pursue basic remedial education, such as completion of general equivalency diploma, adult basic education, and English proficiency training; (b) enrollees who seek vocational or skills training through on-the-job training or enrollment in a skills training or vocational training program, including those programs at a vocational training institute or community college; and (c) enrollees seeking higher education, including community college and four-year college degrees.

(2) The state agencies shall assure that those enrollees who seek to pursue work, training, and education activities, and those enrollees who are required in accordance with this chapter to so participate, receive a realistic assessment of work, training, and education opportunities and the opportunity to mutually participate in developing an individual self-sufficiency plan. The self-sufficiency plan shall take into account the local labor market and wage levels, as well as the individual's skills, work history, abilities, limitations, financial needs, desires, and interests, and shall specify the activities and services required for completion. The self-sufficiency plan is subject to approval by the state agencies. An enrollee may seek a modification of the self-sufficiency plan, or an administrative review if mutual agreement cannot be achieved.

(3) Within available funds, the department shall provide for payment of support services including child care and family independence program benefits at the benefit incentive level for education and training as set forth in section 15 of this act to support appropriate training and education programs of enrollees. When the department has approved the funding of such payments for individual's appropriate training or education plan, such funding shall continue, subject to an annual review, for the duration of the individual's participation in the approved training or education program. The executive committee shall establish by rule criteria for funding of appropriate training and education programs.

(4) When support services are unavailable through existing day-care resources, the department shall make efforts to gain services through private and public agencies.

NEW SECTION, Sec. 10. DUE PROCESS PROCEDURES. The executive committee shall direct the department of social and health services and the employment security department to adopt rules providing due process of law protections to applicants for and recipients of family independence program benefits. The requirements shall confer protections no less than those which the federal statutes and regulations confer on participants in the food stamp, aid to families with dependent children, and work incentive programs. The protections shall include, but are not limited to, the following:

(1) The departments shall provide adequate advance written notice to applicants or enrollees of any agency action to deny, award, reduce, terminate, increase, or suspend benefits or to change the manner or form of payment or of any agency action requiring the enrollee to take any action. Adequate notice includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific rules supporting the action, an explanation of the individual's right to request an administrative fair hearing, how to request one, and the circumstances under which assistance is continued pending such a hearing if requested.

(2) Advance notice must be mailed to enrollees at least ten days prior to the date on which the proposed action would become effective.

(3) An applicant or enrollee aggrieved by an action or decision of the departments, including requiring or denying participation in a work, training, or education activity, has the right to request a fair hearing to be conducted by the office of administrative hearings in accordance with chapters 34.12 and 34.04 RCW. The aggrieved person is entitled to all fair hearing rights provided under RCW 74.08.070 and to the right of judicial review therefrom as provided in RCW 74.08.080.

(4) When an enrollee requests a hearing during the advance notice period, the departments shall not implement the challenged action until a written decision is rendered after a hearing. The advance notice period is the period prior to the effective date of the proposed action or ten days from the date of adequate written notice, whichever is later. Any assistance received pending a hearing or hearing decision may be considered to be an overpayment if the decision is against the enrollee.

(5) Financial, food stamp, and medical assistance shall be furnished to eligible individuals in a timely manner and shall be continued regularly to all eligible individuals until they are found to be ineligible. Applications should be disposed of as soon as possible in accordance with 7 C.F.R. Sec. 273.2 (g) and (i) and 45 C.F.R. Sec. 206.10 and no later than thirty days from the date of application unless good cause applies. Prior to denial or termination of family independence program cash or noncash benefits, each family's eligibility for financial assistance, medical assistance, and food stamp benefits shall be determined.

NEW SECTION, Sec. 11. NONCASH BENEFITS AND REQUIRED FINANCIAL PARTICIPATION. (1) When an enrollee ceases to receive family independence program cash benefits as a result of increased earnings, the enrollee shall be eligible to receive family independence program noncash child care and medical benefits for a period of one year following the cessation of family independence program cash eligibility.

(2) The executive committee may authorize the department to require financial participation based on income of the enrollee in the cost of the family independence program noncash benefits, but such financial participation requirement shall not exceed twenty-five percent of the cost of the noncash benefit or twenty-five percent of the amount by which the family's income exceeds the maximum income level, whichever is less.

(3) No person may be required to participate in the cost of medical benefits if the person would have been eligible for medicaid benefits at no additional cost under the medically needy income levels or the program requirements in effect as of January 1, 1988.

NEW SECTION, Sec. 12. LIMITATIONS ON SUBSIDIZED AND UNSUBSIDIZED EMPLOYMENT POSITIONS. (1) Enrollees referred to subsidized and unsubsidized employment positions established pursuant to this chapter shall not be considered employees of the executive committee or the state solely because of their status as enrollees in the family independence program. Enrollees in subsidized and unsubsidized employment positions established pursuant to this chapter shall be considered employees of the agency or employer sponsoring their employment. Enrollees in such subsidized and unsubsidized positions shall receive and enjoy the following protections and benefits of the sponsoring employer including, but not limited to, worker's compensation, old age and survivors health insurance, protections of a collective bargaining agreement, sick leave, retirement, medical benefits, vacation leave, and hours of work, provided that these protections and benefits shall not be created by this subsection if such protections and benefits do not already exist. Enrollees in such subsidized and unsubsidized positions shall also be covered for purpose of unemployment compensation, notwithstanding RCW 50.44.040(5) to the contrary.

(2) Subsidized and unsubsidized positions under this chapter to which enrollees are referred shall not be created as a result of, nor result in, any of the following:

(a) Displacement of currently employed workers or authorized positions, for the purpose of employing enrollees, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits;

(b) The filling of subsidized and unsubsidized positions that would otherwise be a promotional opportunity;

(c) The filling of a subsidized or unsubsidized position before compliance with applicable personnel procedures and collective bargaining agreements, including in the instance of subsidized jobs the written concurrence from any affected union representative organization;

(d) The filling of a subsidized or unsubsidized position created by a reduction in work force or change of employers;

(e) A strike, lockout, or other bona fide labor dispute, or a violation of any existing collective bargaining agreement between employees and employers;

(f) Decertification of any bargaining unit;

(g) Creation of a new classification that has the intent or effect of subverting the intent of this section.

(3) Enrollees in subsidized and unsubsidized employment shall not continue participation at a place of employment that is involved in a strike, lockout, or other bona fide labor dispute.

(4) The employment security department shall establish a dispute-resolution process for resolving disagreements arising from this section or other employment-related sections of this chapter.

NEW SECTION, Sec. 13. COMPENSATION FOR ENROLLEES. The executive committee shall direct that no enrollee shall be referred to subsidized or unsubsidized employment in which the enrollee would be paid at a rate less than the highest of the following:

(1) The minimum wage set out in section 6 (a)(1) of the fair labor standards act of 1938, as amended, or as established by state law;

(2) The prevailing rate of pay for persons employed in similar occupations by the same employer;

(3) The minimum entrance rate for inexperienced workers in the same occupation with the employer or, if the occupation is new to the employer, the prevailing entrance rate for the occupation among other employers in the area or community, or the applicable minimum rate required by an applicable bargaining agreement; or

(4) The prevailing rate established in accordance with the Davis-Bacon act, as amended, or the service contract act, as amended, for enrollees working in occupations covered by the applicable acts.

NEW SECTION, Sec. 14. REPORTS AND EVALUATION. (1) By January 1, 1988, the executive committee shall submit to the legislature:

(a) A child-care plan, which may include creative solutions to assist enrollees in making child-care arrangements;

(b) In consultation with the superintendent of public instruction, a plan for assisting high school students who are parents or pregnant to remain in school or complete their high school education;

(c) A plan for motivating those who are discouraged to seek self-sufficiency through work, education, or training;

(d) An employment plan for enrollees; and

(e) A plan for phased-in implementation of the family independence program.

(2) By January 1, 1988, the legislative budget committee, after consultation with the executive committee, shall submit to the legislature:

(a) An evaluation plan satisfactory to the federal government, including a plan for analysis, within available funds, of:

(i) The costs and effectiveness of the family independence program;

(ii) The extent to which education and training opportunities have led to employment and economic independence;

(iii) The extent to which support services have been provided for such education and training opportunities;

(iv) The impact of support services, training opportunities, and employment on the well-being of the children and families of enrollees;

(v) The impact of the family independence program on the labor market opportunities available to nonenrollees;

(vi) The impact of the family independence program on the early childhood education assistance program;

(vii) A comparison of the family independence program enrollees with a sample of aid to families with dependent children recipients entering assistance between July 1, 1987, through June 30, 1988, to determine the characteristics of the caseloads of the family independence program and the aid to families with dependent children program, including demographic characteristics, employment, training, and educational histories, spells on assistance, and reasons for entry onto and exit from assistance;

(viii) Such administrative and operational factors as may be requested by the executive committee;

(ix) A longitudinal study over time of a sample of public assistance recipients or persons at risk of becoming eligible for assistance, to determine the causes of public dependency and the impact of changes in the economy or of public programs on dependency, work, or other relevant behaviors of the sample population.

(3) The legislative budget committee shall cause the evaluation plan to be implemented subject to legislative approval in a manner that will insure the independence of the evaluation through appropriate arrangements, which may include contracts, with objective evaluators. The evaluation plan and all evaluation products shall receive the review and comment of evaluation advisory groups to be convened by the Washington Institute of Public Policy and which include representatives of the executive committee, appropriate legislative committee staffs, persons from the state's higher education institutions, staff members of the department and the employment security department, recipients, and former recipients. The reviews shall consider relevance to state policy and budget concerns, methodological procedure, implementation, and results.

(4) The first report of this evaluation shall be submitted to the legislature no later than November 16, 1988, and annually thereafter, with a final report due no later than November 15, 1993.

NEW SECTION, Sec. 15. BENCHMARK STANDARD AND INCENTIVE BENEFIT PAYMENTS. (1) The legislature shall determine the benchmark standard for enrollees. The legislature may adjust the benchmark standard periodically. However, the department shall promptly pass on to enrollees any increases in federal food stamp program benefits. The executive committee shall designate what portion of the benchmark standard constitutes a cash payment for food stamp benefits and shall ensure that this designation information is regularly provided to recipients. The portion of the benchmark standard and incentive benefit levels that is designated as the cash payment for food stamp benefits shall be excluded as income to the full extent that food stamps are so excluded by current and subsequently enacted state and federal law.

(2) Enrollees shall receive cash assistance which, when added to other income, provides total income not less than the benchmark standard set by the legislature. Enrollees participating in work, education, or training programs shall receive incentive benefit payments which,

when added to other income, provides gross income not less than the levels which shall be initially set as follows:

(a) One hundred five percent of the benchmark standard for enrollees participating in training or education programs;

(b) One hundred five percent of the benchmark standard for teenage parents if they stay in school and progress toward graduation and successfully participate in parenting education approved by the office of the superintendent of public instruction or the department;

(c) One hundred fifteen percent of the benchmark standard for enrollees working half time, but the department may authorize a higher incentive benefit payment level for enrollees working part time; and

(d) One hundred thirty-five percent of the benchmark standard for enrollees working full time.

(3) Family independence program cash benefits shall not be available to meet the needs of enrollees for whom participation in the work and training components of the family independence program is mandatory and who refuse without good cause to participate in such programs. However, medical benefits for such sanctioned individuals and payments on behalf of the other members of the family shall be provided. In such cases, payments to the remaining family members may be in the form of protective payee payments unless, after reasonable efforts, the state is unable to locate an appropriate protective payee, in which case the sanctioned individual can be the payee for the remaining family members. A participant under such sanction is eligible for the full benchmark plus appropriate incentive benefit level once he or she participates.

(4) The department, at the direction of the executive committee, may increase or decrease the incentive benefit payment levels based on the availability of funds.

NEW SECTION, Sec. 16. CURRENT PROGRAM BENEFITS ASSURED. No applicant for or recipient of family independence program benefits shall receive less financial assistance in family independence program benefits than the sum of the aid for families with dependent children cash benefits and the cash equivalent of food stamp benefits the applicant would have received under the program requirements of the federal law and under the benefit levels in place as of January 1, 1988, as adjusted to reflect all increases in the federal food stamp allotments and deductions and in the Washington state payment standard for aid to families with dependent children. Funds provided to the state under Title IV-A of the federal social security act and under the federal food stamp program shall be used first to make payments at one hundred percent of the benchmark level to all enrollees of the family independence program in accordance with the state plan, as well as to all recipients of aid to families with dependent children. Any remaining funds provided by the federal government may be used at the state's discretion for incentive payments and services to either enrollees or recipients of aid to families with dependent children in accordance with the purposes of this chapter.

NEW SECTION, Sec. 17. NONASSISTANCE FOOD STAMPS. The department shall continue to operate a federal food stamp program for persons who are not receiving family independence program benefits, including applicants awaiting determinations of eligibility for the family independence program.

No group of persons constituting a food stamp household under current food stamp law may receive less in any combination of food stamps and the portion of family independence program benefits designated as the food stamp cash equivalent pursuant to section 13 of this act than the amount for which they would have been eligible in food stamps if the family independence program did not include a cash-out of food stamp benefits.

NEW SECTION, Sec. 18. DETERMINING FINANCIAL NEED AND TREATMENT OF INCOME. The department shall establish rules for the determination of financial need and the treatment of income of enrollees consistent with this section.

(1) Income and resources shall be reasonably evaluated and cannot be considered available to an applicant or recipient unless actually available.

(2) The following shall be excluded as income in family independence program eligibility and need determinations: The value of medical benefits, child care, higher education benefits, earned income tax credit, income tax refunds, any housing subsidy, energy assistance, the earnings of a child, retroactive family independence program benefits, the child support exempted by 42 U.S.C. Sec. 657(b) or 42 U.S.C. Sec. 602(a)(8)(vi), and any benefit or moneys that any provision of federal law in effect on January 1, 1988, excludes from being considered income for eligibility for aid to families with dependent children or food stamps or other exclusions which Congress may hereafter enact.

(3) The executive committee may direct the department to establish methods for evaluating what portion of income is considered gross income for persons whose income is earned over a longer period of time than the period in which it is received and for measuring the gross income of self-employed persons.

NEW SECTION, Sec. 19. ENROLLEE PARTICIPATION. (1) All enrollees shall register for assessment to evaluate the appropriateness of work, education, or training options for that individual.

(2) For those enrollees who seek to pursue work, training, and education activities, and for those enrollees who are required in accordance with this chapter to so participate, the state agencies and the enrollee shall jointly develop an employability plan which sets forth the participation activity or sequence of activities and the available supportive services. In some instances, the plan may require additional assessment. The plan is subject to the approval of the state agencies. An enrollee may seek a modification of the employability plan, or an administrative review if mutual agreement cannot be achieved.

(3) Appropriate child care and other social services shall be available to enable an enrollee to participate in work, training, or education activities.

(4) Prior to the determination that a mandatory enrollee has refused to cooperate, efforts must be made at conciliation of the dispute consistent with 45 C.F.R. Sec. 224.63.

(5) The agencies shall adopt rules setting forth criteria that provide good cause for an enrollee's refusal to participate in or accept a specific assignment of proposed work, education, or training activities. The criteria shall include, but need not be limited to, the following:

- (a) No suitable child care is available without cost to the enrollee;
- (b) The assignment is not within the scope of the enrollee's employability plan;
- (c) The assignment would have an adverse effect on the physical or mental health of the enrollee;
- (d) The distance of the assignment from the enrollee's home makes participation impracticable;
- (e) The assignment would result in a loss of income to the enrollee's family;
- (f) Exigent personal or family circumstances would interfere with successful participation in the assignment;
- (g) The assignment involves conditions which are in violation of applicable health and safety regulations;
- (h) The assignment would interrupt a program in process at the undergraduate or vocational level which is reasonably expected to result in economic self-sufficiency; or
- (i) The best interests of a child or children in the family would be served by the parent providing full or part-time care in the home due to the particular personal or family circumstances of the enrollee's family.

NEW SECTION. Sec. 20. IMPLEMENTATION OF PROGRAM. (1) The family independence program shall not be implemented before February 28, 1988, and shall not be implemented until specifically authorized by the legislature. However, upon the effective date of this section, the executive committee shall be appointed and shall carry out those functions necessary to plan for the implementation of the family independence program, including securing federal approval.

(2) The governor shall report to the legislature at least once each quarter of 1987 on the progress of the executive committee's efforts to secure federal approval of the family independence program.

(3)(a) The governor shall seek congressional action on any federal legislation necessary to implement this chapter. The governor shall seek legislation that provides that any program under this chapter shall be a demonstration project which remains within the federal aid to families with dependent children system under Title IV of the federal social security act.

(b) Any agreements with the federal government necessary to implement the family independence program shall provide that any program under this chapter shall be a demonstration project which remains within the federal aid to families with dependent children system under Title IV of the federal social security act. Such agreements shall provide for waivers from the federal aid to families with dependent children, system only to the extent necessary to implement this chapter.

(4) If all proposed agreements between the state and federal governments which are necessary to implement the family independence program have been completed before February 1, 1988, a plan outlining such proposed agreements shall be submitted to the legislature no later than February 7, 1988. If all agreements between the state and federal governments necessary to implement the family independence program have not been completed by February 1, 1988, an implementation plan with the proposed agreements shall be submitted to the senate committee on human services and corrections, the house of representatives committee on human services, and the senate and house of representatives committees on ways and means for consideration. Copies of all such proposed agreements and any proposed changes to state statute shall be submitted to the legislature with the plan. The family independence program shall be implemented only after the legislature has approved the implementation plan and authorized the signing and completion of all federal-state agreements.

(5) Any agreements with the federal government pursuant to this chapter shall provide that such agreements may be canceled by the state or federal government upon six months' notice or immediately upon mutual agreement. If the agreements are canceled, those enrollees in the family independence program who are eligible for the aid to families with dependent children, medicaid, and the food stamp programs shall be converted to those programs.

(6) Subject to the approval of the executive committee, the department of social and health services and the employment security department shall enter into an interagency

agreement for carrying out appropriate administrative functions and purposes as required with respect to the family independence program to be undertaken in this state.

(7) The family independence program shall be implemented only in counties of the state in which the average unemployment rate is less than twice the state-wide average. The executive committee may phase-in the program on a regional or county-by-county basis. The executive committee shall phase-in implementation in accordance with the plan outlined in section 7(1)(s) of this act after the legislature has approved the plan.

(8) In at least one region, the executive committee shall use a mandatory monthly reporting system in its implementation of the family independence program. After an appropriate period, the executive committee shall evaluate the cost-effectiveness and the effects on recipients and caseloads of the reporting. The executive committee may discontinue the mandatory monthly reporting system if it determines it not to be cost-effective.

NEW SECTION, Sec. 21. REFERENCE TO OTHER LAWS. Unless the language specifically states to the contrary, any reference in this chapter to a provision or requirement of federal law or regulations refers to that provision as of January 1, 1988.

NEW SECTION, Sec. 22. CAPTIONS. Section captions as used in this chapter do not constitute any part of the law.

Sec. 23. Section 1, chapter 104, Laws of 1967 ex. sess. as amended by section 102, chapter 3, Laws of 1983 and RCW 43.19.1901 are each amended to read as follows:

The term 'purchase' as used in RCW 43.19.190 through 43.19.200, and as they may hereafter be amended, shall include leasing or renting; PROVIDED, That the purchasing, leasing or renting of electronic data processing equipment shall not be included in the term 'purchasing' if and when such transactions are otherwise expressly provided for by law.

The acquisition of job services and all other services for the family independence program under chapter 74.-- RCW (sections 1 through 22 of this 1987 act) shall not be included in the term 'purchasing' under this chapter.

NEW SECTION, Sec. 24. Sections 1 through 22 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION, Sec. 25. Sections 1 through 22 of this act shall expire on June 30, 1989, unless extended by law.

NEW SECTION, Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, beginning on line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.19.1901; adding a new chapter to Title 74 RCW; and providing an expiration date."

and is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Ms. Brække, the House refused to concur in the Senate amendments to Engrossed Second Substitute House Bill No. 448 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Brække, Wang and Winsley as conferees on Engrossed Second Substitute House Bill No. 448.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 56 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 64, Laws of 1970 ex. sess. as amended by section 1, chapter 215, Laws of 1984 and RCW 78.44.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) 'Surface mining' shall mean all or any part of the process involved in mining of minerals by removing the overburden and mining directly from the mineral deposits thereby exposed, including open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method, and including the production of surface mining refuse. Surface mining shall not include on-site processing of minerals such as concrete batching or rock crushing operations. For the purpose of this chapter surface mining shall mean those operations described in this paragraph ((from)) which ((more than ten thousand tons of minerals are produced or more than two acres of land is newly disturbed within a period of twelve consecutive calendar months)) collectively result in more than three acres of land being disturbed or that result in pit walls more than thirty feet high and steeper than one horizontal to one vertical.

Surface mining shall not include disturbances of greater than three acres of land during any time period if the cumulative area that has not been rehabilitated according to the reclamation requirements outlined in this chapter is less than three acres. Surface mining shall not include excavation or removal of sand, gravel, clay, rock, top soil, or other materials in remote areas by an owner or holder of a possessory interest in land for the primary purpose of construction or maintenance of access roads to or on such landowner's property. Surface mining shall not include excavation or grading conducted for farming, on-site road construction or other on-site construction, but shall include adjacent or off-site borrow pits except those on landowner's property for use on access roads on such property. Prospecting and exploration activities shall be included within the definition of surface mining when they are of such nature and extent as to exceed the qualifying sizes listed above or when collectively they disturb more than one acre per eight acres of land area.

(2) 'Unit of surface mined area' shall mean the area of land and water covered by each operating permit that is actually newly disturbed by surface mining during each twelve-month period of time, beginning at the date of issuance of the permit, and shall comprise the area from which overburden and/or minerals have been removed, the area covered by spoil banks, and all additional areas used in surface mining operations which by virtue of such use are thereafter susceptible to excessive erosion.

(3) 'Abandonment of surface mining' shall mean a cessation of surface mining, not set forth in an operator's plan of operation or by any other sufficient written notice, extending for more than six consecutive months or when, by reason of examination of the premises or by any other means, it becomes the opinion of the department of natural resources that the operation has in fact been abandoned by the operator: PROVIDED, That the operator does not, within thirty days of receipt of written notification from the department of his intent to declare the operation abandoned, submit evidence to the department's satisfaction that the operation is in fact not abandoned.

(4) 'Minerals' shall mean coal, clay, stone, sand, gravel, metallic ore, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction uses.

(5) 'Overburden' shall mean the earth, rock, and other materials that lie above a natural deposit of mineral.

(6) 'Surface mining refuse' shall mean all waste soil, rock, mineral, liquid, vegetation, and other material directly resulting from or displaced by the mining, cleaning, or preparation of minerals during the surface mining operations on the operating permit area, and shall include all waste materials deposited on or in the permit area from other sources.

(7) 'Spoil bank' shall mean a deposit of excavated overburden or mining refuse.

(8) 'Operator' shall mean any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial, including every public or governmental agency engaged in surface mining operations, whether individually, jointly, or through subsidiaries, agents, employees, or contractors.

(9) 'Department' means the department of natural resources.

(10) 'Reclamation' shall mean the reasonable protection of all surface resources subject to disruption from surface mining and rehabilitation of the surface resources affected by surface mining including the area under stockpiled materials. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to reestablish on a continuing basis the vegetative cover, soil stability, water conditions, and safety conditions appropriate to the intended subsequent use of the area.

(11) 'Reclamation plan' shall mean the operator's written proposal, as required and approved by the department, for reclamation of the affected resources which shall include, but not be limited to:

(a) A statement of the proposed subsequent use of the land after reclamation ((and satisfactory evidence that all owners of) which is signed by all individuals with a possessory interest in the land ((concur with this proposed use)), or a copy of the conveyance that expressly grants or reserves the right to extract the mineral by surface mining methods, or if the conveyance does not expressly grant the right to extract the mineral by surface mining methods, then documentation that under applicable state law, the operator has the legal authority to extract the mineral by those methods: PROVIDED, That the applicant must provide notice reasonably calculated to advise all individuals with a possessory interest of the intent to remove minerals and the proposed subsequent use. If any individual with a possessory interest does not respond to the notice within sixty days, that person's signature shall not be required;

(b) Evidence that this subsequent use would not be illegal under local zoning regulations;

(c) Proposed practices to protect adjacent surface resources;

(d) Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;

(e) Manner and type of revegetation or other surface treatment of disturbed areas;

(f) Method of prevention or elimination of conditions that will create a public nuisance, endanger public safety, damage property, or be hazardous to vegetative, animal, fish, or human life in or adjacent to the area;

(g) Method of control of contaminants and disposal of surface mining refuse;

(h) Method of diverting surface waters around the disturbed areas;

(i) Method of restoration of stream channels and stream banks to a condition minimizing erosion and siltation and other pollution;

(j) Such maps and other supporting documents as reasonably required by the department; and

(k) A time schedule for reclamation that meets the requirements of RCW 78.44.090.

Sec. 2. SECTION 12, chapter 64, Laws of 1970 ex. sess. as amended by section 4, chapter 215, Laws of 1984 and RCW 78.44.110 are each amended to read as follows:

The permit fees required under this chapter shall be as follows:

(1) The basic fee for the permit shall be two hundred fifty dollars per permit year for each separate location, payable with submission of the application and annually thereafter with submission of the report required in RCW 78.44.130; PROVIDED, That a person who has held a valid surface mining permit and whose property has never been disturbed for surface mining may keep such permit in effect by paying an annual fee of fifty dollars. Before a person holding a fifty dollar permit begins surface mining during any permit year, that person shall pay the remainder of the two hundred fifty dollar fee.

(2) In addition, there shall be a five dollar per acre fee for all acreage exceeding ten acres which was newly disturbed by surface mining during the previous permit year, which acreage fee shall be paid at the time of submission of the report required in RCW 78.44.130.

(3) All fees collected shall be deposited in the general fund.

NEW SECTION, Sec. 3. A new section is added to chapter 78.44 RCW to read as follows:

The Department shall by rule define the term "segment" as used in RCW 78.44.090 and 78.44.140 to establish the depth or extent of the operation covered."

On page 1, line 1 of the title, after "mining;" strike the remainder of the title and insert "amending RCW 78.44.030, 78.44.110, and 78.44.140; and adding a new section to chapter 78.44 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. K. Wilson, the House concurred in the Senate amendments to Substitute House Bill No. 56.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 56 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill NO. 56 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Fisch - 1.

Absent: Representative Locke - 1.

Substitute House Bill No. 56 as amended by the Senate, having receiving the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 64 with the following amendments:

On page 1, after line 8, insert the following:

*Sec. 2. Section .18.29, chapter 79, Laws of 1947 as last amended by section 1, chapter 287, Laws of 1986 and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with ~~((either or both of the following))~~ (a) and (b) or (c) of this subsection:

(a) Unless cancellation is due to reasons set forth in chapter 48.53 RCW, nonpayment of premiums, fraud, misrepresentation, or a material change in the condition or in the law affecting the risk, cancellation of a policy by the insurer shall not be issued more than sixty days after the policy has been in effect;

(b) Written notice of such cancellation, accompanied by the actual reason therefor, must be actually delivered or mailed to the insured and to his or her representative in charge of the subject of the insurance not less than forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date;

~~((b))~~ (c) Like notice of not less than forty-five days must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid, or to contracts of insurance procured under the provisions of chapter 48.15 RCW."

On page 1, line 1 of the title, after "statutes;" insert "amending RCW 48.18.290;" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

POINT OF ORDER

Mr. Lux: I would ask the chair to rule on the scope and object of the Senate amendments to House Bill No. 64.

SPEAKER'S RULING

The Speaker: Representative Lux, the Speaker has examined House Bill No. 64 and the amendments that you've asked me to rule on. House Bill No. 64 relates to surety bonds that are governed and required under other statutes and are exempt from the cancellation and nonrenewal notice provisions of the insurance code. The amendment adopted by the Senate extends this to include a provision that no property or casualty insurance may be cancelled after the policy has been in effect for sixty days or more. I find that your point is well taken; the amendments are outside the scope and object of the original bill.

MOTION

Mr. Lux moved that the House refuse to concur in the Senate amendments to House Bill No. 64 and ask the Senate to recede therefrom.

The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 99 with the following amendments:

Strike everything after the enacting clause and insert the following:

'NEW SECTION, Sec. 1. This chapter shall be known and may be cited as the 'Washington state health insurance coverage access act'.

NEW SECTION, Sec. 2. It is the purpose and intent of the legislature to provide access to health insurance coverage to all residents of Washington who are denied adequate health insurance for any reason. It is the intent of the legislature that adequate levels of health insurance coverage be made available to residents of Washington who are otherwise considered uninsurable or who are underinsured. It is the intent of the Washington state health insurance coverage access act to provide a mechanism to insure the availability of comprehensive health insurance to persons unable to obtain such insurance coverage on either an individual or group basis directly under any health plan.

NEW SECTION, Sec. 3. As used in this chapter, the following terms have the meaning indicated, unless the context requires otherwise:

(1) 'Administrator' means the entity chosen by the board to administer the pool under section 8 of this act.

(2) 'Board' means the board of directors of the pool.

(3) 'Commissioner' means the insurance commissioner.

(4) 'Health care facility' has the same meaning as in RCW 70.38.025.

(5) 'Health care provider' means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(6) 'Health care services' means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(7) 'Health insurance' means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, civilian health and medical program for the uniform services (CHAMPUS), 10 U.S.C. 55, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(8) 'Health plan' means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through 'health insurance' as defined under this section, and specifically excludes those types of programs excluded under the definition of 'health insurance' in subsection (7) of this section.

(9) 'Insured' means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(10) 'Medical assistance' means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(11) 'Medicare' means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(12) 'Member' means any commercial insurer which provides disability insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW. 'Member' shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after the effective date of this section. 'Member' does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products.

(13) 'Plan of operation' means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to section 5 of this act.

(14) 'Pool' means the Washington state health insurance pool as created in section 4 of this act.

(15) 'Substantially equivalent health plan' means a 'health plan' as defined in subsection (8) of this section which, in the judgment of the board or the administrator, offers persons including dependents or spouses covered or making application to be covered by this pool an overall level of benefits deemed approximately equivalent to the minimum benefits available under this pool.

NEW SECTION, Sec. 4. (1) There is hereby created a nonprofit entity to be known as the Washington state health insurance pool. All members in this state on or after the effective date

of this section shall be members of the pool. When authorized by federal law, all self-insured employers as designated by federal law shall also be members of the pool.

(2) Pursuant to chapter 34.04 RCW the commissioner shall, within ninety days after the effective date of this section, give notice to all members of the time and place for the initial organizational meetings of the pool. A board of directors shall be established, which shall be comprised of nine members. The commissioner shall select three members of the board who shall represent (a) the general public, (b) health care providers, and (c) health insurance agents. The remaining members of the board shall be selected by election from among the members of the pool. The elected members shall, to the extent possible, include at least one representative of health care service contractors, one representative of health maintenance organizations, and one representative of commercial insurers which provides disability insurance. When self-insured organizations become eligible for participation in the pool, one member of the board shall represent the self-insurers.

(3) The original members of the board of directors shall be appointed for intervals of one to three years. Thereafter, all board members shall serve a term of three years. Board members shall receive no compensation, but shall be reimbursed for all travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall submit to the commissioner a plan of operation for the pool and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the pool. The commissioner shall, after notice and hearing pursuant to chapter 34.04 RCW, approve the plan of operation if it is determined to assure the fair, reasonable, and equitable administration of the pool and provides for the sharing of pool losses on an equitable, proportionate basis among the members of the pool. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this chapter must be made available. If the board fails to submit a plan of operation within one hundred eighty days after the appointment of the board or any time thereafter fails to submit acceptable amendments to the plan, the commissioner shall, within ninety days after notice and hearing pursuant to chapters 34.04 and 48.04 RCW, adopt such rules as are necessary or advisable to effectuate this chapter. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board and approved by the commissioner.

NEW SECTION. Sec. 5. The plan of operation submitted by the board to the commissioner shall:

- (1) Establish procedures for the handling and accounting of assets and moneys of the pool;
- (2) Establish regular times and places for meetings of the board of directors;
- (3) Establish procedures for records to be kept of all financial transactions and for an annual fiscal reporting to the commissioner;
- (4) Contain additional provisions necessary and proper for the execution of the powers and duties of the pool;
- (5) Establish procedures for the collection of assessments from all members to provide for claims paid under the plan and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made;
- (6) Establish the amount of assessment pursuant to section 6 of this act, which shall occur after March 1st of each calendar year, and which shall be due and payable within thirty days of the receipt of the assessment notice;
- (7) Select an administrator in accordance with section 8 of this act;
- (8) Develop and implement a program to publicize the existence of the plan, the eligibility requirements and procedures for enrollment, and to maintain public awareness of the plan; and
- (9) Establish procedures under which applicants and participants may have grievances reviewed by an impartial body and reported to the board.

NEW SECTION. Sec. 6. The board shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact the kinds of insurance defined under this title. In addition thereto, the board may:

(1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(2) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(3) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agent referral fees, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices;

(4) Assess members of the pool in accordance with the provisions of this chapter, and to make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim expenses will be credited as offsets against any regular assessments due following the close of the calendar year;

(5) Issue policies of insurance in accordance with the requirements of this chapter;

(6) Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(7) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

NEW SECTION, Sec. 7. The pool shall be subject to examination by the commissioner as provided under chapter 48.03 RCW. The board of directors shall submit, not later than March 1st of each year, a financial report for the preceding calendar year in a form approved by the commissioner. The board of directors shall further report to the appropriate standing committees of each house of the legislature by March 1st of each year.

NEW SECTION, Sec. 8. The board shall select an administrator through a competitive bidding process to administer the pool.

(1) The board shall evaluate bids based upon criteria established by the board, which shall include:

(a) The administrator's proven ability to handle accident and health insurance;

(b) The efficiency of the administrator's claim-paying procedures;

(c) An estimate of the total charges for administering the plan; and

(d) The administrator's ability to administer the pool in a cost-effective manner.

(2) The administrator shall serve for a period of three years subject to removal for cause. At least one year prior to the expiration of each three-year period of service by the administrator, the board shall invite all interested parties, including the current administrator, to submit bids to serve as the administrator for the succeeding three-year period. Selection of the administrator for this succeeding period shall be made at least six months prior to the end of the current three-year period.

(3)(a) The administrator shall perform all eligibility and administrative claim payment functions relating to the pool;

(b) The administrator shall establish a premium billing procedure for collection of premiums from insured persons. Billings shall be made on a periodic basis as determined by the board, which shall not be more frequent than a monthly billing;

(c) The administrator shall perform all necessary functions to assure timely payment of benefits to covered persons under the pool including:

(i) Making available information relating to the proper manner of submitting a claim for benefits to the pool, and distributing forms upon which submission shall be made; and

(ii) Evaluating the eligibility of each claim for payment by the pool;

(d) The administrator shall submit regular reports to the board regarding the operation of the pool. The frequency, content, and form of the report shall be as determined by the board;

(e) Following the close of each calendar year, the administrator shall determine net written and earned premiums, the expense of administration, and the paid and incurred losses for the year and report this information to the board and the commissioner on a form as prescribed by the commissioner;

(f) The administrator shall be paid as provided in the plan of operation for its expenses incurred in the performance of its services.

NEW SECTION, Sec. 9. (1) Following the close of each calendar year, the pool administrator shall determine the net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses.

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction, the numerator of which equals that member's total number of resident insured persons, including spouse and dependents under the member's health plan in the state during the preceding calendar year, and the denominator of which equals the total number of resident insured persons including spouses and dependents insured under all health plans in the state by pool members.

(b) Any deficit incurred by the pool shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members.

(3) The board may abate or defer, in whole or in part, the assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in

subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency for four years.

(4) If assessments exceed actual losses and administrative expenses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, 'future losses' includes reserves for incurred but not reported claims.

NEW SECTION. Sec. 10. (1) Any individual person who is a resident of this state is eligible for coverage upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on health insurance, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person who is at the time of pool application eligible for medical assistance;

(b) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums;

(c) Any person on whose behalf the pool has paid out five hundred thousand dollars in benefits;

(d) Inmates of public institutions and persons whose benefits are duplicated under public programs.

(3) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan.

NEW SECTION. Sec. 11. (1) The administrator shall prepare a brochure outlining the benefits and exclusions of the pool policy in plain language. After approval by the board of directors, such brochure shall be made reasonably available to participants or potential participants. The health insurance policy issued by the pool shall pay only usual, customary, and reasonable charges for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of illnesses, injuries, and conditions which are not otherwise limited or excluded. Eligible expenses are the usual, customary, and reasonable charges for the health care services and items for which benefits are extended under the pool policy. Such benefits shall at minimum include, but not be limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Services of a physical therapist and services of a speech therapist;

(o) Hospice services;

(p) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(q) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

(2) The board shall design and employ cost containment measures and requirements such as, but not limited to, preadmission certification and concurrent inpatient review which may make the pool more cost-effective.

(3) The pool benefit policy may contain benefit limitations, exceptions, and reductions that are generally included in health insurance plans and are approved by the insurance commissioner; however, no limitation, exception, or reduction may be approved that would exclude coverage for any disease, illness, or injury.

NEW SECTION. Sec. 12. (1) Subject to the limitation provided in subsection (3) of this section, a pool policy offered in accordance with this chapter shall impose a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at the rate of twenty percent of eligible expenses in excess of the mandatory deductible.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance shall not exceed in a policy year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per policy year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per policy year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

NEW SECTION. Sec. 13. All policy forms issued by the pool shall conform in substance to prototype forms developed by the pool, and shall in all other respects conform to the requirements of this chapter, and shall be filed with and approved by the commissioner before they are issued. The pool shall not issue a pool policy to any individual who, on the effective date of the coverage applied for, already has or would have coverage substantially equivalent to a pool policy as an insured or covered dependent, or who would be eligible for such coverage if he elected to obtain it at a lesser premium rate.

NEW SECTION. Sec. 14. (1) Coverage shall provide that health insurance benefits are applicable to children of the person in whose name the policy is issued including adopted and newly born natural children. Coverage shall also include necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium is required to provide coverage for the child, the policy may require that notification of the birth or adoption of a child and payment of the required premium must be furnished to the pool within thirty-one days after the date of birth or adoption in order to have the coverage continued beyond the thirty-one day period. For purposes of this subsection, a child is deemed to be adopted, and benefits are payable, when the child is physically placed for purposes of adoption under the laws of this state with the person in whose name the policy is issued; and, when the person in whose name the policy is issued assumes financial responsibility for the medical expenses of the child. For purposes of this subsection, 'newly born' means, and benefits are payable, from the moment of birth.

(2) A pool policy shall provide that coverage of a dependent, unmarried person shall terminate when the person becomes nineteen years of age: PROVIDED, That coverage of such person shall not terminate at age nineteen while he or she is and continues to be both (a) incapable of self-sustaining employment by reason of developmental disability or physical handicap and (b) chiefly dependent upon the person in whose name the policy is issued for support and maintenance, provided proof of such incapacity and dependency is furnished to the pool by the policy holder within thirty-one days of the dependent's attainment of age nineteen and subsequently as may be required by the pool but not more frequently than annually after the two-year period following the dependent's attainment of age nineteen.

(3) A pool policy may contain provisions under which coverage is excluded during a period of six months following the effective date of coverage as to a given covered individual for preexisting conditions, as long as medical advice or treatment was recommended or received within a period of six months before the effective date of coverage.

These preexisting condition exclusions shall be waived to the extent to which similar exclusions have been satisfied under any prior health insurance which was for any reason other than nonpayment of premium involuntarily terminated, if the application for pool coverage is made not later than thirty days following the involuntary termination. In that case, with payment of appropriate premium, coverage in the pool shall be effective from the date on which the prior coverage was terminated.

NEW SECTION. Sec. 15. (1) The board shall offer a medical supplement policy for persons receiving medicare benefits. The supplement policy shall provide coverage of one hundred percent of the deductible and copayment required under medicare and eighty percent of the charges for covered services under this chapter that are not paid by medicare. The coverage shall include a limitation of one thousand dollars per person on total annual out-of-pocket expenses for the covered services.

(2) If federal law is adopted that addresses this subject, the board shall offer a policy that is consistent with that federal law.

NEW SECTION. Sec. 16. (1) A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with section 15 of this act.

(2) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

(3) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

NEW SECTION. Sec. 17. The commissioner shall adopt rules pursuant to chapter 34.04 RCW that:

(1) Provide for disclosure by the member of the availability of insurance coverage from the pool; and

(2) Implement this chapter.

NEW SECTION. Sec. 18. (1) Commencing with the effective date of this section, every member shall provide a notice and an application for coverage by the pool to any person who receives a rejection of coverage for health insurance or health care services, or has any health condition limited or excluded. The notice shall state that the person is eligible to apply for health insurance provided by the pool.

(2) Members of the pool shall provide the brochure outlining the benefits and exclusions of the pool policy to any person who is rejected by a member or who is offered a policy containing restrictive riders, up-rated premiums, or a preexisting conditions limitation on a health insurance plan.

NEW SECTION. Sec. 19. Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool or members of it either jointly or separately.

NEW SECTION. Sec. 20. The pool shall determine the standard risk rate by calculating the average group standard rate for groups comprised of up to ten persons charged by the five largest members offering coverages in the state comparable to the pool coverage. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage. Maximum rates for pool coverage shall be one hundred fifty percent of the rates established as applicable for group standard risks in groups comprised of up to ten persons. All rates and rate schedules shall be submitted to the commissioner for approval.

NEW SECTION. Sec. 21. It is the express intent of this chapter that the pool be the last payor of benefits whenever any other benefit is available.

(1) Benefits otherwise payable under pool coverage shall be reduced by all amounts paid or payable through any other health insurance, or health benefit plans, including but not limited to self-insured plans and by all hospital and medical expense benefits paid or payable under any worker's compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.

(2) The administrator or the pool shall have a cause of action against an eligible person for the recovery of the amount of benefits paid which are not for covered expenses. Benefits due from the pool may be reduced or refused as a set-off against any amount recoverable under this subsection.

NEW SECTION. Sec. 22. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 23. A new section is added to chapter 48.14 RCW to read as follows:

(1) The taxes imposed in RCW 48.14.020 do not apply to premiums collected or received for policies of insurance issued under sections 1 through 21 of this act.

(2) In computing tax due under RCW 48.14.020, there may be deducted from taxable premiums the amount of any assessment against the taxpayer under sections 1 through 21 of this act. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted.

NEW SECTION. Sec. 24. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax the amount of any assessment against the taxpayer under sections 1 through 21 of this act. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted. Amounts deducted under section 23 of this act may not be deducted under this section.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. The board shall report to the commissioner and the appropriate committees of the legislature by April 1, 1990, on the implementation of this act. The report shall include information regarding enrollment, coverage utilization, cost, and any problems with the program and suggest remedies.

NEW SECTION. Sec. 27. Sections 1 through 22 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "uninsurable;" strike the remainder of the title and insert "adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 48 RCW; creating a new section; and declaring an emergency." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 99.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 99 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 99 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L, Sommers D. Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B. Williams J, Wilson K, Wilson S. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Locke - 1.

Engrossed Substitute House Bill No. 99 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 170 with the following amendments:

On page 7, after line 2, insert the following:

*NEW SECTION. Sec. 14. A new section is added to chapter 79.01 RCW to read as follows:

The legislature finds that amateur radio groups, commonly known as ham radio operators, provide important communication services to the general public and to local, state, and federal agencies. By leasing state lands to amateur radio operators, the legislature intends to help operators perform their many valuable public services, including but not limited to, supporting law enforcement personnel, aiding search and rescue efforts, providing an emergency communication network, and helping with disaster relief support. The legislature recognizes the valuable services performed by amateur radio operators and intends to facilitate the continued performance of these services by permitting the lease of state lands at nominal costs for such public services.

NEW SECTION, Sec. 15. A new section is added to chapter 79.01 RCW to read as follows:

The department may lease state lands to licensed amateur radio operators for the purpose of erecting radio repeaters if such repeaters are available at all times to other licensed amateur radio operators to use for emergency and public service communications. The department shall charge an annual fee of twenty-five dollars for use of the site by an amateur radio operator. The department shall develop guidelines, which the department may adopt by rule, for leasing sites on state lands to amateur radio operators providing public services and for providing a preference where possible for such use by amateur radio operators.

NEW SECTION, Sec. 16. A new section is added to chapter 79.01 RCW to read as follows:

Infraction proceedings may be brought against any amateur radio lessee who violates, or fails to adhere to, departmental rules or guidelines."

Renumber the remaining sections consecutively

On page 1, line 4, after "penalties," insert "adding new sections to chapter 79.01 RCW," and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

POINT OF ORDER

Mr. Sutherland: I would ask you to rule on scope and object of the Senate amendments.

SPEAKER'S RULING

The Speaker: Representative Sutherland, the Speaker has examined Substitute House Bill No. 170 and finds that it deals with administrative procedures and rules for four separate natural resources agencies that may determine that violations of rules administered under their authority represent infractions rather than criminal violations. Now in spite of the skillful drafting of the Senate, I am going to have to find that an amendment that says that the department of natural resources may lease state lands to amateur radio operators for the purpose of erecting radio repeaters does not fall within the scope and object of the original bill. Your point is well taken; the amendment is outside the scope and object of the house bill.

MOTION

On motion of Mr. Sutherland, the House refused to concur in the Senate amendments to Substitute House Bill No. 170 and asked the Senate to recede therefrom.

Representative Locke appeared at the bar of the House.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5604, by Committee on Natural Resources (originally sponsored by Senators Vognild, Nelson, Bottiger, Rasmussen, Owen, Craswell, Bailey, Benitz, Hayner and Johnson; by request of Office of the Governor and Commissioner of Public Lands)

Authorizing the conveyance of land for a United States Navy base in Everett.

The bill was read the second time.

Ms. Belcher moved adoption of the following amendment:

On page 2, line 35, after "all" strike "reasonable and appropriate"

Ms. Belcher spoke in favor of the amendment, and Representatives Sutherland, Meyers and S. Wilson spoke against it.

The amendment was not adopted.

Ms. K. Wilson moved adoption of the following amendments by Representatives K. Wilson, Spanel, Cole and Nelson:

On page 2, line 27, after "Navy;" strike "and"

On page 3, line 2, after "program" insert "; and"

(c) Will agree to choose, prior to the disposal of the dredge spoils in Puget Sound, an alternative disposal plan acceptable to the Navy and the state, to be used if the CAD method of disposal does not work for either the clean test or phase one of the dredge disposal program"

Representatives K. Wilson, Rust, Lux and Locke spoke in favor of the amendment, and Representatives Meyers, S. Wilson, Walker, May and Sutherland spoke against it.

The amendment was not adopted.

Ms. K. Wilson moved adoption of the following amendment by Representatives K. Wilson, Spanel, Cole and Nelson:

On page 3, line 10, after "et seq.;" strike "or" and insert "and"

Ms. K. Wilson spoke in favor of the amendment, and Representatives Meyers and S. Wilson spoke against it.

The amendment was not adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Sutherland yielded to question by Mr. R. King.

Mr. R. King: A concern was raised in committee relating to the constitutional and public trust doctrine mandates that use of the harbor area for commerce and navigation remain unobstructed and that land and water access to the harbor area be guaranteed. There was some concern that, once the tidelands were conveyed to the Navy, the Navy could prevent access to the harbor area, thereby obstructing commerce and navigation. Can you explain the committee's understanding and intent concerning these mandates?

Mr. Sutherland: The committee discussed amending the bill to require the Navy to agree to comply with these mandates. The amendment was not adopted, however, because it was the view of many on the committee that the amendment was not necessary. The committee was assured that the Constitution and the controls of the Shorelines Management Act together would assure that commerce would remain unobstructed. Other committee members concurred. In addition, the committee had questioned Navy representatives whether the use of the harbor area for navigation and commerce would remain unobstructed. The Navy, in its written statement had stated, "The Navy will in no way obstruct the free and open movement and access of commercial vessels." The Navy also stated, "The Navy supports the development of the Port of Everett and will not impede the movement of any vessel outside of its property line." Thus, in spite of the fact that no amendment to the bill was adopted, it is the understanding and intent of the committee that the commerce and navigation must remain unobstructed and that land and water access to the harbor must be allowed.

Mr. R. King: A concern was raised in committee relating to the requirement that the Navy obtain a Shorelines Management Act permit. There was some concern that the Navy might apply for, but would not obtain, the permit before commencing the dredging and disposal program. There was also some concern that the language in the bill could be interpreted to allow the Navy to refuse to comply with conditions it did not like. Can you explain the committee's understanding and intent concerning this?

Mr. Sutherland: The committee discussed these concerns. The bill expressly requires the Navy to agree to comply with all reasonable and appropriate terms and conditions of the permits issued under the Shorelines Management Act. The Shorelines Management Act specifically requires that a permit be obtained and

must be obtained prior to commencement of the project, and requires that permitted uses be designed and conducted in a manner to minimize damage to the environment. When testifying before the committee, a representative from the Governor's office also indicated that dredging could not commence until a Shorelines permit was obtained. A representative from the Navy also testified that it was supposed to obtain all applicable permits. Members of the committee were satisfied that the Navy would be required to go through the permit process. There was also some concern that the words "reasonable and appropriate" might be misinterpreted to allow the Navy to avoid complying with the Shorelines permit conditions, but it is the committee's understanding and intent that the law only allows the local government agency to adopt and require reasonable and appropriate conditions. Thus, it is the committee's understanding and intent that the Navy obtain a Shorelines Management Act permit and comply with all conditions found by the local government agency to be reasonable and appropriate.

Representatives R. King, Hargrove, May, Zellinsky, Schoon and Sprenkle spoke in favor of passage of the bill, and Representatives Lux and Rust opposed it.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5604, and the bill passed the House by the following vote: Yeas, 79; nays, 19.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, King P, King R, Kremen, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sprenkle, Sutherland, Taylor, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Appelwick, Belcher, Brekke, Cole, Ebersole, Fisher, Jacobsen, Leonard, Locke, Lux, Nelson, Niemi, Rust, Sommers H, Spanel, Todd, Unsoeld, Valle, Wineberry - 19.

Engrossed Substitute Senate Bill No. 5604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 611, by Representatives Scott, S. Wilson, P. King, Hankins, Zellinsky, Allen, R. King, Day, Haugen, May, Hargrove, Cantwell, J. Williams, Sprenkle, Jesernig and Miller

Providing funds to offset the impact of the Navy home port in Everett.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 611 was substituted for House Bill No. 611 and the substitute bill placed on the calendar for second reading.

Substitute House Bill No. 611 was read the second time.

Mr. Vekich moved adoption of the following amendment:

On page 1, line 10, insert a new section to read as follows:

***NEW SECTION.** Sec. 2. It is the intent of the legislature that, except for periods of national emergency, the harbor area outside the U. S. Navy base will remain unobstructed for navigation and commerce in accordance with the Port of Everett/U. S. Navy memorandum of understanding pertaining to the construction and dredging operations at the Everett Homeport facility.

Renumber the remaining sections accordingly.

Representatives Vekich, Meyers and S. Wilson spoke in favor of the amendment, and it was adopted.

The bill was ordered engrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Scott, Beck, Heavey, S. Wilson, K. Wilson, Taylor, R. King, Baugher and Sprenkle spoke in favor of passage of the bill, and Representatives Locke, Appelwick, Nelson, Cole, Braddock, Rust and H. Sommers opposed it.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 611, and the bill passed the House by the following vote: Yeas, 76; nays, 22.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, King P. King R. Lewis, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Sycan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sprenkle, Sutherland, Taylor, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Appelwick, Belcher, Betrozoff, Braddock, Brekke, Cole, Ebersole, Fisher, Jacobsen, Kremen, Leonard, Locke, Lux, McMullen, Nelson, Niemi, Rust, Sommers H, Spanel, Todd, Unsoeld, Wineberry - 22.

Engrossed Substitute House Bill No. 611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5456, by Committee on Transportation (originally sponsored by Senators Peterson, Bailey, Vognild, Johnson, Bender, Craswell and Hansen; by request of Office of the Governor)

Adopting the supplemental transportation budget.

The bill was read the second time.

Mr. Todd moved adoption of the following amendment by Representatives Todd, Unsoeld, Nelson and Brekke:

On page 2, line 17, beginning with "new" strike all material up to and including "Everett" on line 19 and insert "the following projects at the indicated estimated costs: (a) Alverson Bridge: \$1,900,000, (b) Intersection of 37th and Broadway: \$800,000, (c) 37th Street between Broadway and Rucker: \$500,000, and (d) downtown Everett traffic management study: \$300,000. These projects are necessary"

Mr. Todd spoke in favor of the amendment, and Representatives Meyers and S. Wilson spoke against it.

The amendment was not adopted.

The Clerk read the following amendment by Representatives Todd, Unsoeld and Nelson:

On page 2, line 21, after "Everett Homeport." insert "No funds may be spent until the federal government releases to be obligated, or expended, the \$13,000,000 appropriated for defense access roads for federal fiscal year 1987."

With consent of the House, Mr. Todd withdrew the amendment.

Mr. Wineberry moved adoption of the following amendment by Representatives Wineberry, K. Wilson and Locke:

On page 2, line 21, after "Homeport." insert "No funds may be spent until a shoreline management act permit is obtained."

Representatives Wineberry, Rust and K. Wilson spoke in favor of the amendment, and Representatives Meyers and S. Wilson spoke against it.

The amendment was not adopted.

Ms. K. Wilson moved adoption of the following amendment by Representatives K. Wilson and Nelson:

On page 2, line 21, after "Homeport." insert "No more than \$300,000 of the appropriation provided in this section shall be used to develop a transportation plan that includes all anticipated traffic needs for the Homeport and existing port area industries to and from Interstate 5 and a timeline and possible funding sources for all needed changes. The plan must be agreed to by the U.S. Navy, the Port of Everett, the City of Everett, and the Washington state department

of transportation prior to the expenditure of the remaining appropriation provided in this section."

Ms. K. Wilson spoke in favor of adoption of the amendment, and Representatives Meyers and S. Wilson spoke against it.

The amendment was not adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and Schmidt spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Walk yielded to question by Mr. Baugher.

Mr. Baugher: On page 2, line 10 of Substitute House Bill No. 5456, is the word "purchase." Would you explain the intended meaning of that word in the bill?

Mr. Walk: Thank you, Representative Baugher. The word "purchase" in this case should be interpreted in its broadest sense, referring to the design as well as any of the other activities necessary to work the centennial license plate program.

Representatives Lux, Todd and Wineberry spoke against passage of the bill, and Mr. Heavey spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5456, and the bill passed the House by the following vote: Yeas, 77; nays, 21.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Baugher, Beck, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, King P, King R, Kremen, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sprenkle, Sutherland, Taylor, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Appelwick, Basich, Belcher, Brekke, Cole, Ebersole, Fisher, Jacobsen, Leonard, Locke, Lux, Nelson, Niemi, Rasmussen, Rust, Sommers H, Spanel, Todd, Unsoeld, Valle, Wineberry - 21.

Substitute Senate Bill No. 5456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, Engrossed Substitute Senate Bill No. 5604, Engrossed Substitute House Bill No. 611 and Substitute Senate Bill No. 5456 were ordered immediately transmitted to the Senate.

MOTION

On motion of Mr. McMullen, the House recessed until 2:15 p.m.

AFTERNOON SESSION

The House was called to order by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Basich, Chandler, Crane, Fuhrman, Holm, Niemi, Vekich, Wang and Winsley.

SENATE AMENDMENT TO HOUSE BILL

April 9, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 425 with the following amendment:

Strike everything beginning on page 2, line 35, through page 3, line 7, and insert the following:

"(1) It is the intent of the legislature that heating systems authorized pursuant to this chapter be developed in a way that minimizes any long-term rate impacts on customers of existing utilities.

(2) Counties, cities, towns, irrigation districts which distribute electricity, sewer districts, water districts, ((and)) port districts, and metropolitan municipal corporations are authorized pursuant to this chapter to establish heating systems and ((provide)) supply heating services from Washington's heat sources ((including, but not limited to, geothermal heat, steam or water heated by a biomass energy system, waste heat, and energy from a cogeneration facility)).

(3) Before a municipality may establish by ordinance a heating system or supply heating services, it shall conduct a public hearing and assess the long-term impacts on rates of utility customers in the area proposed to be served.

(4) Nothing in this chapter authorizes any municipality to generate, transmit, distribute, or sell electricity."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendment to Substitute House Bill No. 425.

Representatives Nelson and Barnes spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 425 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 425 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; absent, 10.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 88.

Absent: Representatives Appelwick, Basich, Chandler, Crane, Fuhrman, Holm, Niemi, Vekich, Wang, Winsley - 10.

Substitute House Bill No. 425 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Appelwick, Basich, Chandler, Crane, Fuhrman, Holm, Niemi, Vekich, Wang and Winsley appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 17, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5104,
SENATE BILL NO. 5245,
SENATE BILL NO. 5408,
SENATE BILL NO. 5861,

SECOND SUBSTITUTE SENATE BILL NO. 5993,
SUBSTITUTE SENATE BILL NO. 6061,
SENATE JOINT MEMORIAL NO. 8016,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4663, by Representatives Ferguson, Betrozoff, Doty, Beck, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Washington State is one of the finest premium wine-growing regions in the world; and

WHEREAS, Washington State's unique combination of latitude, climate, soil and geography produces internationally acclaimed, award-winning classic varietal wines; and

WHEREAS, Washington State's winemakers and growers are dedicated to producing only the highest quality wines; and

WHEREAS, Washington State's winemakers have achieved extraordinary success in national and international competition and have earned Washington State wines a worldwide reputation for excellence; and

WHEREAS, Three Washington State winemakers have attained a phenomenal accomplishment in international wine competition; and

WHEREAS, In a "blind tasting" at the New York International Wine Center, the 1983 Cabernet Sauvignon made by Paul Thomas Wines of Bellevue, Washington placed First; the 1983 Cabernet Sauvignon made by Quilceda Creek Vintners of Snohomish, Washington placed Second; and the 1983 Cabernet Sauvignon made by Columbia Wines of Bellevue, Washington placed Third; and

WHEREAS, Paul Thomas Wines was founded in 1979 and is owned by Paul and Judy Thomas and winemaker Brian Carter; Quilceda Creek Vintners was founded in 1978 and is owned by Alex and Jeannette Golitzen; and Columbia Wines was founded in 1962 and their President is Dan Baty; and

WHEREAS, In winning 1st, 2nd, and 3rd places these Washington State Award Wines beat the famous traditional French offerings from Chateau Lafite-Rothschild, Chateau Cos-d' Estourel and Chateau Longoa-Barton; and

WHEREAS, Washington State's winemakers have provided an example of initiative, creativity, expertise and leadership for others to emulate and admire worldwide;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Paul Thomas Wines, Quilceda Creek Vintners, Columbia Wines, and other Washington State Winemakers and growers for their industry and success in producing quality wines; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Paul and Judy Thomas and Brian Carter of Paul Thomas Wines, Alex and Jeannette Golitzen of Quilceda Creek Vintners, and Dan Baty of Columbia Wines.

Mr. Ferguson moved adoption of the resolution. Representatives Ferguson, Doty and Prince spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4664, by Representatives Jacobsen, H. Sommers, R. King, Allen, Prince, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, J. King, P. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Dr. John Terrey has dedicated the last thirty-eight years to the enhancement and preservation of education in the State of Washington; and

WHEREAS, Dr. John Terrey's discourses have illuminated the studies of pupils at Montesano, South Kitsap and Bellevue High Schools, Tacoma Community College and Central Washington University; and

WHEREAS, Dr. John Terrey has served with distinction for the past nine years as the executive director of the nation's seventh largest public community college system melding twenty-seven unique community colleges into a cohesive and cooperative educational system; and

WHEREAS, Dr. John Terrey has devoted his eighteen-year tenure at the State Board for Community College Education to expanding educational opportunities for all Washington citizens, including: Returning veterans, displaced homemakers, dislocated workers, adult illiterates, new immigrants and members of underrepresented minority groups; and

WHEREAS, Dr. John Terrey has been honored as "Communicator of the Year" in 1982 by the National Council for Community Relations, District VIII, and as the Distinguished Alumnus at Western Washington University in 1986; and

WHEREAS, Dr. John Terrey has enlivened many legislative hearings with quotations and admonitions from the great and near-great, as he pled the case of higher education with passion and poetry; and

WHEREAS, Dr. John Terrey is retiring as executive director of the State Board for Community College Education on June 30, 1987;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the members of the House, on behalf of the citizens of this state, express their appreciation, admiration and gratitude to Dr. John Terrey for his vision, his leadership, his idealism and his many years of service to the citizens of the State of Washington;

BE IT FURTHER RESOLVED, That copies of this Resolution be presented to Dr. John Terrey and his wife, Elizabeth, on this 20th day of April, 1987, by members of the Washington State House of Representatives.

Mr. Jacobsen moved adoption of the resolution. Representatives Jacobsen, Allen, R. King, Prince, Fisch, Hine and H. Sommers spoke in favor of the resolution, and it was adopted.

SPEAKER'S PRIVILEGE

The Speaker recognized within the bar of the House, Dr. John Terrey.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 244 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 241, Laws of 1984 and RCW 46.12.380 are each amended to read as follows:

Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or other public agency except upon written request, signed by the person requesting disclosure, stating their full legal

name and address. The request for disclosure is itself a public record, subject to inspection and copying, and shall be retained by the disclosing agency for two years.

~~((When deemed appropriate by the disclosing agency.))~~ Notice that such a disclosure request has been honored ~~((may))~~ shall be sent to the affected vehicle owner by the disclosing agency, indicating the name and address of the person requesting disclosure.

This section shall not apply to persons who routinely request disclosure of vehicle registration information for use in the course of their business or occupation."

On line 1 of the title, after "disclosure," strike the remainder of the title and insert "and amending RCW 46.12.380."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Ms. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 244.

Ms. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 244 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 244 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 244 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 310 with the following amendments:

On page 1, after line 15, insert the following:

"NEW SECTION. Sec. 2. The effective date of this act is January 1, 1988."

On page 1, line 2, of the title after "RCW" insert "; and providing an effective date" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Lux moved that the House do concur in the Senate amendments to House Bill No. 310.

Representatives Zellinsky and Chandler spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 310 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 310 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 310 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 324 with the following amendment:

On page 3, strike everything on lines 15 through 24 and insert the following:

"(g) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Fisher moved that the House do concur in the Senate amendment to Substitute House Bill No. 324.

Ms. Fisher spoke in favor of the the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 324 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 324 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 324 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 430 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter may be cited as the employee cooperative corporations act.

"NEW SECTION. Sec. 2. For the purposes of this chapter, the terms defined in this section have the meanings given:

(1) 'Employee cooperative' means a corporation that has elected to be governed by the provisions of this chapter.

(2) 'Member' means a natural person who has been accepted for membership in, and owns a membership share issued by an employee cooperative.

(3) 'Patronage' means the amount of work performed as a member of an employee cooperative, measured in accordance with the articles of incorporation and bylaws.

(4) 'Written notice of allocation' means a written instrument which discloses to a member the stated dollar amount of the member's patronage allocation, and the terms for payment of that amount by the employee cooperative.

NEW SECTION. Sec. 3. Any corporation organized under the laws of this state may elect to be governed as an employee cooperative under the provisions of this chapter, by so stating in its articles of incorporation, or articles of amendment filed in accordance with Title 23A RCW.

A corporation so electing shall be governed by all provisions of Title 23A RCW, except chapter 23A.20 RCW, and except as otherwise provided in this chapter.

NEW SECTION. Sec. 4. An employee cooperative may revoke its election under this chapter by a vote of two-thirds of the members and through articles of amendment filed with the secretary of state in accordance with chapter 23A.16 RCW.

NEW SECTION. Sec. 5. An employee cooperative may include the word 'cooperative' or 'co-op' in its corporate name.

NEW SECTION. Sec. 6. (1) The articles of incorporation or the bylaws shall establish qualifications and the method of acceptance and termination of members. No person may be accepted as a member unless employed by the employee cooperative on a full-time or part-time basis.

(2) An employee cooperative shall issue a class of voting stock designated as 'membership shares.' Each member shall own only one membership share, and only members may own these shares.

(3) Membership shares shall be issued for a fee as determined from time to time by the directors. RCW 23A.08.140 and 23A.08.200 do not apply to such membership shares.

Members of an employee cooperative shall have all the rights and responsibilities of stockholders of a corporation organized under Title 23A RCW, except as otherwise provided in this chapter.

NEW SECTION. Sec. 7. (1) No capital stock other than membership shares shall be given voting power in an employee cooperative, except as otherwise provided in this chapter, or in the articles of incorporation.

(2) The power to amend or repeal bylaws of an employee cooperative shall be in the members only.

(3) Except as otherwise permitted by RCW 23A.16.030, no capital stock other than membership shares shall be permitted to vote on any amendment to the articles of incorporation.

NEW SECTION. Sec. 8. (1) The net earnings or losses of an employee cooperative shall be apportioned and distributed at the times and in the manner as the articles of incorporation or bylaws shall specify. Net earnings declared as patronage allocations with respect to a period of time, and paid or credited to members, shall be apportioned among the members in accordance with the ratio which each member's patronage during the period involved bears to total patronage by all members during that period.

(2) The apportionment, distribution, and payment of net earnings required by subsection (1) of this section may be in cash, credits, written notices of allocation, or capital stock issued by the employee cooperative.

NEW SECTION. Sec. 9. (1) Any employee cooperative may establish through its articles of incorporation or bylaws a system of internal capital accounts to reflect the book value and to determine the redemption price of membership shares, capital stock, and written notices of allocation.

(2) The articles of incorporation or bylaws of an employee cooperative may permit the periodic redemption of written notices of allocation and capital stock, and must provide for recall and redemption of the membership share upon termination of membership in the cooperative. No redemption shall be made if redemption would result in a violation of RCW 23A.08.020.

(3) The articles of incorporation or bylaws may provide for the employee cooperative to pay or credit interest on the balance in each member's internal capital account.

(4) The articles of incorporation or bylaws may authorize assignment of a portion of retained net earnings and net losses to a collective reserve account. Earnings assigned to the collective reserve account may be used for any and all corporate purposes as determined by the board of directors.

NEW SECTION. Sec. 10. (1) An internal capital account cooperative is an employee cooperative whose entire net book value is reflected in internal capital accounts, one for each member, and a collective reserve account, and in which no persons other than members own capital stock. In an internal capital account cooperative, each member shall have one and only one vote in any matter requiring voting by stockholders.

(2) An internal capital account cooperative shall credit the paid-in membership fee and additional paid-in capital of a member to the member's internal capital account, and shall also record the apportionment of retained net earnings or net losses to the members in accordance with patronage by appropriately crediting or debiting the internal capital accounts of members. The collective reserve account in an internal capital account cooperative shall reflect any paid-in capital, net losses, and retained net earnings not allocated to individual members.

(3) In an internal capital account cooperative, the balances in all the individual internal capital accounts and collective reserve account, if any, shall be adjusted at the end of each accounting period so that the sum of the balances is equal to the net book value of the employee cooperative.

NEW SECTION. Sec. 11. (1) When any employee cooperative revokes its election in accordance with section 4 of this act, the articles of amendment shall provide for conversion of membership shares and internal capital accounts or their conversion to securities or other property in a manner consistent with Title 23A RCW.

(2) An employee cooperative that has not revoked its election under this chapter may not consolidate or merge with another corporation other than an employee cooperative. Two or more employee cooperatives may consolidate or merge in accordance with chapter 23A.20 RCW.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 23 RCW.

Sec. 13. Section 32, chapter 282, Laws of 1959 as last amended by section 1, chapter 90, Laws of 1986 and RCW 21.20.320 are each amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first

files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

~~(16) (Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness, or stock for a patronage dividend, or for contributions to capital by such patrons in the association if any such receipt, written notice, or certificate made pursuant to this paragraph is nontransferable except in the case of death or by operation of law and so states conspicuously on its face.~~

~~(17)) Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson.~~

NEW SECTION, Sec. 14. The intent of the legislature in amending RCW 21.20.320 is to exempt from chapter 21.20 RCW membership shares in cooperatives that are organized under cooperative principles. The securities division of the department of licensing shall retain its authority to investigate organizations purporting to be cooperatives to ensure that such organizations are organized and operating under cooperative principles. The legislature finds that such cooperative principles include, but are not limited to: (1) Nontransferability of membership interests, except in the case of death, operation of law, or redemption by the cooperative; (2) no profits paid to such membership interests; and (3) each member in the cooperative has voting rights on the basis of one vote per member.

NEW SECTION, Sec. 15. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department of community development shall integrate an employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under sections 1 through 11 of this act and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

(2) The director of the department shall form an employee ownership advisory panel to assist in the development of the employee ownership program. The panel shall consist of representatives of educational institutions; local, regional, and national cooperative and employee-ownership organizations; employee-owned cooperatives; firms with employee stock ownership plans; and associate development organizations.

(3) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of the department of trade and economic development, the employment security department, and state institutions of higher education to promote employee ownership.

(4) The department shall report to the governor, the trade and economic development committee of the house of representatives, the commerce and labor committee of the senate,

and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

(5) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

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

On page 1, line 2 of the title, after "corporations;" insert "amending RCW 21.20.320; adding a new chapter to Title 23 RCW; adding a new section to chapter 43.63A RCW; and creating a new section."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Vekich, the House concurred in the Senate amendments to Substitute House Bill No. 430.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 430 as amended by the Senate.

Representatives Vekich and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 430 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 430 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 959 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

The voters of every first class city with a city charter that does not grant the powers of initiative and referendum, and the voters of every second class city, third class city, town, and code city, except those towns with fewer than five hundred inhabitants, are granted the powers of initiative and referendum on city or town ordinances as provided in this act notwithstanding the form or plan of government under which the city or town operates. This act shall not affect the powers of initiative and referendum granted to the voters of a first class city by a city charter. Initiative or referendum action in a second class city, third class city, or town may be taken only on those powers that are granted expressly to the city or town.

NEW SECTION, Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

Initiative and referendum petitions shall be in the form prescribed in RCW 35A.01.040, except for the restriction on the color of the paper on which the petition is printed. The minimum required number of signatures by registered voters of the city or town on a referendum

or initiative petition is equal to fifteen percent of the number of persons listed as registered voters within the city or town on the day of the last preceding city or town general election. Petitions shall be filed with the city or town clerk who shall forward the petitions to the county auditor immediately upon receipt. The auditor shall ascertain the validity of the signatures and certify the sufficiency of the petitions to the city clerk.

Elections shall be conducted as provided in general election law.

Sec. 3. Section 35.17.260, chapter 7, Laws of 1965 and RCW 35.17.260 are each amended to read as follows:

Ordinances may be initiated by petition of electors of the city or town filed with the ((commission)) council. If the petition accompanying the proposed ordinance is signed by the requisite number of registered voters in the city ((equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding city election)) or town, and if it contains a request that, unless passed by the ((commission)) council, the ordinance be submitted to a vote of the people, the ((commission)) council shall either:

(1) Pass the proposed ordinance without alteration within twenty days after the ((city clerk's certificate)) county auditor has certified that the number of valid signatures on the petition are sufficient; or

(2) Immediately after the ((clerk's certificate of sufficiency is attached to the petition, cause to be called)) county auditor has certified that the number of valid signatures on the petition are sufficient, request that the county legislative authority call a special election to be held ((not less than thirty nor more than)) at the next special election date provided in RCW 29.13.030 sixty days or more thereafter, for submission of the proposed ordinance without alteration, to a vote of the people ((unless a general election will occur within ninety days, in which event submission must be made thereto)).

Approval of the initiative ballot proposition by a simple majority vote shall result in the ordinance being adopted immediately upon the certification of the election results.

Sec. 4. Section 2, chapter 81, Laws of 1973 1st ex. sess. and RCW 35A.11.090 are each amended to read as follows:

Ordinances of ((noncharter code)) cities ((the qualified electors of which have elected to exercise the powers of initiative and referendum)) and towns shall not go into effect before thirty days from the time of final passage and are subject to referendum during the interim except:

(1) Ordinances initiated by petition;

(2) Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city or town government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council;

(3) Ordinances providing for local improvement districts or utility local improvement districts;

(4) Ordinances appropriating money;

(5) Ordinances providing for or approving collective bargaining;

(6) Ordinances providing for the compensation of or working conditions of city or town employees; and

(7) Ordinances authorizing or repealing the levy of taxes; which excepted ordinances shall go into effect as provided by the general law or by applicable sections of Title 35 or 35A RCW as now or hereafter amended.

Land use and zoning matters shall not be subject to initiative or referendum action.

Sec. 5. Section 35.17.240, chapter 7, Laws of 1965 and RCW 35.17.240 are each amended to read as follows:

Upon the filing of a referendum petition, that has been certified as having sufficient valid signatures, praying therefor, the ((commission)) council shall reconsider an ordinance subject to referendum and upon reconsideration shall defeat it in its entirety or shall submit it to a vote of the people. The operation of an ordinance so protested against shall be suspended until the referendum petition is finally found insufficient or until the ordinance protested against has received a majority of the votes cast thereon at the election. If the council does not defeat the ordinance in its entirety, the council shall request that the county legislative authority call a special election for submission of the referendum to a vote of the people to be held at the next special election date provided in RCW 29.13.030 sixty or more days after the petition has been certified as being sufficient. Approval of the referendum ballot proposition by a simple majority vote shall defeat the ordinance in its entirety.

Sec. 6. Section 35.17.290, chapter 7, Laws of 1965 and RCW 35.17.290 are each amended to read as follows:

If the ((clerk)) county auditor finds ((the)) an initiative or referendum petition insufficient, or if the ((commission)) council refuses either to pass an initiative ordinance or ((order)) to request an election thereon, or if the council refuses either to repeal the ordinance in its entirety or to request an election on the referendum, any ((taxpayer)) city or town voter may commence an action in the superior court against the city or town, or against the county auditor if the failure to take any of these actions is due to a determination by the auditor that the petition bears insufficient signatures, and procure a decree ordering an election to be held in the city or town

for the purpose of voting upon the proposed ordinance, or voting on the referendum, if the court finds the petition to ~~((be))~~ have sufficient valid signatures.

Sec. 7. Section 35.17.300, chapter 7, Laws of 1965 and RCW 35.17.300 are each amended to read as follows:

~~((Publication of notice, the election, the canvass of the returns and declaration of the results, shall be conducted in all respects as are other city elections.))~~ Any number of proposed ordinances or referenda may be voted on at the same election, but there shall not be more than one special election for that purpose during any one six-months period.

Sec. 8. Section 35.24.210, chapter 7, Laws of 1965 and RCW 35.24.210 are each amended to read as follows:

The enacting clause of all ordinances in a third class city shall be as follows: "The city council of the city of do ordain as follows:"

No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section at full length.

No ordinance and no resolution or order shall have any validity or effect unless passed by the votes of at least four councilmen.

~~((No ordinance shall take effect until five days after the date of its publication unless otherwise provided in this title.))~~

Every ordinance which passes the council in order to become valid must be presented to the mayor; if he approves it, he shall sign it, but if not, he shall return it with his written objections to the council and the council shall cause his objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration five members of the council voting upon a call of yeas and nays favor its passage, the ordinance shall become valid notwithstanding the mayor's veto. If the mayor fails for ten days to either approve or veto an ordinance, it shall become valid without his approval.

Every ordinance shall be signed by the mayor and attested by the clerk.

Sec. 9. Section 10, chapter 42, Laws of 1982 1st ex. sess. and RCW 39.88.090 are each amended to read as follows:

General obligation bonds which are issued to finance public facilities that are specified in the public improvement ordinance, and for which part or all of the principal or interest is paid by tax allocation revenues, shall be subject to the following requirements:

(1) The intent to issue such bonds and the maximum amount which the sponsor contemplates issuing are specified in the public improvement ordinance; and

(2) A statement of the intent of the sponsor to issue such bonds is included in all notices required by RCW 39.88.040 and 39.88.050.

In addition, the ordinance or resolution authorizing the issuance of such general obligation bonds shall be subject to potential referendum approval by the voters of the issuing entity when the bonds are part of the non-voter approved indebtedness limitation established pursuant to RCW 39.36.020. If the voters of the county or city issuing such bonds otherwise possess the general power of referendum on county or city matters, the ordinance or resolution shall be subject to that procedure. If the voters of the county or city issuing such bonds do not otherwise possess the general power of referendum on county or city matters, the referendum shall conform to the requirements and procedures for referendum petitions provided for ~~((code))~~ cities and towns in ~~((RCW 35A.11.100))~~ chapter 35A.11 RCW.

NEW SECTION. Sec. 10. RCW 35.17.260, 35A.11.090, 35.17.240, 35.17.290, and 35.17.300, as amended by this act, are each recodified as sections in chapter 35.21 RCW.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 35.17.230, chapter 7, Laws of 1965 and RCW 35.17.230;

(2) Section 35.17.250, chapter 7, Laws of 1965 and RCW 35.17.250;

(3) Section 35.17.270, chapter 7, Laws of 1965 and RCW 35.17.270;

(4) Section 35.17.280, chapter 7, Laws of 1965 and RCW 35.17.280;

(5) Section 35.17.310, chapter 7, Laws of 1965 and RCW 35.17.310;

(6) Section 35.17.320, chapter 7, Laws of 1965 and RCW 35.17.320;

(7) Section 35.17.330, chapter 7, Laws of 1965 and RCW 35.17.330;

(8) Section 35.17.340, chapter 7, Laws of 1965 and RCW 35.17.340;

(9) Section 35.17.350, chapter 7, Laws of 1965 and RCW 35.17.350;

(10) Section 35.17.360, chapter 7, Laws of 1965 and RCW 35.17.360;

(11) Section 1, chapter 81, Laws of 1973 1st ex. sess., section 18, chapter 18, Laws of 1979 ex. sess. and RCW 35A.11.080; and

(12) Section 3, chapter 81, Laws of 1973 1st ex. sess. and RCW 35A.11.100."

On line 2 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.17.260, 35A.11.090, 35.17.240, 35.17.290, 35.17.300, 35.24.210, and 39.88.090; adding new sections to chapter 35.21 RCW; recodifying RCW 35.17.260, 35A.11.090, 35.17.240, 35.17.290, and

35.17.300; and repealing RCW 35.17.230, 35.17.250, 35.17.270, 35.17.280, 35.17.310, 35.17.320, 35.17.330, 35.17.340, 35.17.350, 35.17.360, 35A.11.080, and 35A.11.100." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Engrossed House Bill No. 959.

Representatives Haugen and L. Smith spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 959 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 959 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 72; nays, 26.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Beck, Belcher, Betrozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Holland, Holm, Jacobsen, King P, King R, Leonard, Lewis, Locke, May, McLean, Miller, Moyer, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Sprenkle, Sutherland, Taylor, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Armstrong, Baugher, Braddock, Cole, Fisher, Hankins, Heavey, Hine, Jesernig, Kremen, Lux, Madsen, McMullen, Meyers, Niemi, Nutley, Rasmussen, Rayburn, Rust, Sayan, Spanel, Todd, Unsoeld, Valle, Vekich, Wineberry - 26.

Engrossed House Bill No. 959 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 16 with the following amendments:

On page 5, beginning on line 14, strike all material down to and including "section." on line 19

Renumber the remaining sections consecutively.

On page 6, line 13, after "wood" insert "and coal" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Second Substitute House Bill No. 16.

Representatives Rust and Walker spoke in favor of the motion, and Representatives Hargrove and Schoon spoke against it.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to Engrossed Second Substitute House Bill No. 16, and the motion was carried by the following vote: Yeas, 70; nays, 28.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Baugher, Beck, Belcher, Betrozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hine, Holm, Jacobsen, Jesernig, King P, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams J, Wilson K, Wineberry, and Mr. Speaker - 70.

Voting nay: Representatives Allen, Barnes, Basich, Braddock, Chandler, Day, Fisch, Hargrove, Haugen, Heavey, Holland, King R, Kremen, Lux, Moyer, Nealey, Padden, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Vekich, Williams B, Wilson S, Winsley, Zellinsky - 28.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 16 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 16 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 70; nays, 28.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Locke, May, McLean, McMullen, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprengle, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 70.

Voting nay: Representatives Barnes, Basich, Braddock, Bumgarner, Chandler, Cooper, Fisch, Hankins, Hargrove, Haugen, Heavey, Kremen, Lux, Madsen, Meyers, Moyer, Padden, Peery, Sanders, Schmidt, Smith C, Smith L, Sutherland, Vekich, Williams B, Williams J, Wilson S, Zellinsky - 28.

Engrossed Second Substitute House Bill No. 16 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

My "Yea" vote on Engrossed Second Substitute House Bill 16 should have been "Nay." Thank you.

NEIL AMONDSON, 20th District.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 217 with the following amendments:

On page 4, after line 36, insert the following:

*Sec. 6, Section 3, chapter 259, Laws of 1957 as amended by section 1, chapter 132, Laws of 1981 and RCW 2.56.030 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system; ((and))

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective; and

(13) Attend to such other matters as may be assigned by the supreme court of this state."

On page 1, line 2 of the title, after "36.23.030," strike "and 36.48.090" and insert "36.48.090, and 2.56.030"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Crane, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 217.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 217 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 217 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Heavey - 1.

Engrossed Substitute House Bill No. 217 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 277 with the following amendment:

On page 1, line 9, after "~~(ten)~~" strike "sixty" and insert "twenty"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Walk moved that the House do not concur in the Senate amendment to House Bill No. 277 and ask the Senate to recede therefrom.

Ms. Schmidt spoke in favor of the motion, and it was carried.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:00 a.m., Tuesday, April 21, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDREDTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 21, 1987

The House was called to order at 9:00 a.m. by the Speaker (Representative O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Ebersole, Todd and Walker. Representative Walker was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jeff Dillon and Mun Hui Yi. Prayer was offered by The Reverend Gerald Stanley, Minister of the St. Edward's Church of Seattle.

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

MESSAGE FROM THE GOVERNOR

April 20, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 20, 1987, Governor Gardner approved the following House bill entitled:

SUBSTITUTE HOUSE BILL NO. 385: Relating to legislative approval of additional ports of entry for land transportation of radioactive waste.

Sincerely,
Terry Sebring, Counsel.

MESSAGES FROM THE SENATE

April 16, 1987

Mr. Speaker:

The Senate has passed:

	SUBSTITUTE HOUSE BILL NO.	154.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	283.
	SUBSTITUTE HOUSE BILL NO.	289.
	ENGROSSED HOUSE BILL NO.	338.
	HOUSE BILL NO.	395.
SECOND	SUBSTITUTE HOUSE BILL NO.	426.
	SUBSTITUTE HOUSE BILL NO.	450.
	HOUSE BILL NO.	541.
	ENGROSSED HOUSE BILL NO.	772.
	HOUSE BILL NO.	815.
	HOUSE BILL NO.	816.
	HOUSE BILL NO.	825.
	HOUSE BILL NO.	1014.
	HOUSE BILL NO.	1185.
	HOUSE JOINT RESOLUTION NO.	4212.
	SENATE CONCURRENT RESOLUTION NO.	8410.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary

April 17, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 321,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary

April 20, 1987

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

SENATE BILL NO. 5008,
 SECOND SUBSTITUTE SENATE BILL NO. 5063,
 SECOND SUBSTITUTE SENATE BILL NO. 5074,
 SUBSTITUTE SENATE BILL NO. 5088,
 SUBSTITUTE SENATE BILL NO. 5107,
 SENATE BILL NO. 5124,
 SENATE BILL NO. 5129,
 SUBSTITUTE SENATE BILL NO. 5142,
 ENGROSSED SENATE BILL NO. 5178,
 SECOND SUBSTITUTE SENATE BILL NO. 5252,
 SUBSTITUTE SENATE BILL NO. 5253,
 SUBSTITUTE SENATE BILL NO. 5405,
 SUBSTITUTE SENATE BILL NO. 5464,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659,
 SENATE BILL NO. 5747,
 SUBSTITUTE SENATE BILL NO. 5857,
 SECOND SUBSTITUTE SENATE BILL NO. 5986,
 SENATE CONCURRENT RESOLUTION NO. 8404,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 20, 1987

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5013,
 SUBSTITUTE SENATE BILL NO. 5094,
 SENATE BILL NO. 5097,
 SUBSTITUTE SENATE BILL NO. 5113,
 SUBSTITUTE SENATE BILL NO. 5123,
 SUBSTITUTE SENATE BILL NO. 5143,
 SENATE BILL NO. 5160,
 SENATE BILL NO. 5201,
 SUBSTITUTE SENATE BILL NO. 5206,
 SUBSTITUTE SENATE BILL NO. 5212,
 SENATE BILL NO. 5335,
 SECOND SUBSTITUTE SENATE BILL NO. 5501,
 SENATE BILL NO. 5513,
 SUBSTITUTE SENATE BILL NO. 5520,
 SENATE BILL NO. 5522,
 SUBSTITUTE SENATE BILL NO. 5561,
 SUBSTITUTE SENATE BILL NO. 5584,
 SENATE BILL NO. 5605,
 SENATE BILL NO. 5666,
 SENATE BILL NO. 5735,
 SENATE BILL NO. 5739,
 SENATE BILL NO. 5774,
 SENATE BILL NO. 5780,
 SENATE JOINT MEMORIAL NO. 8005,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 20, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 353. The President has appointed the following members as Conferees: Senators Hansen, Barr and Bauer.

Sidney R. Snyder, Secretary

April 20, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on HOUSE BILL NO. 707. The President has appointed the following members as Conferees: Senators Rinehart, Bluechel and Tanner.

. Sidney R. Snyder, Secretary

April 20, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on HOUSE BILL NO. 743. The President has appointed the following members as Conferees: Senators Warnke, Cantu and Smitherman.

Sidney R. Snyder, Secretary

April 20, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 902. The President has appointed the following members as Conferees: Senators Halsan, Zimmerman and Garrett.

Sidney R. Snyder, Secretary

April 20, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5024. The President has appointed the following members as Conferees: Senators Warnke, Bluechel and Smitherman, and the same is herewith transmitted.

Sidney R. Snyder, Secretary

INTRODUCTION AND FIRST READING

SCR 8410 by Senators Smitherman, Warnke, Vognild, West, Sellar, Anderson, Lee, Cantu, Williams and Bauer

Supporting the small business conference to be held in October, 1987.

Referred to Committee on Rules.

REPORT OF CONFERENCE COMMITTEE

April 20, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, establishing failure to comply with traffic laws as a gross misdemeanor, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference for the purpose of amending the bill.

Signed by Senators Talmadge, Nelson and Moore; Representatives Walk, Spanel and Padden.

MOTION

On motion of Mr. Walk, the House adopted the report of the Conference Committee and granted the committee powers of Free Conference.

SENATE AMENDMENT TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 279 with the following amendment:

On page 1, line 8, after "~~(ten)~~" strike "sixty" and insert "twenty" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House refused to concur in the Senate amendment to House Bill No. 279 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 790 with the following amendments:

On page 3, beginning on line 4, strike all material down to and including "shall" on line 6 and insert "If the promoter is a corporation or a general partnership, each natural person therein, with a ten percent or greater interest or share in the promoter, shall"

On page 9, beginning on line 3, after "chapter," strike all the material through "state" on line 4

On page 9, line 11, after "timeshares" strike all the material through "developments" on line 12

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House concurred in the Senate amendments to Substitute House Bill No. 790.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 790 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 790 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzloff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Appelwick, Ebersole, Todd - 3.

Excused: Representative Walker - 1.

Substitute House Bill No. 790 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 1, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 795 with the following amendment:

On page 1, line 9, after "courts," insert "superior court commissioners"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary

MOTION

On motion of Mr. Armstrong, the House concurred in the Senate amendments to House Bill No. 795.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 795 as amended by the Senate.

Mr. Armstrong spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 795 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Saryan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Sommers D. Sommers H. Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Velkich, Walk, Wang, Williams B. Williams J. Wilson K. Wilson S. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Appelwick, Ebersole, Todd - 3.

Excused: Representative Walker - 1.

House Bill No. 795 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Appelwick, Ebersole and Todd appeared at the bar of the House.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4655, by Representatives Unsoeld and Belcher

WHEREAS, The postmark for the City of Olympia has great historical significance since Olympia is the capital of the State of Washington; and

WHEREAS, The United States Postal Service is once again considering the possibility of terminating the use of the Olympia postmark; and

WHEREAS, The loss of the Olympia postmark would render Olympia the sole state capital in the United States without its own distinguishing postmark; and

WHEREAS, The preservation of the Olympia postmark in anticipation of our state's Centennial Celebration in 1989 is a fitting acknowledgment of the significance of Olympia, the capital of the State of Washington, to this state and nation; and

WHEREAS, Retaining the Olympia postmark would help achieve the praiseworthy goals of maintaining the identity of the capital of our state, strengthening citizen ties with their local communities, increasing citizen pride in the past and preserving a sense of historical continuity for our children;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington request the administration to support the interests of the present and future citizens of the State of Washington and preserve the use of the Olympia postmark.

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this Resolution to the Honorable Ronald Reagan, President of the United States; the Postmaster General; the President of the United States Senate; the Speaker of the United States House of Representatives and each member of Congress from the State of Washington.

Ms. Unsoeld moved adoption of the resolution. Representatives Unsoeld and Belcher spoke in favor of the resolution, and Mr. Barnes opposed it. The resolution was adopted.

Representative Zellinsky was excused.

HOUSE FLOOR RESOLUTION NO. 87-4662, by Representatives D. Sommers, Dellwo, Day, Silver, Taylor, Moyer, Bumgarner and Padden

WHEREAS, The Eleventh Annual Lilac Bloomsday Run held annually in Spokane, Washington is scheduled for Sunday, May 3, 1987 at 9:00 A.M.; and

WHEREAS, The Lilac Bloomsday Run is now the second largest road-running event in America and presents awards to the top male, female, wheelchair and masters finishers; and

WHEREAS, The Lilac Bloomsday Run includes the talents of the fastest runners in the world and the determination of average citizens, and this year will include over 50,000 runners in the various categories; and

WHEREAS, The Lilac Bloomsday Run is 12 kilometers (7.46 miles) long and is a test and celebration of fitness and health, whether considered as serious competition or as an enjoyable athletic experience; and

WHEREAS, The Lilac Bloomsday Run will include activities such as a trade show featuring all sorts of running, health and fitness related products and services; skydiving; a spaghetti feed; demonstrations in rock rappelling, gymnastics, health, aerobic and jazz dancing; massage therapy; fitness, running and nutrition speakers; a non-denominational worship service; a post-race party and souvenir T-shirts, jackets and commemorative medals; and

WHEREAS, The Lilac Bloomsday Run is part of the Association of Road Racing Athletes Championship Circuit and is recognized as a top racing spectacular; and

WHEREAS, Two members of the Washington State House of Representatives, Representatives Duane Sommers and Dennis Dellwo, have run in and completed all ten previous runs and will run again this year;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington commend the City of Spokane for its outstanding work in presenting the annual Lilac Bloomsday Run; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage everyone to attend the festivities in Spokane during May 1 through May 3, 1987 and to enjoy the race either as a participant or as a spectator; and

BE IT FURTHER RESOLVED, That this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Don Kardong, Director of the Lilac Bloomsday Association.

Mr. D. Sommers moved adoption of the resolution and spoke in favor of it, and the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4660, by Representatives D. Sommers, Moyer, Rust, Valle, Unsoeld, Bumgarner, Silver, Sprengle, Jesernig, Allen, Ferguson, Schoon, Walker and May

WHEREAS, The maintenance of a pure and clean environment is a top concern to all the citizens of the State of Washington; and

WHEREAS, Recycling is one of Washington State's top solid waste disposal management priorities in maintaining our good environment; and

WHEREAS, Cheney, Washington, began a complete recycling program ten years ago before recycling was popular or practiced in other communities; and

WHEREAS, Cheney's recycling program began on an outdoor parking lot with 100 percent volunteer workers by a small group called the Cheney Environmental Association; and

WHEREAS, Cheney's recycling program has grown tremendously over the years and recently moved indoors when the citizens of Cheney passed a bond issue to renovate an unused city building for a recycling center and other community uses; and

WHEREAS, The Cheney Recycling Center is now incorporated as a nonprofit corporation and maintains a complete and effective recycling program with only two paid part-time workers with all other help being volunteer; and

WHEREAS, The Cheney Recycling Center is open on Wednesdays from Noon to 6:00 p.m. and on Saturdays from 9:00 A.M. to 1:00 P.M. and accepts newspaper, office paper, cardboard, mixed waste paper, tin cans, aluminum, container glass and bottles and also accepts donations for the food and clothing bank; and

WHEREAS, The Cheney Recycling Center will celebrate its tenth anniversary on Saturday May 16, from 10:00 a.m. to 1:00 p.m., and welcomes all who are able to attend; and

WHEREAS, Cheney has provided an example of initiative, creativity and leadership for others to emulate and admire;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Cheney for its outstanding efforts and success in establishing a recycling program; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Director of the Cheney Recycling Center and to the Mayor of Cheney.

Mr. D. Sommers moved adoption of the resolution. Representatives D. Sommers and Rust spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4654, by Representatives Valle, R. King, Fuhrman, D. Sommers, Unsoeld, Allen, Fisch, Jacobsen, Todd, Crane and Nelson

WHEREAS, Since 1940, there have been more than one thousand earthquakes within the state with ground motions strong enough to be reported; and

WHEREAS, Nineteen of these events were felt throughout the state and caused moderate to considerable damage including extensive damage to the capital rotunda in 1965; and

WHEREAS, Ninety percent of the world's earthquakes occur in the "Ring of Fire" in which the state is located; and

WHEREAS, Noteworthy seismic hazards are known to exist in much of Washington State and recent research suggests the possibility of seismic events of much greater magnitude than previously documented; and

WHEREAS, The exposure of people and property to seismic hazards in this state creates a potential for major loss of life and for major property damage. The magnitude of likely losses has increased over the past decade; and

WHEREAS, State-level actions to date in addressing seismic hazards have been sporadic, pointing out the need for stronger state leadership to promote efforts by state agencies, local jurisdictions, industry and citizens to avert earthquake losses; and

WHEREAS, Noteworthy barriers exist which constrain the development of state-level initiatives and policy with respect to seismic safety; and

WHEREAS, The legislature created the Washington Seismic Safety Council to study the hazards of seismic activity;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes:

(1) The potential for loss of life and property in the aftermath of a major earthquake and the legislature's commitment to work with federal, state and local officials in reducing the earthquake risk in Washington State over the next decade;

(2) Future federal funding for earthquake hazard reduction programs undertaken by the Federal Emergency Management Agency is dependent upon state matching of federal funds and state commitment of matching funds of some \$100,000 is essential for continuing the present levels of federal support for state earthquake-risk-reduction programs;

(3) The earthquake design standards that are specified in the 1955 legislation need to be reviewed for consistency with the State Building Code in light of present knowledge concerning seismic hazards and design standards; and

(4) The need for planning and awareness programs in public schools.

Ms. Valle moved adoption of the the resolution. Representatives Valle and Fuhrman spoke in favor of the resolution, and it was adopted.

On motion of Mr. McMullen, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Allen, Basich, Betrozoff, Bristow, Bumgarner, Sanders, Unsoeld, Walker and K. Wilson. Representative Walker was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 94 with the following amendments:

On page 2, line 5, after "lien:" insert "or"

On page 2, line 7, after "law" strike everything through "tenant" on line 10

On page 9, after line 32, insert the following:

"NEW SECTION, Sec. 16. EFFECTIVE DATE. This act shall take effect July 1, 1988."

On page 1, line 2 of the title, after "19.40 RCW;" strike "and"

On page 1, line 4 of the title, after "19.40.130" insert "; and providing an effective date" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to House Bill No. 94.

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

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 94 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 94 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; absent, 8; excused, 1.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Braddock, Brekke, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Allen, Basich, Betrozoff, Bristow, Bumgarner, Sanders, Unsoeld, Wilson K - 8.

Excused: Representative Walker - 1.

House Bill No. 94 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bristow and K. Wilson appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 413 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 17, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsection (4)

of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

NEW SECTION, Sec. 2. A new section is added to chapter 26.09 RCW to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition and a supporting financial affidavit. The petition and affidavit shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition and affidavit, and a blank copy of a financial affidavit in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 and notice has been filed with the court, the summons, petition, and affidavit shall also be served on the office of support enforcement. Proof of service shall be filed with the court.

(3) The responding party's answer and completed financial affidavit shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 3. Section 10, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount reasonable or necessary for his support. The court may require annual adjustments of support based upon changes in a party's income or the child's needs, or based upon changes in an index or schedule.

NEW SECTION, Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 26.09.170 and 26.09.100; and adding a new section to chapter 26.09 RCW." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House concurred in the Senate amendments to Substitute House Bill No. 413.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 413 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 413 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; nays, 2; absent, 6; excused, 1.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Vaile, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Fuhrman, Padden - 2.

Absent: Representatives Allen, Basich, Betzoff, Bumgarner, Sanders, Unsoeld - 6.

Excused: Representative Walker - 1.

Substitute House Bill No. 413 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Allen and Basich appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Speaker has passed SUBSTITUTE HOUSE BILL NO. 601 with the following amendment:

On page 2, line 17, after "entity" strike "or private agency which has been" and insert "(~~or private agency which has been~~) , private agency, or foster parent" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendment to Substitute House Bill No. 601.

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

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 601 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 601 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher,

Grant, Grimm, Hanks, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Betrozoff, Bumgarner, Sanders, Unsoeld - 4.

Excused: Representative Walker - 1.

Substitute House Bill No. 601 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Betrozoff appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1199 with the following amendment: On page 1, line 16 after "manager's" strike "office staff" and insert "designated agent" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendment to House Bill No. 1199.

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

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1199 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1199 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hanks, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Bumgarner, Sanders, Unsoeld - 3.

Excused: Representative Walker - 1.

House Bill No. 1199 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Sanders and Unsoeld appeared at the bar of the House.

STATEMENTS FOR THE JOURNAL

Due to a meeting in the Temple of Justice with Justice James Anderson, I was not present to vote on four bills. Had I been present I would have voted YES on HB 94 as amended by the Senate, SHB 413 as amended by the Senate, SHB 601 as amended by the Senate, and HB 1199 as amended by the Senate.

JOHN BETROZOFF, 45th District

It was my intent to vote in favor of HB 94 as amended by the Senate, SHB 413 as amended by the Senate, SHB 601 as amended by the Senate, and HB 1199 as amended by the Senate.

PAUL SANDERS, 48th District.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 578 with the following amendment:

On page 1, line 20, after "day of" strike "October" and insert "June" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 578.

Representatives Haugen and L. Smith spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 578 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 578 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Bumgarner - 1,

Excused: Representative Walker - 1.

Engrossed Substitute House Bill No. 578 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1012 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 1, Laws of 1931 as last amended by section 37, chapter 126, Laws of 1979 ex. sess. and RCW 54.12.010 are each amended to read as follows:

Within ten days after such election, the county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. of County. The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts. When the public utility district is coextensive with the limits of such county, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county

commissioner districts of the county in which the public utility district is located if the county is not operating under a 'Home Rule' charter. When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or when the public utility district is located in a county operating under a 'Home Rule' charter, three public utility district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county legislative authority if and when they change the boundaries of the proposed public utility district, and one commissioner shall be elected from each of said public utility district commissioner districts. In all five commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW 29.04.170 following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election.

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW 29.04.170. A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of RCW 29.21.060. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of RCW 29.21.060, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void. A vacancy in the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the public utility district commissioners' district may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population, but said boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, the boundaries of the public utility commissioners' districts shall be changed to include such additional territory. The proposed change

of the boundaries of the public utility district commissioners' district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of said petition shall be governed by the provisions of chapter 54.08 RCW.

Sec. 2. Section 1, chapter 101, Laws of 1983 and RCW 54.04.035 are each amended to read as follows:

In addition to other powers authorized in Title 54 RCW, public utility districts may annex territory as provided in this section.

The boundaries of a public utility district may be enlarged and new contiguous territory added pursuant to the procedures for annexation by cities and towns provided in RCW 35.13-.015 through ~~((35-13-166))~~ 35.13.110. The provisions of these sections concerning community municipal corporations, review boards, and comprehensive plans, however, do not apply to public utility district annexations. For purposes of conforming with such procedures, the public utility district is deemed to be the city or town and the board of commissioners is deemed to be the city or town legislative body.

Annexation procedures provided in this section may only be used to annex territory ~~((not located in another public utility district))~~ that is both: (1) Contiguous to the annexing public utility district; and (2) located within the service area of the annexing public utility district. As used in this section, a public utility district's 'service area' means those areas whether located within or outside of the annexing public utility district's boundaries that ~~((are))~~ were generally served with electrical energy by the annexing public utility district on January 1, 1987. Such service area may, or may not, ~~((be))~~ have been recognized in an agreement made under chapter 54.48 RCW, but no area may be included within such service area ~~((shall not be provided))~~ that was generally served with electrical energy on January 1, 1987, by another public utility as defined in RCW 54.48.010. An area proposed to be annexed may be located in the same or a different county as the annexing public utility district.

If an area proposed to be annexed is located within the boundaries of another public utility district, annexation may be initiated only upon petition of registered voters residing in the area in accordance with RCW 35.13.020 and adoption by the boards of commissioners of both districts of identical resolutions stating (a) the boundaries of the area to be annexed, (b) a determination that annexation is in the public interest of the residents of the area to be annexed as well as the public interest of their respective districts, (c) approval of annexation by the board, (d) the boundaries of the districts after annexation, (e) the disposition of any assets of the districts in the area to be annexed, (f) the obligations to be assumed by the annexing district, (g) apportionment of election costs, and (h) that voters in the area to be annexed will be advised of lawsuits that may impose liability on the annexed territory and the possible impact of annexation on taxes and utility rates.

If annexation is approved, the area annexed shall cease to be a part of the one public utility district at the same time that it becomes a part of the other district. The annexing public utility district shall assume responsibility for providing the area annexed with the services provided by the other public utility district in the area annexed.

NEW SECTION. Sec. 3. A new section is added to chapter 54.04 RCW to read as follows:

When territory has been added to a public utility district in accordance with RCW 54.04-.035, the supervisor of elections and other officers of the county in which the public utility district first operated shall coordinate elections, the levy and collection of taxes, and other necessary duties with the appropriate county officials of the other county."

On page 1, line 2 of the title, after "district;" strike the remainder of the title and insert "amending RCW 54.12.010 and 54.04.035; and adding a new section to chapter 54.04 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1012.

Representatives Haugen and L. Smith spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1012 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1012 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Bumgarner - 1.

Excused: Representative Walker - 1.

Substitute House Bill No. 1012 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Bumgarner appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1016 with the following amendment:

On page 1, after line 9, strike the remainder of the bill and insert the following:

"NEW SECTION, Sec. 2. A new section is added to chapter 36.36 RCW to read as follows:

The county shall have a lien for any delinquent fees imposed for the withdrawal of subterranean water or on-site sewage disposal, which shall attach to the property to which the fees were imposed, if the following conditions are met:

(1) At least eighteen months have passed since the first billing for a delinquent fee installment; and

(2) At least three billing notices and a letter have been mailed to the property owner, within the period specified in subsection (1) of this section, explaining that a lien may be imposed for any delinquent fee installment that has not been paid in that period.

The lien shall otherwise be subject to the provisions of chapter 36.94 RCW related to liens for delinquent charges."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendment to House Bill No. 1016.

Representatives Haugen, L. Smith and Padden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1016 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1016 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Sanders - 1.
Excused: Representative Walker - 1.

House Bill No. 1016 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I would have voted YES on the following bills as amended by the Senate: HB 94, SHB 413, SHB 601, HB 1199, ESHB 578 and HB 1016.

GARY D. BUMGARNER, 5th District.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 168 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 126, Laws of 1974 ex. sess. as amended by section 122, chapter 7, Laws of 1985 and RCW 52.18.010 are each amended to read as follows:

The board of fire commissioners of ~~((any))~~ a fire protection district ~~((created pursuant to chapter 52.02 RCW))~~ may by resolution, for fire protection district purposes authorized by law, fix and impose a service charge ~~((upon))~~ on personal property and improvements to real property ~~((:))~~ which are located within the fire protection district on the date specified and which have or will receive the ~~((benefit of fire protection))~~ benefits provided by the fire protection district, to be paid by the owners of ~~((such))~~ the properties: PROVIDED, That ~~((such))~~ a service charge shall not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ~~((works))~~ ministries of ~~((such))~~ the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto ~~((or to)), but not including personal property and improvements to real property owned or used by ((public or private schools or institutions of higher education)) any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education.~~ The aggregate amount of such service charges in any one year shall not exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

~~((Any such))~~ A service charge imposed shall be reasonably proportioned to the measurable ~~((financial))~~ benefits to property resulting from the ~~((fire protection))~~ services afforded by the district. It ~~((shall be deemed))~~ is acceptable to ~~((proportion))~~ apportion the service charge to the values of the properties as found by the county assessor modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing ~~((such fire))~~ the services. Any other method that reasonably apportions the service charges to the actual ~~((financial))~~ benefits resulting from the degree of protection, ~~((such as))~~ which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and shall be subject to contest ~~((only))~~ on the ground of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the district: PROVIDED, That ~~((any such method shall be in accordance with the fire defense rating of the district as ratified by the state insurance commissioner. PROVIDED FURTHER, That no))~~ a service charge authorized by ~~((the provisions of))~~ this chapter shall not be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining ~~((his or its own))~~ a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but such property may be protected by the fire protection district under a contractual agreement.

Sec. 2. Section 2, chapter 126, Laws of 1974 ex. sess. as amended by section 123, chapter 7, Laws of 1985 and RCW 52.18.020 are each amended to read as follows:

The term 'personal property' for the purposes of this chapter shall ~~((be held and construed to embrace and))~~ include every form ~~((and manner))~~ of tangible personal property, including but not limited to, all goods, chattels, stock in trade, estates, or crops: PROVIDED, That ~~((there~~

~~shall be exempt from the service charge imposed pursuant to the provisions of this chapter~~) all personal property not assessed and subjected to ad valorem taxation by the county assessor ~~((pursuant to the provisions of))~~ under Title 84 RCW, and all property subject to ~~((the provisions of))~~ RCW 52.30.020 and chapter 54.28 RCW, or all property that is subject to a contract for services with a fire protection district, shall be exempt from the service charge imposed under this chapter: PROVIDED FURTHER, That the term 'personal property' shall not include any personal property used for farming, field crops, farm equipment, livestock, or other tangible personal ~~((farm))~~ property, not ordinarily housed or stored within a building structure: AND PROVIDED FURTHER, That the term 'improvements to real property' shall not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

Sec. 3. Section 3, chapter 126, Laws of 1974 ex. sess. as amended by section 53, chapter 100, Laws of 1986 and RCW 52.18.030 are each amended to read as follows:

The resolution establishing service charges as specified in RCW 52.18.010~~(:)~~ shall specify, by legal geographical areas or other specific designations, the ~~((rate))~~ charge to apply to each property by location, type, or other designation, ~~((and such))~~ or other information ~~((as))~~ that is ~~((deemed))~~ necessary to the proper computation of the service charge to be charged to each property owner subject to the resolution. The county assessor shall determine and identify the personal properties and improvements to real property which are subject to a service charge in each fire protection district and shall furnish and deliver to the county treasurer a listing of ~~((such))~~ the properties with information describing the location, legal description, and address of the person to whom the statement of service charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the service charge to apply to each. These service charges ~~((levied hereunder))~~ shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources ~~((as prescribed by))~~ under RCW 76.04.610 and the same penalties and provisions for collection shall apply.

Sec. 4. Section 4, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.040 are each amended to read as follows:

Each fire protection district shall contract, prior to the effective date of a resolution imposing a service charge, for the administration and collection of ~~((such))~~ the service charge~~(s)~~ by the county treasurer, who shall deduct a ~~((percentage amount))~~ percent, as provided by contract ~~((as reimbursement of))~~ to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of ~~((the provisions of))~~ the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the service charges imposed on behalf of each district, less the deduction provided for in the contract.

Sec. 5. Section 5, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.050 are each amended to read as follows:

(1) Any service charge authorized by this chapter shall not be effective unless a proposition to impose ~~((such))~~ the service charge is approved by a sixty percent majority of the voters of the district voting at a general election or at a special election called by the district for that purpose, held within the fire protection district. ~~((Any))~~ An election held pursuant to this section shall be held not more than twelve months prior to the date on which the first such charge is to be assessed: PROVIDED, That ~~((such))~~ a service charge approved at an election shall not remain in effect for a period of more than three years unless subsequently reapproved by the voters.

(2) The ballot shall be submitted so as to enable the voters favoring the authorization of a fire protection district service charge to vote 'Yes' and those opposed thereto to vote 'No,' and ~~((such))~~ the ballot shall be ~~((in substantially the following form))~~:

'Shall _____ county fire protection district No. _____ be authorized to impose ~~((a fire protection district))~~ service charges each year ~~((hereafter in an aggregate amount each year))~~ for up to a three-year period, not to exceed an amount equal to sixty percent of ~~((the))~~ its operating budget ~~((for the year in which the service charge is to be collected)), and be prohibited from imposing an additional property tax under RCW 52.16.160?~~

YES

NO

Sec. 6. Section 7, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.060 are each amended to read as follows:

(1) Not less than ten days nor more than six months before the election at which the proposition to impose the service charge is submitted as provided in this chapter, the board of fire commissioners of the district shall hold a public hearing specifically setting forth its proposal to impose service charges for the support of its legally authorized activities which will ~~((substantially))~~ maintain or improve the ~~((fire protection))~~ services afforded in the district. A report of the public hearing shall be filed with the county treasurer and be available for public inspection.

(2) Prior to October 15 of each year the board of fire commissioners shall hold a public hearing to review and establish the fire district service charges for the subsequent year.

All resolutions imposing or changing ~~((such))~~ the service charges shall be filed with the county treasurer, together with the record of each public hearing, before October 31 immediately preceding the year in which the service charges are to be collected on behalf of the district.

Sec. 7. Section 7, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.070 are each amended to read as follows:

From the fifteenth to the thirtieth day of November of each year, the board of fire commissioners of ~~((any))~~ a fire protection district imposing a service charge ~~((pursuant to the provisions of))~~ under this chapter shall form a review board and shall, upon complaint in writing of ~~((any))~~ a party aggrieved owning property in ~~((such))~~ the district, reduce the charge of ~~((such))~~ a person who, in their opinion, has been charged too large a sum, to ~~((such))~~ a sum or amount as they believe to be the true, fair, and just amount.

Sec. 8. Section 8, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.080 are each amended to read as follows:

The Washington fire commissioners association, as soon as practicable, ~~((and with the assistance of the appropriate association of county prosecutors:))~~ shall draft a model resolution ~~((for the imposition of))~~ to impose the fire protection district service charge authorized by this chapter and may provide assistance to fire protection districts in the establishment of a program to develop service charges.

NEW SECTION. Sec. 9. A new section is added to chapter 52.18 RCW to read as follows:

A fire protection district that imposes a service charge under this chapter shall not impose all or part of the property tax authorized under RCW 52.16.160."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 52.18.010, 52.18.020, 52.18.030, 52.18.040, 52.18.050, 52.18.060, 52.18.070, and 52.18.080; and adding a new section to chapter 52.18 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 168.

Representatives Haugen and L. Smith spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 168 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 168 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Lux, Sommers H - 2.

Excused: Representative Walker - 1.

Engrossed Substitute House Bill No. 168 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 91 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 142, Laws of 1965 ex. sess. as last amended by section 1, chapter 54, Laws of 1983 and RCW 41.60.010 are each amended to read as follows:

As used in this chapter:

(1) 'Board' means the productivity board.

(2) 'Employee suggestion program' means the program developed by the board under RCW 41.60.020.

(3) 'State employees' means employees in state agencies ((subject to chapter 41.06 or 28B.16 RCW)) and institutions of higher education except for elected officials, directors of such agencies and institutions, and their confidential secretaries and administrative assistants and others specifically ruled ineligible by the rules of the productivity board.

Sec. 2. Section 1, chapter 167, Laws of 1982 as last amended by section 1, chapter 114, Laws of 1985 and RCW 41.60.015 are each amended to read as follows:

(1) There is hereby created the productivity board. The board shall administer the employee suggestion program under this chapter and shall review applications for teamwork incentive pay for state employees under RCW 41.60.100, 41.60.110, and 41.60.120.

(2) The board shall be composed of:

(a) The secretary of state who shall act as chairperson;

(b) The director of personnel appointed under the provisions of RCW 41.06.130 or the director's designee;

(c) The director of financial management or the director's designee;

(d) The personnel director appointed under the provisions of RCW 28B.16.060 or the director's designee; ~~((and))~~

(e) The director of general administration or the director's designee;

(f) Three persons with experience in administering incentives such as those used by industry, with the governor, lieutenant governor, and speaker of the house of representatives each appointing one person. The governor's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees, but no one organization may be represented for two consecutive terms;

(g) One person representing state agencies and institutions with employees subject to chapter 41.06 RCW, and one person representing those subject to chapter 28B.16 RCW, both to be appointed by the governor; and

(h) In addition, the governor and board chairperson may jointly appoint persons to the board on an ad hoc basis. Ad hoc members shall serve in an advisory capacity and shall not have the right to vote.

~~((These))~~ Members under subsection (2) (f) and (g) of this section shall be appointed to serve three-year terms.

Members of the board ~~((shall))~~ appointed pursuant to subsection (2)(f) of this section may be compensated in accordance with RCW 43.03.240. Any board member who is not a state employee may be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 3. Section 9, chapter 167, Laws of 1982 as amended by section 2, chapter 114, Laws of 1985 and RCW 41.60.041 are each amended to read as follows:

(1) Cash awards for suggestions generating net savings to the state shall be ten percent of the net savings.

(2) No award may be granted in excess of ten thousand dollars.

(3) If the suggestion is significantly modified when implemented, the percentage specified in subsection (1) of this section may be decreased at the option of the board.

(4) The board shall establish guidelines for making cash awards for suggestions for which benefits to the state are intangible or for which benefits cannot be calculated. In cases where cost avoidances are identified, the state personnel board and the higher education personnel board in consultation with the productivity board shall adopt rules which allow agencies and institutions of higher education to grant leave in lieu of cash awards.

(5) Funds for the awards shall be drawn from the appropriation of the agency benefiting from the employee's suggestion. If the suggestion reduces costs to a nonappropriated fund or reduces costs paid without appropriation from a nonappropriated portion of an appropriated fund, an award may be paid from the benefitting fund or account without appropriation.

(6) Awards and fees for suggestions which generate new or additional money for the general fund may be drawn from the general fund by joint approval of the productivity board and the director of financial management.

(7) In addition to the amount awarded, the agency shall transfer ten percent of the savings to the ((department of personnel for deposit in the)) department of personnel service fund. Moneys so transferred shall be used exclusively for the operations of the productivity board or as an offset to any amount appropriated to the productivity board for administrative expenses from another revenue source, other than that provided under RCW 41.60.120. ((Any moneys remaining unexpended at the end of the fiscal biennium shall revert to the original fund source.))

The productivity board at least annually shall review amounts transferred to the department of personnel service fund under this section and may reduce the percentage of savings to

be transferred or temporarily suspend transfer if cash receipts exceed needs for program administration.

Sec. 4. Section 5, chapter 142, Laws of 1965 ex. sess. as last amended by section 3, chapter 114, Laws of 1985 and RCW 41.60.050 are each amended to read as follows:

The legislature (~~((may augment the revenue transferred to))~~ shall appropriate from the department of personnel service fund ~~((under RCW 41.60.041(5) and 41.60.120 with an appropriation. Such appropriation shall be used exclusively))~~) for the payment of administrative costs of the productivity board.

Sec. 5. Section 2, chapter 167, Laws of 1982 as amended by section 4, chapter 114, Laws of 1985 and RCW 41.60.100 are each amended to read as follows:

With the exception of the legislative and judicial branches, any organizational unit of any agency of state government having an identifiable budget or having its financial records maintained according to an accounting system which identifies the expenditures and receipts properly attributable to that unit may apply to the board for selection as a candidate for the award of teamwork incentive pay to its employees. The application shall be submitted prior to the beginning of any year and shall have the approval of the head of the agency within which the unit is located.

Applications shall be in the form specified by the board and contain such information as the board may require, including but not limited to those evaluation components developed by the applying unit which will provide quantitative measures of program output and performance.

The board shall evaluate the applications submitted. From those proposals which are considered to be reasonable and practical and which are found to include developed performance indicators which lend themselves to a judgment of success or failure, the board shall select the units to participate in the teamwork incentive pay program.

~~((Persons who are exempt from civil service under RCW 41.06.070 (5) and (9) may not participate in the employee incentive pay program.))~~

Sec. 6. Section 3, chapter 167, Laws of 1982 as amended by section 5, chapter 114, Laws of 1985 and RCW 41.60.110 are each amended to read as follows:

(1) To qualify for the award of teamwork incentive pay to its employees, a unit selected shall demonstrate to the satisfaction of the board that it has operated during the year of participation at a lower cost with either an increase in the level of services rendered or with no decrease in the level of services rendered.

(a) A unit completing its first year of participation shall compare costs during that year of participation to (i) the fiscal year expenditures for the year immediately preceding the first year of participation, or (ii) an average derived from the unit's historical data, or (iii) engineered standards used in conjunction with an average derived from the unit's historical data;

(b) A unit participating in the teamwork incentive pay program for more than one year shall compare its costs during the current year of participation with its costs for the immediately preceding year; and

(c) For the purposes of this section, a unit's historical data shall be restricted to data generated during the period of three years or less immediately preceding the unit's first year of participation in the teamwork incentive pay program.

(2) The board shall satisfy itself from documentation submitted by the organizational unit that the claimed cost of operation is real and not merely apparent and that it is not, in whole or in part, the result of:

- (a) Chance;
- (b) A lowering of the quality of the service rendered;
- (c) Nonrecurrence of expenditures which were single outlay, or one-time expenditures, in the preceding year;
- (d) Stockpiling inventories in the immediately preceding year so as to reduce requirements in the eligible year;
- (e) Substitution of federal funds, other receipts, or nonstate funds for state appropriations;
- (f) Unreasonable postponement of payments of accounts payable until the year immediately following the eligible year;
- (g) Shifting of expenses to another unit of government; or
- (h) Any other practice, event, or device which the board decides has caused a distortion which makes it falsely appear that a savings or increase in level of services has occurred.

(3) The board shall consider as legitimate savings those reductions in expenditures made possible by such items as the following:

- (a) Reductions in overtime;
- (b) Elimination of consultant fees;
- (c) Less temporary help;
- (d) Improved systems and procedures;
- (e) Better deployment and utilization of personnel;
- (f) Elimination of unnecessary travel;
- (g) Elimination of unnecessary printing and mailing;
- (h) Elimination of unnecessary payments for items such as advertising;

(i) Elimination of waste, duplication, and operations of doubtful value;

(j) Improved space utilization; and

(k) Any other items (~~considered~~) determined by the board (~~as representing true savings~~) to represent cost savings.

Sec. 7. Section 4, chapter 167, Laws of 1982 as amended by section 6, chapter 114, Laws of 1985 and RCW 41.60.120 are each amended to read as follows:

At the conclusion of the eligible year, the board shall compare the expenditures for that year of each unit selected against the expenditures of that unit for the immediately preceding year or expenditures determined in accordance with RCW 41.60.110(1) (a) and (b) and, after making such adjustments as in the board's judgment are required to eliminate distortions, shall determine the amount, if any, that the unit has reduced the unit's cost of operations or increased its level of services in the eligible year. Adjustments to eliminate distortions may include any legislative increases in employee compensation and inflationary increases in the cost of services, materials, and supplies. If the board also determines that in the board's judgment a unit qualifies for an award, the board shall award to the employees of that unit a sum equal to twenty-five percent of the amount determined to be the savings to the state for the level of services rendered. The amount awarded shall be divided and distributed in equal shares to the employees of the unit, except that employees who worked for that unit less than the twelve months of the year shall receive only a pro rata share based on the fraction of the year worked for that unit. Funds for this teamwork incentive pay shall be drawn from the agency in which the unit is located.

In addition to the amount awarded, the agency shall transfer ten percent of the savings to ~~(the department of personnel for deposit in)~~ the department of personnel service fund. Monies so transferred shall be used exclusively for the operations of the productivity board or as an offset to any amount appropriated to the productivity board for administrative expenses from another revenue source, other than that provided under RCW 41.60.120. ~~(Any moneys remaining unexpended at the end of the fiscal biennium shall revert to the original fund source.)~~ The productivity board at least annually shall review amounts transferred to the department of personnel service fund under this section and may reduce the percentage of savings to be transferred or temporarily suspend transfer if cash receipts exceed needs for program administration.

NEW SECTION. Sec. 8. A new section is added to chapter 41.60 RCW to read as follows:

No award may be made under this chapter to any elected state official or state agency director. No monetary award may be made to persons exempt from the state civil service law under RCW 41.06.070 (5) or (9).

NEW SECTION. Sec. 9. The legislative budget committee shall undertake a cost-benefit analysis of employee incentive programs under chapter 41.60 RCW in 1990. A report of the findings and any conclusions and recommendations derived from this analysis shall be submitted to the appropriate standing committees of the house of representatives and the senate in January, 1991.

NEW SECTION. Sec. 10. Section 15, chapter 167, Laws of 1982 and RCW 43.131.255 are each repealed.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987, except section 10 of this act which shall take effect immediately."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 41.60.010, 41.60.015, 41.60.041, 41.60.050, 41.60.100, 41.60.110, and 41.60.120; adding a new section to chapter 41.60 RCW; creating a new section; repealing RCW 43.131.225; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House concurred in the Senate amendments to House Bill No. 91.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 91 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 91 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough,

Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Walker - 1.

House Bill No. 91 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 388 with the following amendments:

On page 4, line 25, after "~~((of ten dollars))~~," insert "Such application fee shall not exceed fifty dollars."

On page 4, line 32, after "field," insert "Such renewal fee shall not exceed thirty dollars." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rust, the House concurred in the Senate amendments to Substitute House Bill No. 388.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 388 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 388 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Schmidt - 1.

Excused: Representative Walker - 1.

Substitute House Bill No. 388 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 614 with the following amendments:

On page 2, line 12, after "Washington" strike "temporarily"

On page 2, line 16, after "Washington" strike "temporarily"

On page 2, line 25, after "1973" strike "cc-21" and insert "ff-6"

On page 7, line 2, after "under" strike "42 U.S.C. 1973 dd-2b" and insert "39 U.S.C. 3406" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 614.

Representatives Fisher and Sanders spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 614 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 614 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Walker - 1.

Substitute House Bill No. 614 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4665, by Representatives K. Wilson, Scott, Sprengle, R. King, Allen and Beck

WHEREAS, Stimulating and enjoyable academic endeavors foster an interest in learning which extends beyond the schoolroom and continues throughout students' lives; and

WHEREAS, The Scott Paper Company has demonstrated a strong commitment to academic achievement and community spirit by sponsoring the Pacific Northwest Hi-Q academic quiz competition for its twelfth season; and

WHEREAS, The affiliation of Everett Community College in producing the 1987 Hi-Q program and the participation of Everett Community College history and political science instructor, David A. McCourt as Hi-Q quizmaster, are commendable examples of the spirit of cooperation between business and public institutions for the promotion of educational excellence; and

WHEREAS, The Hi-Q program provides a public forum for students from high schools throughout northwest Washington to develop and display their academic achievements, initiative and good sportsmanship; and

WHEREAS, The commitment to academic excellence demonstrated by the competition's participants, their advisors, their sponsors and their families, as well as the faculty and staff of each of their high schools should be highly commended; and

WHEREAS, The following students and faculty advisors make up the winning teams in the 1987 Hi-Q competition:

MARINER HIGH SCHOOL

Clark S. Grubb
Megan K. Knapp
Pat M. Lasswell
Paul W. Peterson
Dan M. Runyan
Randi Wells
Suzy H. Yoon
Faculty Advisors:

EDMONDS HIGH SCHOOL

R. Bruce Parker
John Herrmann
Michael J. Olson
D. Thomas Peterson
Aaron G. Walls
Angela Wolfe
Kathy S. Yang
Faculty Advisor:

Mr. John Orr
Mrs. Ann Kashiwa

Mr. Rod McLeod

MARYSVILLE-PILCHUCK HIGH SCHOOL

Sandra L. Brown
John B. Gailey, Jr.
Kelly J. McGourty
Michael C. Roberts
Peter T. Sawyer
Michael Travis Stier

Faculty Advisors:

Mr. Jim Niemi
Mr. Dave Carpentier

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington acknowledges the superior academic achievements of these students and extends its warmest congratulations to them and to their faculty advisors; and

BE IT FURTHER RESOLVED, That copies of this Resolution be forwarded by the Chief Clerk of the House of Representatives to each of these students and their faculty advisors.

Ms. K. Wilson moved adoption of the resolution. Representatives K. Wilson and Allen spoke in favor of the resolution, and it was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 325 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 28A.03 RCW to read as follows:

By July 1, 1989, the superintendent of public instruction shall complete a study and, as may be necessary, adopt rules providing for the appropriate use of curriculum-based assessment procedures as a component of assessment procedures provided by chapter 28A.13 RCW. School districts may use curriculum-based assessment procedures as measures for developing academic early intervention programs and curriculum planning: PROVIDED, That the use of curriculum-based assessment procedures shall not deny a student the right to an assessment to determine eligibility or participation in learning disabilities programs as provided by chapter 28A.13 RCW."

On page 1, line 2 of the title, after "disabled" strike the remainder of the title and insert "programs; and adding a new section to chapter 28A.03 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendments to Substitute House Bill No. 325.

Representatives Ebersole and Betzoff spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 325 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 325 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan,

Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Walker - 1.

Substitute House Bill No. 325 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 452 with the following amendments:

On page 1, line 8, after "may" insert "only utilize funds outside the state basic education appropriation and the state school transportation appropriation to"

On page 1, line 21, following "services" and before the period, insert ": PROVIDED, That no child three years of age or younger shall be transported under the provisions of this 1987 act unless accompanied by a parent or guardian"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendments to House Bill No. 452.

Representatives Ebersole and Betrozoff spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 452 as amended by the Senate.

Representatives Ebersole, Betrozoff, Cole and Barnes spoke in favor of passage of the bill, and Representatives Taylor, Nealey, Doty and Padden opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 452 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; nays, 33; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Belcher, Betrozoff, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 64.

Voting nay: Representatives Amondson, Ballard, Baugher, Beck, Brooks, Brough, Bumgarner, Chandler, Day, Doty, Fuhrman, Grant, Hargrove, Jesernig, Lewis, McLean, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Silver, Smith C, Smith L, Sommers D, Taylor, Walk, Williams B, Williams J, Wilson S, Zellinsky - 33.

Excused: Representative Walker - 1.

House Bill No. 452 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 982 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 149, Laws of 1986 and by section 86, chapter 266, Laws of 1986 and RCW 28A.04.120 are each reenacted and amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) (a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a noncertificated teacher's aide in a public school or private school meeting the requirements of RCW 28A.02.201. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a noncertificated teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a noncertificated teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(4) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

((4)) (5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

((5)) (6) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

((6)) (7) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

((7)) (8) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

((8)) (9) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

((9)) (10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

((10)) (11) By rule or regulation promulgated upon the advice of the director of community development, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

((++)) (12) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools."

On page 1, line 1 of the title, after "certification;" strike the remainder of the title and insert "and reenacting and amending RCW 28A.04.120."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendments to Substitute House Bill No. 982.

Representative Ebersole spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 982 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 982 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Walker - 1.

Substitute House Bill No. 982 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 435 with the following amendments:

On page 1, beginning on line 22, before "requirement" insert "course"

On page 1, line 22, after "requirement," strike "The" through "fee," on line 23

On page 1, after line 29, insert the following:

NEW SECTION, Sec. 2. A new section is added to chapter 18.85 RCW to read as follows:

No person licensed under this chapter who is employed by the state and who is conducting real estate transactions on behalf of the state may hold an active license under this chapter."

On page 1, line 1 of the title, after "salesmen;" strike "and"

On page 1, line 2 of the title, after "18.85.215" insert "; and adding a new section to chapter 18.85 RCW"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Cole, the House refused to concur in the Senate amendments to Engrossed House Bill No. 435 and asked for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Wang, Cole and Patrick as conferees on Engrossed House Bill No. 435.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 698 with the following amendments:

On page 1, after line 18, insert the following:

*Sec. 2, Section 2, chapter 141, Laws of 1981 and RCW 84.36.037 are each amended to read as follows:

Real or personal property owned by a nonprofit organization, association, or corporation in connection with the operation of a public assembly hall or meeting place is exempt from taxation. The area exempt under this section includes the building or buildings, the land under the buildings, and an additional area necessary for parking, not exceeding a total of one acre: PROVIDED, That for property essentially unimproved except for restroom facilities and structures on such property which has been used primarily for annual community celebration events for at least ten years, such exempt property shall not exceed twenty-nine acres.

To qualify for this exemption the property must be used exclusively for public gatherings and be available to all organizations or persons desiring to use the property, but the owner may impose conditions and restrictions which are necessary for the safekeeping of the property and promote the purposes of this exemption. Membership shall not be a prerequisite for the use of the property.

The use of the property for pecuniary gain or to promote business activities, except fund raising activities conducted by a nonprofit organization and except annual community celebration events if the proceeds of the events are used exclusively for the purposes for which the nonprofit organization, association, or corporation is organized, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified by the collection of rent or donations if the amount is reasonable and does not exceed maintenance and operation expenses created by the user.

The department of revenue shall narrowly construe this exemption and shall annually report to the legislature the names of organizations receiving such property tax exemptions.

Sec. 3, Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 7, chapter 220, Laws of 1984 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) Except for the exemption under RCW 84.36.037, the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the provision of this subsection shall not apply to those qualified for exemption pursuant to RCW 84.36.040 if the property used for the purpose stated is either leased or rented;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480."

Remember the sections consecutively and correct internal references accordingly.

On page 1, line 1 of the title, after "treasurers;" insert "amending RCW 84.36.037 and 84.36.805;"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House refused to concur in the Senate amendments to House Bill No. 698 and asked for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Haugen, Nutley and L. Smith as conferees on House Bill No. 698.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 738 with the following amendments:

On page 14, line 24, after "institutions," strike the remainder of the section and insert "Subsection 5 of section 21 shall take effect immediately. All other portions of this act shall take effect July 1, 1989."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House refused to concur in the Senate amendment to Substitute House Bill No. 738 and asked for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives H. Sommers, Peery and Hankins as conferees on Substitute House Bill No. 738.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 782 with the following amendments:

On page 4, line 14, after "rules," strike "For each registered" through "purposes," on line 19 On page 4, after line 20, insert the following:

"Sec. 3. Section 15, chapter 1, Laws of 1973 as amended by section 10, chapter 147, Laws of 1982 and RCW 42.17.150 are each amended to read as follows:

(1) Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, showing:

(a) His name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of his employment;

(d) His compensation for lobbying; how much he is to be paid for expenses, and what expenses are to be reimbursed; ~~((and a full and particular description of any agreement, arrangement, or understanding according to which his compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation.))~~

(e) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects of his legislative interest;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(1) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments, or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation with respect to each such

person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed to by more than one person then such lobbyist may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contributions made by each such person.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of such change, modification or termination, furnish full information regarding the same by filing with the commission an amended registration statement.

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on the second Monday in January of each odd-numbered year, and failure to do so shall terminate his registration.

Sec. 4. Section 23, chapter 1, Laws of 1973 as amended by section 14, chapter 147, Laws of 1982 and RCW 42.17.230 are each amended to read as follows:

A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies, or confirms any such act, to other civil liabilities, as provided by this chapter:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least five years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers, and documents shall be made available for inspection by the commission at any time; PROVIDED, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

- (a) Engage in any activity as a lobbyist before registering as such;
- (b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;
- (c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;
- (d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;

(f) Enter into any agreement, arrangement, or understanding according to which his or her compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation.

On page 4, after line 20, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

During a legislative session, a lobbyist registered and reporting under this chapter or a business that has a lobbyist as one of the principal owners or partners, shall not enter into a personal services contract with the legislature, any committee, office, officer, or employee of the legislature, the executive branch, any officer or employee of the executive branch, or any state agency."

On line 1 of the title, after "lobbyists;" strike "and"

On line 2 of the title, after "42.17.180" insert "; and adding a new section to chapter 42.17 RCW"

On page 1, line 2 of the title, strike "42.17.170 and 42.17.180" and insert "42.17.150, 42.17.170, 42.17.180 and 42.17.230"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House refused to concur in the Senate amendments to Substitute House Bill No. 782 and asked for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Fisher, Fisch and Sanders as conferees on Substitute House Bill No. 782.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1034 with the following amendment:

On page 1, beginning on line 13, strike all material through "designs." on page 2, line 29 and insert the following:

"Sec. 2. Section 8, chapter 255, Laws of 1969 ex. sess. as amended by section 2, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.273 are each amended to read as follows:

~~((On or after July 1, 1971:)) Any municipality within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county is authorized to levy and collect a special excise tax not exceeding ninety-nine one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (5) and (6), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. Any other municipality is authorized to levy and collect a special excise tax not exceeding one percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150(5) and (6), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020: PROVIDED, That before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for 'corridor public hearings' and 'design public hearings' as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.~~

A 'corridor public hearing' is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

A 'design public hearing' is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House refused to concur in the Senate amendments to Engrossed House Bill No. 1034 and asked for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Walk, Fisher and Schmidt as conferees on Engrossed House Bill No. 1034.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035 with the following amendment:

On page 2, beginning on line 4, strike all material through line 33 and insert:

"(2) The governor shall appoint sixteen members, two from each Congressional district, to represent the following:

(a) Four as city representatives, who shall be elected by city officials, with at least one from a small city or town affected by abandonment of rail freight service and one from a large city who was a member of the Puget Sound council of governments multicorridor steering committee;

(b) Four as county representatives, who shall be elected county officials, with at least one from a small county affected by abandonment of rail freight service and one from a large county who was a member of the Puget Sound council of governments multicorridor steering committee;

(c) Two citizens from Eastern Washington to represent the private sector;

(d) Two citizens from Western Washington to represent the private sector;

(e) One as representative of a railroad;

(f) One as representative of a labor organization that represents workers in the railroad industry;

(g) One as representative of the Washington public ports association; and

(h) One as representative of the Washington state transit association.

(3) The three remaining members shall be:

(a) The secretary of transportation or a designee;

(b) One additional representative of the department of transportation appointed by the secretary of transportation; and

(c) The director of the Washington state transportation center created by agreement between the University of Washington, Washington State University, and the department of transportation."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1035 and asked for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Walk, Fisher and Schmidt as conferees on Engrossed Substitute House Bill No. 1035.

MESSAGE FROM THE SENATE

April 9, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5249, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House refused to recede from its amendments to Substitute Senate Bill No. 5249 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Crane, Niemi and Padden as conferees on Substitute Senate Bill No. 5249.

MESSAGE FROM THE SENATE

April 18, 1987

Mr. Speaker:

The President has ruled that the House amendment to SUBSTITUTE SENATE BILL NO. 5846 is beyond the scope and object of the bill. The Senate refuses to concur in the House amendment, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Hine, the House refused to recede from its amendment to Substitute Senate Bill No. 5846 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Hine, Belcher and May as conferees on Substitute Senate Bill No. 5846.

SENATE AMENDMENT TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1137 with the following amendment:
On page 2, line 20, strike "labor" and insert "housing and urban development" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Madsen moved that the House do concur in the Senate amendment to House Bill No. 1137.

Mr. Madsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1137 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1137 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Sanders - 1.

Excused: Representative Walker - 1.

House Bill No. 1137 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 80 with the following amendments:

On page 4, line 29, after "shall" strike "immediately"

On page 4, line 30, after "deposit" insert ", prior to the end of the next business day."

On page 5, line 24, after "exceed" strike "one" and insert "three"

On page 6, beginning on line 29, strike "gross"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Lux moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 80.

Mr. Lux spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 80 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 80 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Walker - 1.

Engrossed Substitute House Bill No. 80 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTION HOUSE BILL NO. 341 with the following amendments:

On page 1, line 5, strike all of NEW SECTION. Sec. 1 and renumber the remaining sections accordingly.

On page 1, line 25, after "assets" insert "or fifty percent of the net worth, whichever is less."

On page 1, line 25, after "company," insert "For purposes of this subsection, 'net worth' means the aggregate of capital, surplus, undivided profits, and all capital notes and debentures which are subordinate to the interest of depositors."

On page 2, line 9, after "The" strike "supervisor of banking" and insert "~~((supervisor of banking))~~ director of general administration"

On page 2, beginning on line 16, strike "supervisor" and insert "~~((supervisor))~~ director"

On page 2, line 22, after "distinction" strike "between" and insert "~~((between))~~ among"

On page 2, line 27, after "the" strike "supervisor" and insert "~~((supervisor))~~ director"

On page 2, line 28, after "The" strike "supervisor" and insert "~~((supervisor))~~ director"

On page 2, line 29, after "supervisor of" insert "banking, with the supervisor of"

On page 2, line 33, after "The" strike "supervisor" and insert "~~((supervisor))~~ director"

On page 2, line 36, after "The" strike "supervisor of banking" and insert "~~((supervisor of banking))~~ director"

On page 3, line 2, after "1987." strike everything down to and including "1986." on line 4 and insert "~~((A progress report shall be submitted to the governor and the respective standing committees of the house of representatives and the senate not later than December 1, 1986.))~~"

On page 1, line 2 of the title, after "30.04 RCW;" strike "creating a new section;"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Lux, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 341.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 341 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 341 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean,

McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Heavey, Locke - 2.

Excused: Representative Walker - 1.

Engrossed Substitute House Bill No. 341 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTION HOUSE BILL NO. 476 with the following amendments:

On page 6, after line 9, insert the following:

NEW SECTION. Sec. 5. (1) The Washington land bank shall be examined by the department of general administration, division of banking, at such times as the supervisor may determine, but in no event less than once each year. Such examinations shall include, but are not limited to, an analysis of credit and collateral quality and capitalization of the institution, and an appraisal of the effectiveness of the institution's management and application of policies for the carrying out the requirements of chapter 31.30 RCW, and servicing all eligible borrowers. At the direction of the supervisor, the division of banking shall examine the condition of any organization with which the Washington land bank contemplates making a loan or discounting paper. For the purposes of this chapter, bank analysts shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under Title 30 RCW, the Federal Reserve Act, and Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law.

(2) The Washington land bank shall make and publish an annual report of condition. Each such report shall contain financial statements prepared in accordance with generally accepted accounting principles and contain such additional information as may be required by the board of directors. Such financial statements shall be audited by an independent certified public accountant.

NEW SECTION. Sec. 6. The Washington land bank shall make at least three regular reports each year to the supervisor, as of the dates designated, according to form prescribed, verified by the president, vice-president, or secretary and attested by at least two directors, which shall exhibit under appropriate heads the resources and liabilities of the bank. Each such report in condensed form, to be prescribed by the supervisor, shall be published once in a newspaper of general circulation, published in a place where the corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The Washington land bank shall also make such special reports as the supervisor shall call for.

NEW SECTION. Sec. 7. Every regular report shall be filed with the supervisor within thirty days from the date of issuance of the notice therefor and proof of publication of such report shall be filed with the supervisor within forty days from such date. Every special report shall be filed with the supervisor within such time as shall be specified in the notice therefor.

Failure of the Washington land bank to file any report, required to be filed as aforesaid within the time herein specified, shall be subject to a penalty of fifty dollars per day for each day's delay. A civil action for the recovery of any such penalty may be brought by the attorney general in the name of the state.

NEW SECTION. Sec. 8. The supervisor shall collect from the Washington land bank for application and investigations and for each examination of its condition a fee as set by applicable regulation of the division of banking.

NEW SECTION. Sec. 9. (1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of the Washington land bank is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish all or any part of examination reports prepared by the supervisor's office to:

(a) Officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the Washington land bank and any customer of the Washington land bank who is named in that part of the examination or report ordered to be furnished unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(b) The Washington land bank;

(c) The attorney general in his or her role as legal advisor to the supervisor;

(d) A person or organization officially connected with the Washington land bank as officer, director, attorney, auditor, or independent attorney or independent auditor.

(3) All examination reports furnished under subsections (2) and (4) of this section shall remain the property of the division of banking, and be confidential and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of banking is designed for use in the supervision of the Washington land bank. The report shall remain the property of the supervisor and will be furnished to the Washington land bank for its confidential use. Under no circumstances shall the Washington land bank, or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof, to any person or organization not connected with the Washington land bank as officer, director, employee, attorney, auditor, or candidate for executive office with the bank.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for establishment of the Washington land bank: PROVIDED, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 10. (1) The supervisor may issue and serve upon the Washington land bank a notice of charges if in the opinion of the supervisor, the Washington land bank:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting its business;

(b) Is violating or has violated the law, rule, or any condition imposed in writing by the supervisor in connection with the granting of any application or other request by the bank or any written agreement made with the supervisor; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection when the opinion that the threat exists is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or violations or the practice or practices and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the bank. The hearing shall be set not earlier than ten days nor later than thirty days after service of the notice unless a later date is set by the supervisor at the request of the bank.

Unless the bank shall appear at the hearing by a duly authorized representative it shall be deemed to have consented to the issuance of the cease and desist order. In the event of this consent or if upon the record made at the hearing the supervisor finds that any violation or practice specified in the notice of charges has been established, the supervisor may issue and serve upon the bank an order to cease and desist from the violation or practice. The order may require the bank and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the bank to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after the service of the order upon the bank except that a cease and desist order issued upon consent shall become effective at the time specified in the order and shall remain effective as provided therein unless it is stayed, modified, terminated, or set aside by action of the supervisor or a reviewing court.

NEW SECTION. Sec. 11. Whenever the supervisor determines that the acts specified in the foregoing section or their continuation is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, the supervisor may also issue a temporary order requiring the bank to cease and desist from the violation or practice. The order shall become effective upon service on the bank and shall remain effective unless set aside, limited, or suspended by a court in proceedings under section 8 of this act pending the completion of the administrative proceedings under the notice and until such time as the supervisor shall dismiss the charges

specified in the notice or until the effective date of a cease and desist order issued against the bank pursuant to section 8 of this act.

NEW SECTION, Sec. 12. Within ten days after the bank has been served with a temporary cease and desist order, the bank may apply to the superior court in the county of its principal place of business for an injunction setting aside, limiting, or suspending the order pending the completion of the administrative proceedings pursuant to the notice served. The superior court shall have jurisdiction to issue the injunction.

NEW SECTION, Sec. 13. In the case of a violation or threatened violation of a temporary cease and desist order issued, the supervisor may apply to the superior court of the county of the principal place of business of the bank for an injunction to enforce the order, and the court shall issue an injunction if it determines that there has been a violation or threatened violation.

NEW SECTION, Sec. 14. (1) Any administrative hearing may be held at such place as is designated by the supervisor and shall be conducted in accordance with chapter 34.04 RCW. The hearing shall be private unless the supervisor determines that a public hearing is necessary to protect the public interest after fully considering the views of the party afforded the hearing.

Within sixty days after the hearing the supervisor shall render a decision which shall include findings of fact upon which the decision is based and shall issue and serve upon each party to the proceedings an order or orders.

Unless a petition for review is timely filed in the superior court of the county of the principal place of business of the bank and until the record in the proceeding has been filed as therein provided, the supervisor may at any time modify, terminate, or set aside any order upon such notice and in such manner as deemed proper. Upon filing the record, the supervisor may modify, terminate, or set aside any order only with permission of the court.

The judicial review provided in this section for an order shall be exclusive.

(2) Any party to the proceeding or any person required by an order to refrain from any of the violations or practices stated therein may obtain a review of any order served under subsection (1) of this section other than one issued upon consent by filing in the superior court of the county of the principal place of business of the bank within ten days after the date of service of the order a written petition praying that the order of the supervisor be modified, terminated, or set aside. A copy of the petition shall be immediately served upon the supervisor and the supervisor shall then file in the court the record of the proceeding. The court shall have jurisdiction upon the filing of the petition, which jurisdiction shall become exclusive upon the filing of the record to affirm, modify, terminate, or set aside in whole or in part the order of the supervisor except that the supervisor may modify, terminate, or set aside an order with the permission of the court. The judgment and decree of the court shall be final, except that it shall be subject to appellate review under the rules of court.

(3) The commencement of proceedings for judicial review under subsection (2) of this section shall not operate as a stay of any order issued by the supervisor unless specifically ordered by the court.

NEW SECTION, Sec. 15. The supervisor may serve upon a director, officer, or employee of the Washington land bank a written notice of the supervisor's intention to remove the person from office or to prohibit the person from participation in the conduct of the affairs of the bank whenever:

(1) In the opinion of the supervisor any director, officer, or employee of the bank has committed or engaged in:

- (a) Any violation of law or rule or of a cease and desist order which has become final;
- (b) Any unsafe or unsound practice in connection with the bank; or
- (c) Any act, omission, or practice which constitutes a breach of his fiduciary duty as director, officer, or employee; and

(2) The supervisor determines that:

- (a) The bank has suffered or may suffer substantial financial loss or other damage; or
- (b) The interests of its investors could be seriously prejudiced by reason of the violation or practice or breach of fiduciary duty; and

(c) The violation or practice or breach of fiduciary duty is one involving personal dishonesty, recklessness, or incompetence on the part of the director, officer, or employee.

NEW SECTION, Sec. 16. A notice of an intention to remove a director, officer, or employee from office or to prohibit participation in the conduct of the affairs of the bank shall contain a statement of the facts which constitute grounds therefor and shall fix a time and place at which a hearing will be held. The hearing shall be set not earlier than ten days nor later than thirty days after the date of service of the notice unless an earlier or later date is set by the supervisor at the request of the director, officer, or employee for good cause shown or of the attorney general of the state.

Unless the director, officer, or employee appears at the hearing personally or by a duly authorized representative, the person shall be deemed to have consented to the issuance of an order of removal or prohibition or both. In the event of such consent or if upon the record made at the hearing the supervisor finds that any of the grounds specified in the notice have been established, the supervisor may issue such orders of removal from office or prohibition from

participation in the conduct of the affairs of the bank as the supervisor may consider appropriate.

Any order shall become effective at the expiration of ten days after service upon the bank and the director, officer, or employee concerned except that an order issued upon consent shall become effective at the time specified in the order.

An order shall remain effective except to the extent it is stayed, modified, terminated, or set aside by the supervisor or a reviewing court.

NEW SECTION. Sec. 17. If at any time because of the removal of one or more directors under this chapter there shall be on the board of directors of the bank less than a quorum of directors, all powers and functions vested in or exercisable by the board shall vest in and be exercisable by the director or directors remaining until such time as there is a quorum on the board of directors. If all of the directors of the bank are removed under this chapter, the supervisor shall appoint persons to serve temporarily as directors until such time as their respective successors take office.

NEW SECTION. Sec. 18. Sections 5 through 17 of this act are each added to chapter 31.30 RCW."

Renumber the remaining sections consecutively.

On page 1, line 3 of the title, after "30.08 RCW;" strike "and" and insert "adding new sections to chapter 31.30 RCW;"

On page 1, line 5 of the title, after "30.23.901" insert "; and prescribing penalties" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Lux moved that the House do concur in the Senate amendments to Substitute House Bill No. 476.

Representatives Lux and Chandler spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 476 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 476 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Fuhrman, Locke - 2.

Excused: Representative Walker - 1.

Substitute House Bill No. 476 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 920 with the following amendments:

On page 2, after line 6, insert the following:

NEW SECTION. Sec. 2. This act shall take effect on January 1, 1988."

On line 2 of the title, after "insurance;" strike "and" and after "RCW" insert "; and providing an effective date"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Lux, the House concurred in the Senate amendments to Substitute House Bill No. 920.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 920 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 920 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Barnes - 1.

Excused: Representative Walker - 1.

Substitute House Bill No. 920 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 928 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 136, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.030 are each amended to read as follows:

(1) The department of natural resources, upon the receipt of an application for a lease for the purpose of planting and cultivating oyster beds or for the purpose of cultivating clams or other edible shellfish, shall notify the director of fisheries of the filing of the application describing the tidelands or beds of navigable waters applied for. The director of fisheries shall cause an inspection of the lands applied for to be made and shall make a full report to the department of natural resources of his findings as to whether it is necessary, in order to protect existing natural oyster beds, and to secure adequate seeding thereof, to retain the lands described in the application for lease or any part thereof, and in the event the director deems it advisable to retain the lands or any part thereof for the protection of existing natural oyster beds or to guarantee the continuance of an adequate seed stock for existing natural oyster beds, the same shall not be subject to lease. However, if the director determines that the lands applied for or any part thereof may be leased, he shall so notify the department of natural resources and the director shall cause an examination of the lands to be made to determine the presence, if any, of natural oysters, clams, or other edible shellfish on said lands, and to fix the rental value of the lands for use for oyster, clam, or other edible shellfish cultivation. In his report to the department, the director shall recommend a minimum rental for said lands and an estimation of the value of the oysters, clams, or other edible shellfish, if any, then present on the lands applied for. The lands approved by the director for lease may then be leased to the applicant for a period of not less than five years nor more than ten years at a rental not less than the minimum rental recommended by the director of fisheries. In addition, before entering upon possession of the land, the applicant shall pay the value of the oysters, clams, or other edible shellfish, if any, then present on the land as determined by the director, plus the expense incurred by the director in investigating the quantity of oysters, clams, or other edible shellfish, present on the land applied for.

(2) When issuing new leases or reissuing existing leases the department shall not permit the commercial harvest of subtidal hardshell clams by means of hydraulic escalating when the upland within five hundred feet of any lease tract is zoned for residential development.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "clams;" strike the remainder of the title and insert "amending RCW 79.96.030; and declaring an emergency."
and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. K. Wilson moved that the House do concur in the Senate amendments to Substitute House Bill No. 928.

Ms. K. Wilson spoke in favor of the motion.

POINT OF INQUIRY

Ms. Schmidt yielded to question by Ms. Spanel.

Ms. Spanel: Representative Schmidt, Substitute House Bill No. 928 requires that the Department of Natural Resources not enter into any new leases or renew existing leases that allow the harvest of subtidal hardshell clams by means of a hydraulic escalator within five hundred feet of any property zoned for residential use. Would you clarify where the measurement of the five hundred foot zone begins?

Ms. Schmidt: Thank you, Representative Spanel. Throughout state law, in the Shoreline Management Act and in the aquatic laws administered by the Department of Natural Resources, references are made to public property beginning at the ordinary high water mark. Shorelines of statewide significance in the Shoreline Management Act are defined as beginning at the ordinary high water mark. Tidelands and harbor lands are defined as beginning at the ordinary high water mark. I think it is fully consistent with state laws to say that the Senate intended that any measurement of the five hundred foot distance begin at the ordinary high water mark.

The motion to concur in the Senate amendments to Substitute House Bill No. 928 was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 928 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 928 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Belcher, Cole, Sanders - 3.

Excused: Representative Walker - 1.

Substitute House Bill No. 928 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1098 with the following amendments:

On page 1, line 6, after "exchange" strike "all but the mineral rights on"

On page 1, after line 13, insert a new paragraph as follows:

"If the state parks and recreation commission and the federal government enter into an agreement to exchange Keystone Spit for state-owned tidelands included in the seashore conservation area, the department of natural resources shall transfer to the state parks and recreation commission quit claim deed title to the tidelands to be exchanged."

On page 1, line 23, after "Washington" insert "and shall further state that the national park service agrees to consult with the state parks and recreation commission regarding the adoption of any rules or changes in management policies and agrees to endeavor to accommodate the state's interests"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. K. Wilson moved that the House do concur in the Senate amendments to Substitute House Bill No. 1098.

Ms. K. Wilson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1098 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1098 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Walker - 1.

Substitute House Bill No. 1098 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 10, 1987

Mr. Speaker:

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

On page 4, after line 4, strike the material on lines 5 through 9, including the period, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendment to Substitute House Bill No. 1065.

Mr. Locke spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1065 as amended by the Senate.

ROLL CALL

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

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Walker - 1.

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

Representative Gallagher was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTION HOUSE BILL NO. 1097 with the following amendments:

On page 1, after line 18, insert the following:

"Sec. 2. Section 4, chapter 166, Laws of 1983 as amended by section 76, chapter 370, Laws of 1985 and RCW 28B.15.756 are each amended to read as follows:

The boards of trustees of The Evergreen State College and the regional universities, the state board for community college education, and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia."

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "28B.15.754" insert ", 28B.15.756,"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Locke, the House concurred in the Senate amendments to Substitute House Bill No. 1097.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1097 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1097 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden,

Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Walker - 2.

Substitute House Bill No. 1097 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 876 with the following amendments:

On page 2, line 7, after "addiction," insert "Further, the state declares that the goal of methadone treatment is drug-free living for the individuals who participate in the drug treatment program."

On page 3, line 33, after "chapter" strike "69.50" and insert "69.54"

On page 4, line 9, after "69.54.035" insert ": PROVIDED, That a county which authorizes methadone treatment may operate such programs directly or through a local health department or health district or it may authorize certified methadone treatment programs which the county licenses to provide such services within the county"

On line 2 of the title after "chapter" strike "69.50" and insert "69.54"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Brekke moved that the House do concur in the Senate amendments to Substitute House Bill No. 876.

Representatives Brekke and Brough spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 876 as amended by the Senate.

Representative Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 876 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; nays, 15; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cole, Cooper, Crane, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 81.

Voting nay: Representatives Barnes, Cantwell, Chandler, Day, Ebersole, Fisher, Hargrove, Kremen, Nealey, Padden, Sanders, Smith C, Vekich, Walk, Zellinsky - 15.

Excused: Representatives Gallagher, Walker - 2.

Substitute House Bill No. 876 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 396 with the following amendments:

On page 1, line 26, after "that" strike all material through "1987" on line 27 and insert "is (1) consistent with state, regional, and local transportation plans, (2) necessitated by existing or

reasonably foreseeable congestion levels attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions"

On page 2, line 11, after "that" strike all material through "1987" on line 12 and insert "is (1) consistent with state, regional, and local transportation plans, (2) necessitated by existing or reasonably foreseeable congestion levels attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions"

On page 7, line 1, after "chapter" strike "(HB 397)" and insert "(SB 5732)" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House concurred in the Senate amendments to Engrossed House Bill No. 396.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 396 as amended by the Senate.

POINT OF INQUIRY

Ms. Cantwell yielded to question by Mr. Walk.

Mr. Walk: When the Senate amended Engrossed House Bill 396, it restated language contained in another bill which had previously only been referenced. This language relates to the criteria which a road improvement must meet in order for a transportation benefit district to address the need. These criteria include the project being consistent with existing transportation plans and having local government or private contributions.

The criteria language related to congestion levels was changed somewhat by the Senate to reference congestion attributable to "economic growth." The language in the other bill, previously referenced, addressed congestion related to "economic development or growth."

Do you see those word changes affecting the type of projects to be addressed by transportation benefit districts? Also, do you see that those word changes would affect the ability for these districts to apply for funds from the transportation improvement account?

Ms. Cantwell: I believe it is the Legislature's intent that these districts address congestion necessitated by economic development or growth. For the purposes of these districts, the term "economic development or growth" and the term "economic growth" should be regarded as the same. Projects to be done by these districts would certainly qualify for transportation improvement account funds.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 396 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Prull, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Walker - 2.

Engrossed House Bill No. 396 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 629 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 13, chapter 18, Laws of 1935 as last amended by section 1, chapter 121, Laws of 1986 and RCW 88.16.100 are each amended to read as follows:

(1) The board shall have power on its own motion or, in its discretion, upon the written request of any interested party, to investigate the performance of pilotage services subject to this chapter and to issue a reprimand, impose a fine against a pilot in an amount not to exceed five thousand dollars ((and)), suspend, withhold, or revoke the license of any pilot, or any combination of the above, for misconduct, incompetency, inattention to duty, intoxication, or failure to perform his duties under this chapter, or violation of any of the rules or regulations provided by the board for the government of pilots. The board may partially or totally stay any disciplinary action authorized in this subsection and subsection (2) of this section. The board shall have the power to require that a pilot satisfactorily complete a specific course of training or treatment.

(2) In all instances where a pilot licensed under this chapter performs pilot services on a vessel exempt under RCW 88.16.070, the board may on its own motion, or in its discretion upon the written request of any interested party, investigate whether the services were performed in a professional manner consistent with sound maritime practices. ((If the board finds that the pilotage services were performed in a negligent manner so as to endanger life, limb, or property, the board shall impose a fine of not more than five thousand dollars upon the offending pilot.)) If the board finds that the pilotage services were performed in a manner that constitutes an act of incompetence, misconduct, or negligence so as to endanger life, limb, or property, or violated or failed to comply with state laws or regulations intended to promote marine safety or to protect navigable waters, the board may issue a reprimand, impose a fine against a pilot in an amount not to exceed five thousand dollars, suspend, withhold, or revoke the state pilot license, or any combination of the above. The board shall have the power to require that a pilot satisfactorily complete a specific course of training or treatment.

(3) The board shall implement a system of specified disciplinary actions or corrective actions, including training or treatment, that will be taken when a state licensed pilot in a specified period of time has had multiple disciplinary actions taken against the pilot's license pursuant to subsections (1) and (2) of this section. In developing these disciplinary or corrective actions, the board shall take into account the cause of the disciplinary action and the pilot's previous record.

(4) When the board determines that reasonable cause exists to issue a reprimand, impose a fine ((or)), suspend, revoke, or withhold any pilot's license or require training or treatment under subsection (1) or (2) of this section, it shall forthwith prepare and personally serve upon such pilot a notice advising him of the board's intended action, the specific grounds therefor, and the right to request a hearing to challenge the board's action. The pilot shall have thirty days from the date on which notice is served to request a full hearing before an administrative law judge on the issue of the reprimand, fine ((or)), suspension, revocation, or withholding of his pilot's license, or requiring treatment or training. The board's proposed reprimand, fine ((or)), suspension, revocation, or withholding of a license, or requiring treatment or training shall become final upon the expiration of thirty days from the date notice is served, unless a hearing has been requested prior to that time. When a hearing is requested the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by the provisions of Title 34 RCW. All final decisions of the administrative law judge shall be subject to review by the superior court of the state of Washington for Thurston county or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the administrative law judge if requested to do so by any party to the proceedings at any time within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision. Any case so certified to the superior court shall be tried de novo and after certification of the record to said superior court the proceedings shall be had as in a civil action. Moneys collected from fines under this section shall be deposited in the pilotage account.

(5) The board shall have the power, on an emergency basis, to temporarily suspend a state pilot's license: (a) When a pilot has been involved in any vessel accident where there has been major property damage, loss of life, or loss of a vessel, or (b) where there is a reasonable cause to believe that a pilot has diminished mental capacity or is under the influence of drugs, alcohol, or other substances, when in the opinion of the board, such an accident or physical or mental impairment would significantly diminish that pilot's ability to carry out pilotage duties and that the public health, safety, and welfare requires such emergency action. The board

shall make a determination within seventy-two hours whether to continue the suspension. The board shall develop rules for exercising this authority including procedures for the chairperson or vice-chairperson of the board to temporarily order such suspensions, emergency meetings of the board to consider such suspensions, the length of suspension, opportunities for hearings, and an appeal process. The board shall develop rules under chapter 34.04 RCW.

NEW SECTION, Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Baugher, the House concurred in the Senate amendment to House Bill No. 629.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 629 as amended by the Senate.

POINT OF INQUIRY

Mr. Fisch yielded to question by Ms. Schmidt.

Ms. Schmidt: Representative Fisch, I have a question regarding the Senate amendment to this bill and the potential effect that it might have on Section 1(3). As you know, subsections (1) and (2) of Section 1 provide several options for the Board of Pilotage Commissioners to discipline a state licensed pilot.

Section 1(3) directs the Board to implement a system of specified disciplinary or corrective actions that will be taken when a pilot has multiple disciplinary actions taken against the state license. The question that I have is whether all the disciplinary actions which the board may take--reprimands, fines, and suspension, withholding or revocation of a license--would be considered disciplinary actions against the pilot's license for the purposes of Section 1(3)?

Mr. Fisch: The answer to your question, Representative Schmidt, is yes. All of those disciplinary actions which the board may take are dependent on a person holding a state pilot's license, the Board is investigating those actions which reflect their qualifications to hold that license, and they would all apply as disciplinary actions against the pilot's license. This would include letters of reprimand and fines.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 629 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruiitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Walker - 2.

House Bill No. 629 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 630 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 18, Laws of 1935 as last amended by section 1, chapter 207, Laws of 1979 ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the assistant secretary of marine transportation of the department of transportation of the state of Washington, or the assistant secretary's designee who shall be an employee of the ~~((department of transportation))~~ marine division, who shall be chairperson, and six members appointed by the governor and confirmed by the senate. Each of said appointed commissioners shall be appointed for a term of four years from the date of said member's commission. No person shall be eligible for appointment to said board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of appointment and while serving on the board. One pilot shall be from the Puget Sound pilotage district and one shall be from the Grays Harbor pilotage district. Two of said appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of appointment and while serving on the board. One of said shipping commissioners shall be a representative of American and one of foreign shipping. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, ~~((with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative))~~ and shall not have been a state licensed pilot or an employee of a company which owns or operates deep sea cargo or passenger carrying vessels for ten years preceding the appointment and shall not have any direct financial interest related to pilotage or with a company which owns or operates deep sea cargo or passenger carrying vessels.

(2) ~~((Pilotage commissioners holding commissions on September 21, 1977, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointed commissioners shall continue to hold office for the period for which they are appointed and until their successors are appointed and qualified, except that the governor when first appointing commissioners after September 21, 1977, shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively.))~~ Any vacancy in an appointed position on the board shall be filled by the governor for the remainder of the unfilled term, subject to confirmation by the senate.

(3) Four members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be present at every meeting. All commissioners and the chairperson shall have a vote.

Sec. 2. Section 14, chapter 18, Laws of 1935 as amended by section 9, chapter 15, Laws of 1967 and RCW 88.16.040 are each amended to read as follows:

Any member of the board shall have power to administer oaths in any matter before the board for consideration or inquiry and to issue subpoenas requiring witnesses to appear before the board. Such subpoenas shall be signed by a member of the board and issued in the name of the state of Washington and be served and returned, and mileage and witness fees shall be paid in like manner and effect as in a civil action. A witness willfully disobeying such subpoena served upon ~~((him))~~ the witness shall be proceeded against upon complaint of the board to the attorney general or the prosecuting attorney of the county where ~~((his))~~ the attendance of the witness was demanded as for a contempt of the authority of the superior court of said county.

Sec. 3. Section 3, chapter 18, Laws of 1935 as last amended by section 2, chapter 207, Laws of 1979 ex. sess. and RCW 88.16.050 are each amended to read as follows:

This chapter shall apply to the pilotage districts of this state as defined in this section.

(1) 'Puget Sound pilotage district', whenever used in this chapter, shall be construed to mean and include all the waters of the state of Washington inside the international boundary line between the state of Washington, the United States and the province of British Columbia, Canada and east of one hundred twenty-three degrees twenty-four minutes west longitude.

(2) 'Grays Harbor pilotage district' shall include all inland waters, channels, waterways, and navigable tributaries within Grays Harbor and Willapa Harbor. The boundary line between Grays Harbor and Willapa Harbor and the high seas shall be ~~((a line drawn from Grays Harbor bar range rear light to Grays Harbor entrance lighted whistle buoy two, then to Grays Harbor light))~~ defined by the board.

Sec. 4. Section 6, chapter 18, Laws of 1935 as last amended by section 13, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.120 are each amended to read as follows:

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein established or which may be hereafter fixed by the board pursuant to this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be

conducted by the attorney general or the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Sec. 5. Section 10, chapter 18, Laws of 1935 as last amended by section 8, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.150 are each amended to read as follows:

(1) In all cases where no other penalty is prescribed in this chapter, any violation of this chapter or of any rule or regulation of the board shall be punished as a gross misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed. In any case where the offense was committed upon a ship, boat or vessel, and there is doubt as to the proper county, the same may be prosecuted in any county through any part of which the ship, boat or vessel passed, during the trip upon which the offense was committed. All fines collected for any violation of this chapter or any rule or regulation of the board shall within thirty days be paid by the official collecting the same to the state treasurer and shall be credited to the pilotage account: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) Notwithstanding any other penalty imposed by this section, any person who shall violate the provisions of this chapter, shall be liable to a maximum civil penalty of five thousand dollars. The board may request the attorney general or the prosecuting attorney of the county in which any violation of this chapter occurs to bring an action for imposing the civil penalties provided for in this subsection.

Moneys collected from civil penalties shall be deposited in the pilotage account.

(3) Any master of a vessel who shall knowingly fail to inform the pilot dispatched to said vessel or any agent, owner, or operator, who shall knowingly fail to inform the pilot dispatcher, or any dispatcher who shall knowingly fail to inform the pilot actually dispatched to said vessel of any special directions mandated by the coast guard captain of the port under authority of the Ports and Waterways Safety Act of 1972, as amended, for the handling of such vessel shall be guilty of a gross misdemeanor.

NEW SECTION, Sec. 6. A new section is added to chapter 88.16 RCW to read as follows:

Any steamship company or agent may submit a request in writing to the board that a particular pilot not be assigned to pilot that company's vessels. The request shall be based on specific safety concerns of the steamship company or agent.

The board shall notify interested persons and hold a hearing on that request, and either approve or disapprove the request. If the request is approved, the board shall notify the affected pilot and give the pilot a specific list of vessels for which that pilot shall not provide pilotage services."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On the motion of Mr. Baugher, the House concurred in the Senate amendment to Substitute House Bill No. 630.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 630 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 630 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Walker - 2.

Substitute House Bill No. 630 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 701 with the following amendments:

On page 1, line 7, after "pilot" strike "after January 1, 1970" and insert "(~~after January 1, 1970~~)"

On page 1, line 27, after "consisting of" insert "those items prescribed by the department of transportation, which shall include, at least"

On page 1, line 13, after "school" insert ", with the exception of solo flights by students"

On page 2, line 2, after "candle" strike "not less than four inches in length" and insert "and/or another fire-starting device"

On page 2, line 6, after "school" insert ", with the exception of solo flights by students" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Baugher, the House concurred in the Senate amendments to Engrossed House Bill No. 701.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 701 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 701 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Walker - 2.

Engrossed House Bill No. 701 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 748 with the following amendments:

On page 3, after line 25, insert the following:

"Sec. 2. Section 6, chapter 171, Laws of 1969 ex. sess. as amended by section 3, chapter 126, Laws of 1973 1st ex. sess. and RCW 47.26.450 are each amended to read as follows:

At the time the urban arterial board reviews the six-year program of each county and city each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 47.26.440, the portion of the urban arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve urban arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 47.26.240. In the case of projects whose total cost exceeds one million dollars as reflected in the six-year program, the agency with jurisdiction shall furnish to the board a value engineering study performed by an interagency team approved by the board, to determine whether the proposed improvement provides a cost-effective solution for the project before the board may approve urban arterial trust funds for either the preliminary or construction phase of the project. The board may authorize a variance from the value engineering study upon a determination that the study is not warranted. The board may also require a value engineering study for a project

whose total cost is less than one million dollars upon a determination by the board that the study is warranted.

The board shall authorize urban arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve urban arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The urban arterial board may, within the constraints of available urban arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting local government that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the local government was developed. Such proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 47.26.220."

On line 2 of the title, after "47.26.190" and before the period, insert "and 47.26.450" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Baugher, the House concurred in the Senate amendments to House Bill No. 748.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 748 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 748 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Barnes, Sanders - 2.

Excused: Representatives Gallagher, Walker - 2.

House Bill No. 748 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SPEAKER'S PRIVILEGE

The Speaker recognized Jeanne Smith, Intern Coordinator for the House of Representatives, who introduced the administrative officer for the office of the speaker of the British Columbia Parliament and eight interns from the British Columbia Parliament.

POINT OF PERSONAL PRIVILEGE

Ms. Hine: I would like to say, on behalf of this group, to our interns how pleased we are to have you and to share with you how much we value the interns that we have had here. We hope your stay is enjoyable, that you learn about our system, and we hope that some of us can come up to visit you one of these days.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 831, by Representatives Leonard, Madsen and Hankins

Increasing retained percentage for horse racing commission from specified races.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass. Committee on Ways & Means recommendation: Majority, do pass with the following amendment:

On page 1, line 13, after "(~~twenty two~~)" strike "forty" and insert "thirty-one"

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

Mr. Patrick moved adoption of the following amendment by Representatives Patrick, Wang, Appelwick, Madsen, Leonard, Lewis, May and Brough:

On page 2, after line 8, insert the following:

*Sec. 2. Section 2, chapter 55, Laws of 1933 as last amended by section 1, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.012 are each amended to read as follows:

There is hereby created the Washington horse racing commission, to consist of three commissioners, ~~((who))~~ appointed by the governor and confirmed by the senate. The commissioners shall be citizens, residents, and qualified electors of the state of Washington. ~~((and))~~ one of whom shall be a breeder of race horses and ~~((he))~~ shall be of at least one year's standing. ~~((The first members of said commission shall be appointed by the governor within thirty days after March 3, 1933, one for a term to expire on the Thursday following the second Monday in January of 1935, one for a term to expire on the Thursday following the second Monday in January of 1937, and one for a term to expire on the Thursday following the second Monday in January of 1939, upon which expiration of the term of any member, the governor shall appoint a successor for a term of))~~ The terms of the members shall be six years. Each member shall hold office until his or her successor is appointed and qualified. Vacancies in the office of commissioner shall be filled by appointment to be made by the governor for the unexpired term. Any commissioner may be removed at any time at the pleasure of the governor ~~((PROVIDED: That any member or successor that is appointed or reappointed by the governor after August 11, 1969, shall be confirmed by the senate))~~. Before entering upon the duties of his or her office, each commissioner shall enter into a surety company bond, to be approved by the governor and attorney general, payable to the state of Washington, in the penal sum of five thousand dollars, conditioned upon the faithful performance of his or her duties and the correct accounting and payment of all sums received and coming within his or her control under this chapter, and in addition thereto each commissioner shall take and subscribe to an oath of office of the same form as that prescribed by law for elective state officers.

NEW SECTION. Sec. 3. A new section is added to chapter 67.16 RCW to read as follows:

In addition to the commission members appointed under RCW 67.16.012, there shall be four ex officio nonvoting members consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; and (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives. The appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first. Members may be reappointed, and vacancies shall be filled in the same manner as original appointments are made. The ex officio members shall assist in the policy making, rather than administrative, functions of the commission, and shall collect data deemed essential to future legislative proposals and exchange information with the commission. The ex officio members shall be deemed engaged in legislative business while in attendance upon the business of the commission and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the horse racing commission fund as being expenses relative to commission business.

This section shall expire on October 31, 1991."

Representatives Patrick and Wang spoke in favor of the amendment, and it was adopted.

On motion of Mr. Patrick, the following amendments by Representatives Patrick, Wang, Appelwick, Madsen, Leonard, Lewis, May and Brough to the title were adopted:

On page 1, line 1 of the title, after "commission;" strike "and"

On page 1, line 2 of the title, after "67.16.175" insert "and 67.16.012; and adding a new section to chapter 67.16 RCW"

The bill was ordered engrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 831, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Brekke, Haugen - 2.

Excused: Representatives Gallagher, Walker - 2.

Engrossed House Bill No. 831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 638, by Representatives Walk, Schmidt and Zellinsky; by request of Governor Gardner

Establishing an additional motor vehicle excise tax to fund state patrol services and ferry operations.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 638 was substituted for House Bill No. 638 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 638 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and J. Williams spoke in favor of passage of the bill, and Mr. B. Williams opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 638, and the bill passed the House by the following vote: Yeas, 58; nays, 38; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Braddock, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Heavey, Holland, Holm, Jesernig, Lux, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Sanders, Schoon, Silver, Smith C, Smith L, Sommers D, Valle, Williams B, Williams J, Winsley - 38.

Excused: Representatives Gallagher, Walker - 2.

Substitute House Bill No. 638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1225, by Representatives Brekke, Sayan, Lewis, Braddock, Sprenkle, Nelson, Allen, Jacobsen, Grimm, Appelwick, Wineberry, Hine, Niemi, Hargrove, Bristow, Belcher, Lux and P. King

Developing and implementing prepaid capitated dental hygiene and care programs for medical assistance recipients.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1225 was substituted for House Bill No. 1225 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1225 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Ms. Brekke yielded to question by Mr. May.

Mr. May: I guess it's in the budget, but what are the financial implications of this, please?

Ms. Brekke: The adult dental care is in the budget. I believe it is about \$18 million plus for state general fund, plus \$41 million or \$43 million total (because it is more than double) in the federal. There is language in the budget that institutes this prepaid plan. The intention behind the bill and that prepaid plan is to save money.

Mr. May: Are those the numbers when fully implemented, or is that for the next two years, the biennium?

Ms. Brekke: The adult dental will be for the full two years.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1225, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Walker - 2.

Substitute House Bill No. 1225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, Engrossed Substitute Senate Bill No. 5720 was rereferred from the second reading calendar to Committee on Rules.

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5061, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary

REPORT OF FREE CONFERENCE COMMITTEE

April 20, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5061, establishing failure to comply with traffic laws as a gross misdemeanor, have had same under consideration, and we recommend that the House amendment by Representative Schmidt and others to page 3, line 8 be adopted; the House amendment by Representative Schmidt and others to page 3, line 9 not be adopted; and the bill be further amended as follows:

On page 3, line 6, after "offense" strike "shall" and insert "may"

Signed by Senators Talmadge, Nelson and Moore; Representatives Walk, Spanel and Padden.

MOTION

On motion of Mr. Walk, the House adopted the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5061.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5061 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5061 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Brough, Holland, Miller - 3.

Excused: Representatives Gallagher, Walker - 2.

Substitute Senate Bill No. 5061 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

	SUBSTITUTE HOUSE BILL NO.	2,
	HOUSE BILL NO.	3,
	SUBSTITUTE HOUSE BILL NO.	4,
	SUBSTITUTE HOUSE BILL NO.	25,
	HOUSE BILL NO.	39,
	HOUSE BILL NO.	86,
	SUBSTITUTE HOUSE BILL NO.	95,
	SUBSTITUTE HOUSE BILL NO.	129,
	SUBSTITUTE HOUSE BILL NO.	130,
	SUBSTITUTE HOUSE BILL NO.	134,
	SUBSTITUTE HOUSE BILL NO.	154,
SECOND	SUBSTITUTE HOUSE BILL NO.	163,
SECOND	SUBSTITUTE HOUSE BILL NO.	196,
	SUBSTITUTE HOUSE BILL NO.	198,
	HOUSE BILL NO.	209,
	SUBSTITUTE HOUSE BILL NO.	237,
	SUBSTITUTE HOUSE BILL NO.	238,
	SUBSTITUTE HOUSE BILL NO.	258,

SUBSTITUTE HOUSE BILL NO.	259,
SUBSTITUTE HOUSE BILL NO.	283,
SUBSTITUTE HOUSE BILL NO.	289,
SUBSTITUTE HOUSE BILL NO.	291,
SECOND SUBSTITUTE HOUSE BILL NO.	321,
HOUSE BILL NO.	338,
HOUSE BILL NO.	395,
SECOND SUBSTITUTE HOUSE BILL NO.	426,
SUBSTITUTE HOUSE BILL NO.	450,
HOUSE BILL NO.	541,
HOUSE BILL NO.	590,
HOUSE BILL NO.	663,
HOUSE BILL NO.	772,
HOUSE BILL NO.	815,
HOUSE BILL NO.	816,
HOUSE BILL NO.	825,
HOUSE BILL NO.	1014,
HOUSE BILL NO.	1185,
HOUSE JOINT RESOLUTION NO.	4212,
SENATE BILL NO.	5013,
SUBSTITUTE SENATE BILL NO.	5094,
SENATE BILL NO.	5097,
SUBSTITUTE SENATE BILL NO.	5104,
SUBSTITUTE SENATE BILL NO.	5113,
SUBSTITUTE SENATE BILL NO.	5123,
SUBSTITUTE SENATE BILL NO.	5143,
SENATE BILL NO.	5160,
SENATE BILL NO.	5201,
SUBSTITUTE SENATE BILL NO.	5206,
SUBSTITUTE SENATE BILL NO.	5212,
SENATE BILL NO.	5245,
SENATE BILL NO.	5335,
SENATE BILL NO.	5408,
SECOND SUBSTITUTE SENATE BILL NO.	5501,
SENATE BILL NO.	5513,
SUBSTITUTE SENATE BILL NO.	5520,
SENATE BILL NO.	5522,
SUBSTITUTE SENATE BILL NO.	5561,
SUBSTITUTE SENATE BILL NO.	5584,
SENATE BILL NO.	5605,
SENATE BILL NO.	5666,
SENATE BILL NO.	5735,
SENATE BILL NO.	5739,
SENATE BILL NO.	5774,
SENATE BILL NO.	5780,
SENATE BILL NO.	5861,
SECOND SUBSTITUTE SENATE BILL NO.	5993,
SUBSTITUTE SENATE BILL NO.	6061,
SENATE JOINT MEMORIAL NO.	8005,
SENATE JOINT MEMORIAL NO.	8016.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:00 a.m., Wednesday, April 22, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 22, 1987

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Armstrong, Grimm, Holland, Todd and Wineberry. Representatives Armstrong and Wineberry were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Gerald Priest and Traci Friedl. Prayer was offered by The Reverend Charles Leps, Minister of the Gloria Dei Lutheran Church of Olympia.

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

MESSAGE FROM THE GOVERNOR

April 21, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 21, 1987, Governor Gardner approved the following House bills entitled:

- HOUSE BILL NO. 31: Relating to insurance;
- HOUSE BILL NO. 49: Relating to the solid waste advisory committee;
- HOUSE BILL NO. 51: Relating to property insurance;
- HOUSE BILL NO. 68: Relating to irrigation district elections;
- HOUSE BILL NO. 75: Relating to irrigation districts;
- SUBSTITUTE HOUSE BILL NO. 124: Relating to the ballot order of candidates;
- HOUSE BILL NO. 136: Relating to game commission meetings;
- SUBSTITUTE HOUSE BILL NO. 147: Relating to credit insurance;
- HOUSE BILL NO. 148: Relating to the implementation by state agencies of a unified system for business identification, reporting, and compliance;
- SUBSTITUTE HOUSE BILL NO. 186: Relating to local government;
- SUBSTITUTE HOUSE BILL NO. 232: Relating to nonrelinquishment of water rights under the federal conservation reserve program;
- HOUSE BILL NO. 255: Relating to penalty assessments for late transfer of motor vehicle ownership;
- HOUSE BILL NO. 377: Relating to the deferred compensation revolving fund;
- HOUSE BILL NO. 378: Relating to the state employees' insurance revolving fund;
- HOUSE BILL NO. 410: Relating to the state clearinghouse for educational information revolving fund;
- HOUSE BILL NO. 520: Relating to nonprofit corporations;
- SUBSTITUTE HOUSE BILL NO. 522: Relating to the exchange of public lands;
- HOUSE BILL NO. 658: Relating to filing for the office of precinct committeeman;
- HOUSE BILL NO. 671: Relating to the placement of new construction on the assessment rolls;
- HOUSE BILL NO. 699: Relating to limited licenses for physicians;
- SUBSTITUTE HOUSE BILL NO. 805: Relating to school plant construction;
- HOUSE BILL NO. 865: Relating to continued service credit for duty disability retirement recipients;
- SUBSTITUTE HOUSE BILL NO. 942: Relating to the state board of medical examiners;

HOUSE BILL NO. 1027: Relating to the sale of damaged timber from state lands;
 HOUSE BILL NO. 1204: Relating to establishing multiple incidents of sexual
 abuse as an aggravating circumstance of an exceptional sentence.

Sincerely,
 Terry Sebring, Counsel.

MESSAGES FROM THE SENATE

April 21, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO.	2,
HOUSE BILL NO.	3,
SUBSTITUTE HOUSE BILL NO.	4,
SUBSTITUTE HOUSE BILL NO.	25,
HOUSE BILL NO.	39,
HOUSE BILL NO.	86,
SUBSTITUTE HOUSE BILL NO.	95,
SUBSTITUTE HOUSE BILL NO.	129,
SUBSTITUTE HOUSE BILL NO.	130,
SUBSTITUTE HOUSE BILL NO.	134,
SUBSTITUTE HOUSE BILL NO.	154,
SECOND SUBSTITUTE HOUSE BILL NO.	163,
SECOND SUBSTITUTE HOUSE BILL NO.	196,
SUBSTITUTE HOUSE BILL NO.	198,
HOUSE BILL NO.	209,
SUBSTITUTE HOUSE BILL NO.	237,
SUBSTITUTE HOUSE BILL NO.	238,
SUBSTITUTE HOUSE BILL NO.	258,
SUBSTITUTE HOUSE BILL NO.	259,
SUBSTITUTE HOUSE BILL NO.	283,
SUBSTITUTE HOUSE BILL NO.	289,
SUBSTITUTE HOUSE BILL NO.	291,
SECOND SUBSTITUTE HOUSE BILL NO.	321,
HOUSE BILL NO.	338,
HOUSE BILL NO.	395,
SECOND SUBSTITUTE HOUSE BILL NO.	426,
SUBSTITUTE HOUSE BILL NO.	450,
HOUSE BILL NO.	541,
HOUSE BILL NO.	590,
HOUSE BILL NO.	663,
HOUSE BILL NO.	772,
HOUSE BILL NO.	815,
HOUSE BILL NO.	816,
HOUSE BILL NO.	825,
HOUSE BILL NO.	1014,
HOUSE BILL NO.	1185,
HOUSE JOINT RESOLUTION NO.	4212,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 21, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 88. The President has appointed the fol-
 lowing members as Conferees: Senators Halsan, Zimmerman and Talmadge.

Sidney R. Snyder, Secretary.

April 21, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 364. The President has appointed the following members as Conferees: Senators Warnke, Lee and Smitherman.

Sidney R. Snyder, Secretary.

April 21, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SECOND SUBSTITUTE HOUSE BILL NO. 569. The President has appointed the following members as Conferees: Senators Hansen, Benitz and Kreidler.

Sidney R. Snyder, Secretary.

April 21, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 734. The President has appointed the following members as Conferees: Senators Talmadge, McCaslin and Vognil.

Sidney R. Snyder, Secretary.

April 21, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 773. The President has appointed the following members as Conferees: Senators Halsan, Pullen and Rinehart.

Sidney R. Snyder, Secretary.

April 21, 1987

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5181,
 SUBSTITUTE SENATE BILL NO. 5191,
 SUBSTITUTE SENATE BILL NO. 5232,
 ENGROSSED SENATE BILL NO. 5265,
 SUBSTITUTE SENATE BILL NO. 5274,
 SUBSTITUTE SENATE BILL NO. 5326,
 SUBSTITUTE SENATE BILL NO. 5392,
 SUBSTITUTE SENATE BILL NO. 5423,
 SENATE BILL NO. 5483,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5502,
 SUBSTITUTE SENATE BILL NO. 5510,
 SUBSTITUTE SENATE BILL NO. 5511,
 SUBSTITUTE SENATE BILL NO. 5512,
 SUBSTITUTE SENATE BILL NO. 5514,
 ENGROSSED SENATE BILL NO. 5529,
 SUBSTITUTE SENATE BILL NO. 5530,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5533,
 SUBSTITUTE SENATE BILL NO. 5606,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5608,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5650,
 SENATE BILL NO. 5693,
 SENATE BILL NO. 5732,
 ENGROSSED SENATE BILL NO. 5764,
 ENGROSSED SENATE BILL NO. 5863,
 SUBSTITUTE SENATE BILL NO. 5880,
 ENGROSSED SENATE BILL NO. 5882,
 SENATE BILL NO. 5948,
 ENGROSSED SENATE BILL NO. 5972,
 SENATE BILL NO. 5976,
 ENGROSSED SENATE BILL NO. 6003,
 SUBSTITUTE SENATE BILL NO. 6010,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6013,
 SUBSTITUTE SENATE BILL NO. 6023,
 SUBSTITUTE SENATE BILL NO. 6048.

Sidney R. Snyder, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 24 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 82.38 RCW to read as follows:

There is exempted from the tax imposed by this chapter the use of special fuel for the operation of a motor vehicle as a part of or incidental to logging operations upon a highway under federal jurisdiction within the boundaries of a federal area if the federal government requires a fee for the privilege of operating the motor vehicle upon the highway, the proceeds of which are reserved for constructing or maintaining roads in the federal area, or requires maintenance or construction work to be performed on the highway for the privilege of operating the motor vehicle on the highway."

On line 1 of the title, after "payments;" strike the remainder of the title and insert "and adding a new section to chapter 82.38 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Baugher, the House concurred in the Senate amendments to Engrossed House Bill No. 24.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 24 as amended by the Senate.

Representative Sutherland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 24 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Grimm, Holland, Todd - 3.

Excused: Representatives Armstrong, Wineberry - 2.

Engrossed House Bill No. 24 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 164 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 19, chapter 222, Laws of 1951 as last amended by section 44, chapter 52, Laws of 1957 and RCW 18.85.310 are each amended to read as follows:

(1) Every licensed real estate broker shall keep adequate records of all real estate transactions handled by or through him. The records shall include, but are not limited to, a copy of the earnest money receipt, and an itemization of the broker's receipts and disbursements with

each transaction. These records and all other records hereinafter specified shall be open to inspection by the director or his authorized representatives.

(2) Every real estate broker shall also deliver or cause to be delivered to all parties signing the same, at the time of signing, conformed copies of all earnest money receipts, listing agreements and all other like or similar instruments signed by the parties, including the closing statement.

(3) Every real estate broker shall also keep separate real estate fund accounts in a recognized Washington state depository authorized to receive funds in which shall be kept separate and apart and physically segregated from licensee broker's own funds, all funds or moneys of clients which are being held by such licensee broker pending the closing of a real estate sale or transaction, or which have been collected for said client and are being held for disbursement for or to said client and such funds shall be deposited not later than the first banking day following receipt thereof.

(4) Separate accounts comprised of clients' funds required to be maintained under this section, with the exception of property management trust accounts, shall be interest-bearing accounts from which withdrawals or transfers can be made without delay, subject only to the notice period which the depository institution is required to reserve by law or regulation.

(5) Every real estate broker shall maintain a pooled interest-bearing escrow account for deposit of client funds, with the exception of property management trust accounts, which are nominal or short term. As used in this section, a 'nominal or short term' deposit is a deposit which, if placed in a separate account, would not produce positive net interest income after payment of bank fees, or other institution fees, and other administrative expenses.

The interest accruing on this account, net of any reasonable transaction costs, shall be paid to the state treasurer for deposit in the Washington housing trust fund created in RCW 43.185.030. An agent may, but shall not be required to, notify the client of the intended use of such funds.

(6) All client funds not deposited in the account specified in subsection (5) of this section shall be deposited in:

(a) A separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(b) A pooled interest-bearing trust account with subaccounting that will provide for computation of interest earned by each client's funds and the payment thereof to the client.

The department of licensing shall promulgate regulations which will serve as guidelines in the choice of an account specified in subsection (5) of this section or an account specified in this subsection.

(7) For an account created under subsection (5) of this section, an agent shall direct the depository institution to:

(a) Remit interest or dividends, net of any reasonable service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to the state treasurer for deposit in the housing trust fund created by RCW 43.185.030 and the real estate commission account created by RCW 18.85.220 as directed by section 10 of this 1987 act; and

(b) Transmit to the director of community development a statement showing the name of the person or entity for whom the remittance is spent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing person or firm.

(8) The director shall forward a copy of the reports required by subsection (7) of this section to the department of licensing to aid in the enforcement of the requirements of this section consistent with the normal enforcement and auditing practices of the department of licensing.

(9) This section does not relieve any real estate broker from any obligation with respect to the safekeeping of clients' funds.

(10) Any violation by a real estate broker of any of the provisions of this section, or RCW 18.85.230, shall be grounds for revocation of the licenses issued to the broker.

Sec. 2. Section 11, chapter 298, Laws of 1986 and RCW 43.185.100 are each amended to read as follows:

The department shall have the authority to promulgate rules pursuant to chapter 34.04 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter. The department shall consider the recommendations of cities and counties regarding how the funds shall be used in their geographic areas.

NEW SECTION. Sec. 3. A new section is added to chapter 43.185 RCW to read as follows:

The director shall prepare an annual report and shall send copies to the chair of the house of representatives committee on housing, the chair of the senate committee on commerce and labor, and one copy to the staff of each committee that summarizes the housing trust fund's income, grants and operating expenses, implementation of its program, and any problems arising in the administration thereof. The director shall promptly appoint a low income housing assistance advisory committee composed of a representative from each of the following

groups: Apartment owners, realtors, mortgage lending or servicing institutions, private non-profit housing assistance programs, tenant associations, and public housing assistance programs. The advisory group shall advise the director on housing needs in this state, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter.

Sec. 4. Section 1, chapter 298, Laws of 1986 and RCW 43.185.010 are each amended to read as follows:

The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.

The legislature further finds that members of over one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income.

The legislature further finds that the homeless, minorities, rural households, and migrant farm workers require housing assistance at a rate which significantly exceeds their proportion of the general population.

The legislature further finds that one of the most dramatic housing ~~((needs))~~ problems is that of persons ~~((needing special housing-related services))~~ with specialized housing needs, such as the mentally ill, recovering alcoholics, frail elderly persons, and single parents. ~~((These services include medical assistance, counseling, chore services, and child care.))~~

The legislature further finds that housing assistance programs in the past have often failed to help those in greatest need.

The legislature declares that it is in the public interest to establish a continuously renewable resource known as a housing trust fund to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority.

Sec. 5. Section 6, chapter 298, Laws of 1986 and RCW 43.185.050 are each amended to read as follows:

(1) The department shall use funds from the housing trust fund to finance in whole or in part any loans or grant projects that will provide housing for the homeless and persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. Not less than thirty percent of such funds used in any given biennium shall be for the benefit of projects located in rural areas as defined in 63 Stat. 432, 42 U.S.C. Sec. 1471 et seq.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) ~~((Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;~~

~~((d))~~ Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations, so long as said assistance is directed toward construction or rehabilitation of housing;

~~((e))~~ (d) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

~~((f))~~ (e) Shelters and related services for the homeless;

~~((g))~~ (f) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units;

~~((h))~~ (g) Mortgage insurance guarantee or payments for eligible projects; and

~~((i))~~ (h) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing.

Sec. 6. Section 2, chapter 298, Laws of 1986 and RCW 43.185.030 are each amended to read as follows:

There is hereby created a fund in the office of the treasurer known as the Washington housing trust fund. ~~((The treasurer shall serve as the trustee thereof and shall make disbursements therefrom as directed by this chapter.))~~ The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, and all other sources. Eighty percent of the return on the fund in the form of investment income or interest shall be added to the principal of the fund. The remaining twenty percent shall be placed in the general fund.

Sec. 7. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 5, chapter 375, Laws of 1985 and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created

by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for purposes of making deposits into the housing trust fund under the provisions of section 7 of this 1987 act; (5) for the purchase and promotion of lottery games and game-related services; and ((5)) (6) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

NEW SECTION, Sec. 8. A new section is added to chapter 18.85 RCW to read as follows:

There is hereby created the broker's trust account board to consist of seven members as follows:

(1) The governor shall appoint six members with at least two residing east of the Cascade range of mountains. The governor may review nominations from the Washington association of realtors, private, nonprofit housing assistance programs, and any state-wide association of public housing authorities. Three of these appointments shall be real estate brokers or salespersons licensed under chapter 18.85 RCW. The governor shall attempt to maintain a balance of interests represented through the choice of appointees.

(2) The real estate commission, created under this chapter, shall appoint one member.

(3) Members shall serve for terms of three years expiring on January 15: PROVIDED, HOWEVER, That of the members appointed by the governor, two shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. Any vacancy occurring in the membership of the board shall be filled for the remainder of the unexpired term by the individual or entity responsible for the original appointment.

Members shall serve without compensation.

NEW SECTION, Sec. 9. A new section is added to chapter 18.85 RCW to read as follows:

Remittances received by the treasurer pursuant to RCW 18.85.310 shall be divided between the housing trust fund created by RCW 43.185.030, which shall receive seventy-five percent and the real estate commission account created by RCW 18.85.220, which shall receive twenty-five percent.

NEW SECTION, Sec. 10. A new section is added to chapter 18.85 RCW to read as follows:

The broker's trust account board shall review grant and loan applications placed before it by the director for final approval pursuant to section 11 of this act.

The decisions of the board shall be subject to the provisions of RCW 43.185.050, 43.185.060, and 43.185.070 with regard to eligible activities, eligible recipients, and criteria for evaluation.

The broker's trust account board shall serve in an advisory capacity to the real estate commission with regard to licensee education programs established pursuant to RCW 18.85.040 and 18.85.220.

NEW SECTION, Sec. 11. A new section is added to chapter 18.85 RCW to read as follows:

The director shall designate grant and loan applications for approval and for funding under the revenue from remittances made pursuant to RCW 18.85.310. These applications shall then be reviewed for final approval by the broker's trust account board created by section 8 of this act.

The director shall submit to the broker's trust account board within any fiscal year only such applications which in their aggregate total funding requirements do not exceed the revenue to the housing trust fund from remittances made pursuant to RCW 18.85.310 for the previous fiscal year.

NEW SECTION, Sec. 12. There is hereby appropriated from the housing trust fund to the department of community development for the biennium ending June 30, 1989, the sum of twelve million dollars, or so much thereof as shall be necessary, to implement the purposes of chapter 43.185 RCW.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 14. This act does not apply to public corporations created by chapter 35.82 RCW until October 1, 1988.

NEW SECTION, Sec. 15. This act shall take effect January 1, 1988."

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 18.85.310, 43.185.100, 43.185.010, 43.185.050, 43.185.030, 67.70.190, and 67.70.240; adding a new section to chapter 43.185 RCW; adding new sections to chapter 18.85 RCW; creating a new section; making an appropriation; and providing an effective date."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Engrossed Second Substitute House Bill No. 164.

Representatives Locke and J. Williams spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 164 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 164 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; nays, 12; absent, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Haugen, Heavey, Hine, Holm, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Barnes, Beck, Bumgarner, Dellwo, Grant, Hargrove, Jesernig, McLean, Miller, Patrick, Sanders, Smith L - 12.

Absent: Representatives Grimm, Holland, Todd - 3.

Excused: Representatives Armstrong, Wineberry - 2.

Engrossed Second Substitute House Bill No. 164 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 171 with the following amendments:

On page 4, after line 33, insert the following:

"Sec. 2. Section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 224, Laws of 1983 and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

Every trustee shall be a resident and qualified elector of the community college district. No trustee may be an employee of the community college system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution(~~(-or an elected officer or member of the legislative authority of any municipal corporation)).~~)

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500."

On page 1, line 2 of the title, after "28B.50.140" insert "and 28B.50.100" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to House Bill No. 171.

Representative Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 171 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 171 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Grimm, Holland, Todd - 3.

Excused: Representatives Armstrong, Wineberry - 2.

House Bill No. 171 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 373 with the following amendment:

On page 2, line 32, after "and the" strike "joint committee on telecommunications" and insert "senate and house committees on energy and utilities" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Locke, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 373.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 373 as amended by the Senate.

Mr. Locke spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 373 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 2; absent, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Beck, Belcher - 2.

Absent: Representatives Grimm, Holland, Todd - 3.

Excused: Representatives Armstrong, Wineberry - 2.

Engrossed Substitute House Bill No. 373 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Grimm appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 226 with the following amendments:

On page 3, after line 3, insert the following:

"Sec. 4. Section 36.17.040, chapter 4, Laws of 1963 and RCW 36.17.040 are each amended to read as follows:

The salaries of county officers and employees of counties other than counties of the eighth and ninth classes may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the ~~((twentieth))~~ last day of the month, draw ~~((his))~~ a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw ~~((his))~~ a warrant, not later than the ~~((fifth))~~ fifteenth day of the following month, and the county ~~((commissioners))~~ legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the ~~((board of county commissioners do))~~ county legislative authority does not adopt the semimonthly pay plan, ~~((they))~~ it, by resolution, shall designate the first pay period as a draw day. ~~((The draw day period shall be from the first day to the fifteenth day of the month, inclusive.))~~ Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the ~~((twentieth))~~ last day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the ~~((fifth))~~ fifteenth day of the following month.

In counties of eighth and ninth classes salaries shall be paid monthly unless the ~~((commissioners))~~ county legislative authority by resolution adopts the foregoing draw day procedure."

On page 1, line 2 of the title, strike "and 41.56.030" and insert "41.56.030, and 36.17.040" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House concurred in the Senate amendments to Substitute House Bill No. 226.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 226 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 226 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; nays, 11; absent, 2; excused, 2.

Voting yea: Representatives Allen, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P. King R. Kremer, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Amondson, Barnes, Bumgarner, Chandler, Fuhrman, Padden, Prince, Sanders, Silver, Smith C, Williams J - 11.

Absent: Representatives Holland, Todd - 2.

Excused: Representatives Armstrong, Wineberry - 2.

Substitute House Bill No. 226 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Holland appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 9, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 498 with the following amendment:

On page 2, line 15, after "employed" insert "on a fulltime basis" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House concurred in the Senate amendment to Substitute House Bill No. 498.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 498 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 498 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; nays, 11; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Brooks, Bumgarner, Chandler, McLean, Nealey, Padden, Sanders, Silver, Smith C, Taylor, Williams J - 11.

Absent: Representative Todd - 1.

Excused: Representatives Armstrong, Wineberry - 2.

Engrossed Substitute House Bill No. 498 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 549 with the following amendment:

On page 1, line 9, after "December 31," strike "1993" and insert "1989" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House concurred in the Senate amendment to House Bill No. 549.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 549 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 549 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm,

Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Todd - 1.

Excused: Representatives Armstrong, Wineberry - 2.

House Bill No. 549 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Todd appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 857 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that encouraging outstanding students to enter the teaching profession is of paramount importance to the state of Washington. By creating the future teachers conditional scholarship program, the legislature intends to assist in the effort to recruit as future teachers students who have distinguished themselves through outstanding academic achievement and students who can act as role models for children including those from targeted ethnic minorities. The legislature urges business, industry, and philanthropic community organizations to join with state government in making this program successful.

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

(1) 'Conditional scholarship' means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) 'Institution of higher education' or 'institution' means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) 'Board' means the higher education coordinating board.

(4) 'Eligible student' means a student who is registered for at least ten credit hours or the equivalent, demonstrates achievement of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification.

(5) 'Public school' means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(6) 'Forgiven' or 'to forgive' or 'forgiveness' means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(7) 'Satisfied' means paid-in-full.

(8) 'Participant' means an eligible student who has received a conditional scholarship under this chapter.

(9) 'Targeted ethnic minority' means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group.

NEW SECTION. Sec. 3. The future teachers conditional scholarship program is established. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive conditional scholarships, with the assistance of a screening committee composed of teachers and leaders in government, business, and education;

(2) Adopt necessary rules and guidelines;

(3) Publicize the program;

(4) Collect and manage repayments from students who do not meet their teaching obligations under this chapter; and

(5) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 4. The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional

scholarships. These criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, and an ability to act as a role model for targeted ethnic minority students. These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of 'needy student' under RCW 28B.10.802.

NEW SECTION, Sec. 5. The board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years.

NEW SECTION, Sec. 6. (1) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they teach for ten years in the public schools of the state of Washington, under rules adopted by the board.

(2) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The period for repayment shall be ten years, with payments accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in a public school until the entire repayment obligation is satisfied or the borrower ceases to teach at a public school in this state. Should the participant cease to teach at a public school in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

NEW SECTION, Sec. 7. After consulting with the higher education coordinating board, the governor may transfer the administration of this program to another agency with an appropriate educational mission.

NEW SECTION, Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION, Sec. 9. No conditional scholarships shall be granted after June 30, 1994, until the program is reviewed by the legislative budget committee and is reenacted by the legislature.

NEW SECTION, Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and creating a new section."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Locke, the House concurred in the Senate amendments to Substitute House Bill No. 857.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 857 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 857 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Armstrong, Wineberry - 2.

Substitute House Bill No. 857 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 995 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds:

(a) That manufactured housing and mobile home parks provide a source of low-cost housing to the low income, elderly, poor and infirmed, without which they could not afford private housing; but rising costs of mobile home park development and operation, as well as turnover in ownership, has resulted in mobile home park living becoming unaffordable to the low income, elderly, poor and infirmed, resulting in increased numbers of homeless persons, and persons who must look to public housing and public programs, increasing the burden on the state to meet the housing needs of its residents;

(b) That state government can play a vital role in addressing the problems confronted by mobile home park residents by providing assistance which makes it possible for mobile home park residents to acquire the mobile home parks in which they reside and convert them to resident ownership; and

(c) That to accomplish this purpose, information and technical support shall be made available through the department of community development.

(2) Therefore, it is the intent of the legislature, in order to maintain low-cost housing in mobile home parks to benefit the low income, elderly, poor and infirmed, to encourage and facilitate the conversion of mobile home parks to resident ownership, to protect low-income mobile home park residents from both physical and economic displacement, to obtain a high level of private financing for mobile home park conversions, and to help establish acceptance for resident-owned mobile home parks in the private market.

NEW SECTION, Sec. 2. The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) 'Affordable' means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(2) 'Conversion costs' includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(3) 'Department' means the department of community development.

(4) 'Fund' means the mobile home park purchase fund created pursuant to section 4 of this act.

(5) 'Housing costs' means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(6) 'Individual interest in a mobile home park' means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(7) 'Low-income resident' means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(8) 'Low-income spaces' means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(9) 'Mobile home park' means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

(10) 'Resident organization' means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(11) 'Resident ownership' means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

NEW SECTION. Sec. 3. Nothing in this chapter shall limit the park owner's right to exert full management and control of a portion of a park retained in the case of a sale of a portion of a mobile home park to a resident organization.

NEW SECTION. Sec. 4. The mobile home park purchase fund is hereby created and shall be maintained in the office of the treasurer. The purpose of this fund is to provide loans according to the provisions of this chapter and for related administrative costs of the department. The fund shall include appropriations, loan repayments, interest, and any other money from private sources made available to the state for the purposes of this chapter. Owners of mobile home parks shall not be assessed for the purposes of this fund.

NEW SECTION. Sec. 5. (1) Subject to appropriation, the department may make loans from the fund to resident organizations for the purpose of financing mobile home park conversion costs, as defined in this chapter.

(2) Loans provided pursuant to this section shall be for a term of no more than three years and shall bear interest at a competitive rate set by the department and adjusted by the department when necessary.

(3) Loans granted pursuant to this section shall be for the least amount necessary to enable a resident organization to acquire and convert the mobile home park in which its members reside. However, in no case shall the loan amount exceed fifty percent of the approved conversion costs.

(4) The department shall only make loans to resident organizations of mobile home parks where a significant portion of the residents are low income, elderly, poor or infirmed.

NEW SECTION. Sec. 6. (1) The department may make loans from the fund to low-income residents of mobile home parks converted to resident ownership or to resident organizations which have converted or plan to convert a mobile home park to resident ownership. The purpose of providing loans pursuant to this section is to reduce the monthly housing costs for low-income residents to an affordable level.

(2) Loans provided pursuant to this section shall be for a term of no more than thirty years and shall bear interest at a competitive rate set by the department.

(3) The department may establish flexible repayment terms for loans provided pursuant to this section if the terms are necessary to reduce monthly housing costs for low-income residents to an affordable level and do not represent an unacceptable risk to the security of the fund.

(4) Loans provided to low-income residents pursuant to this section shall be for the least amount necessary to reduce the borrower's monthly housing costs to an affordable level. However, in no case shall loan amounts exceed fifty percent of the acquisition costs of the individual interests in the mobile home parks. In addition, the total indebtedness upon individual interests may not exceed ninety percent of the value of the interests.

(5) Loans provided to resident organizations pursuant to this section shall be for the least amount necessary to reduce the monthly housing costs of low-income residents to an affordable level. However, in no case shall the loan amounts exceed fifty percent of the conversions costs attributable to the low-income spaces. Funds provided pursuant to this section shall not be used to assist residents who are not low-income, or to reduce monthly housing costs for low-income residents to less than thirty percent of their monthly income.

NEW SECTION. Sec. 7. In determining the eligibility for, and the amount of, loans pursuant to sections 5 and 6 of this act, the department shall take into consideration, among other factors, all of the following: (1) The reasonableness of the conversion costs relating to repairs, rehabilitation, construction, or other costs; (2) whether or not the project complements the

implementation of a local housing program to preserve or increase the supply of housing for persons and families of low or moderate income; (3) whether or not state funds are utilized in the most efficient and effective manner in the furtherance of the goals of this chapter; and (4) any administrative and security factors affecting the department's program operation and administration.

To the extent consistent with requests for assistance, the department shall allocate funds available for the purposes of this chapter throughout the state in accordance with identified housing needs, including seeking to allocate not less than twenty percent to rural areas.

NEW SECTION, Sec. 8. (1) The department shall adopt regulations for the administration and implementation of this chapter.

(2) The department shall obtain the best available security for loans made pursuant to this chapter. The security may be in the form of a note, deed of trust, assignment of lease, or other form of security on real or personal property which the department determines is adequate to protect the security of the fund and the interests of the state. To the extent applicable, these security documents shall be recorded or referenced in a recorded document in the office of the county auditor of the county in which the mobile home park is located.

(3) The department shall exercise sufficient regulatory control with respect to park operations to assure the accomplishment of the purposes of the program authorized by this chapter.

(4) Before providing financing pursuant to this chapter, the department shall require provision of, and approve, at least the following:

(a) Verification that at least two-thirds of the households residing in the mobile home park support the plan for acquisition and conversion of the park;

(b) Verification that either no park residents will be involuntarily displaced as a result of the park conversion, or the impacts of displacement will be mitigated so as not to impose an unreasonable hardship on the displaced resident or residents;

(c) Verification that the conversion is consistent with local zoning and land use requirements, other applicable state and local laws, and regulations and ordinances;

(d) Projected costs and sources of funds for all conversion activities;

(e) Projected operating budget for the park during and after conversion;

(f) A management plan for the conversion and operation of the park; and

(g) If necessary, a relocation plan, funded by the resident organization, for residents not participating.

(5) The department shall, to the greatest extent feasible, do both of the following:

(a) Require participation by cities and counties in loan applications submitted pursuant to this chapter; and

(b) Contract with private lenders or units of local government to provide program administration and to service loans made pursuant to this chapter.

NEW SECTION, Sec. 9. (1) The department shall provide technical assistance to resident organizations or low-income residents who wish to convert the mobile home park in which they reside to resident ownership or to acquire an individual interest in a mobile home park. Technical assistance provided under this section shall be general in nature and shall not include the final details connected with the sale or conversion of a mobile home park which would require the department to act in a representative capacity, or would require the department to draft documents affecting legal or property rights of the parties.

(2) As part of the general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance under subsection (1) of this section. The office will keep records of its activities in this area.

This office will also provide an ombudsman service to mobile home park owners and mobile home tenants with respect to accessing governmental services related to health and safety within mobile home parks.

This office will further recommend policies and strategies that will promote the development and utilization of mobile homes or manufactured housing and the conversion of mobile home parks to resident ownership as a means of enhancing the supply of safe, sanitary, low and moderate-income housing within the state, and advise the legislature, executive agencies of state government, and local government entities accordingly.

The office may not consider, evaluate, or develop policies or any means of government controlling the economic return to mobile home park owners resulting from operation of their parks.

(3) The department shall establish the mobile home and manufactured housing affairs advisory committee. The committee shall consist of five members appointed by the director of the department of community development. The committee shall be comprised of one representative of mobile home park tenants, one representative of mobile home park owners, and one representative of the public at large, each of whom shall be knowledgeable and have

practical experience with the mobile home landlord tenant act, one representative of mobile home manufacturers and one representative of local governments. Only the representatives of the mobile home park tenants, mobile home park owners, and the public at large shall review and advise the office on issues relating to the mobile home landlord tenant act. The director of the department of community development shall appoint the committee chairperson. The entire committee shall advise the office in implementing the provisions of subsections (1) and (2) of this section. The members of the committee shall not receive compensation or reimbursement for travel expenses.

NEW SECTION. Sec. 10. Within two years of the completion of a sufficient number of mobile home park conversions to allow for meaningful evaluation, the department shall undertake an evaluation of the program established by this chapter, and submit its findings to the legislature. However, in no event shall this report be submitted later than December 31, 1990. This evaluation shall include an examination of the financial, governmental, and institutional constraints on the conversion of mobile home parks; the impact of park conversions upon low-income residents, including those residents who moved from the parks during the conversion process or within one year after conversion; the distribution and average income and assets of residents who have participated; data on loan delinquencies and defaults; the costs of acquiring and converting mobile home parks to resident ownership; and a comparison of different resident ownership structures financed pursuant to this chapter.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 12. This chapter shall remain in effect until July 1, 1991, and as of that date is repealed, unless that date is extended."

On page 1, line 2 of the title, after "assistance," strike the remainder of the title, and insert "adding a new chapter to Title 59 RCW; and providing an expiration date." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Leonard moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 995.

Representative Leonard spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 995 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 995 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; nays, 8; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsold, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Barnes, Belcher, Bumgarner, Heavey, Niemi, Padden, Silver, Williams B - 8.

Excused: Representatives Armstrong, Wineberry - 2.

Engrossed Substitute House Bill No. 995 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1132 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** (1) The legislature recognizes that the economic base of the Tri-Cities is overly dependent upon congressional appropriations to the nuclear activities on the Hanford reservation. Frequent fluctuations in federal appropriations have resulted in a local economy which is unstable and which has limited flexibility to respond to important shifts in federal policy. Additionally, many jobs in the Tri-Cities area may be permanently lost when the Hanford N reactor ceases operations. The legislature finds that it is in the best interests of the state and the Tri-Cities area to develop a more balanced and diversified Tri-Cities economy which is better able to meet the long-term employment needs of local citizens.

(2) The department of trade and economic development shall initiate a study to investigate the state's role in the economic diversification of the Tri-Cities economy. The department is authorized to undertake portions of this study by contracting with private firms or through the development of required feasibility studies. The department shall develop the study in conjunction with the department of community development.

(3) The study shall focus on:

(a) The need for expanded higher education capabilities in the Tri-Cities area;

(b) Methods of utilizing the following economic development assets of the Tri-Cities area to diversify the economy:

(i) The large concentration of scientists and engineers;

(ii) An extensive scientific and technological knowledge base;

(iii) The availability of land and real estate;

(iv) The availability of rail, air, and highway transportation; and

(v) Accessibility to outdoor recreational activities;

(c) Methods of addressing the economic development liabilities of the Tri-Cities area, including isolation from major markets, suppliers, and sources of capital;

(d) Potential markets for the Tri-Cities services and products;

(e) The availability of venture capital and other potential funding sources;

(f) The commercialization of federally-developed technology by assisting and promoting the transfer of technology into commercial applications; and

(g) The development of a plan to diversify the industrial base of the Tri-Cities.

(4) The following entities shall be consulted in conducting the study: The Tri-City industrial development council, the administration and faculty of the Tri-City University Center and the Columbia Basin College, the Tri-City visitor and convention bureau, the area chambers of commerce, the area port districts, the cities of Pasco, Kennewick, Richland, West Richland, and Benton City, the United States department of energy, Hanford contractors, the economic development board, the small business export finance center, the small business development corporations established under RCW 28B.30.530, the agricultural community and other relevant state agencies.

(5) The department shall submit a final report to the appropriate standing committees of the legislature no later than January 1, 1988.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "Cities;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Vekich, the House concurred in the Senate amendments to Substitute House Bill No. 1132.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1132 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1132 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd,

Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Armstrong, Wineberry - 2.

Substitute House Bill No. 1132 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE MEMORIAL

April 16, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4023 with the following amendment:

On page 1, strike everything after line 7, and insert the following:

"WHEREAS, For forty years, nuclear defense waste has been accumulating at the federal reservation at Hanford, Washington; and

WHEREAS, The United States Department of Energy has identified more than four hundred thousand cubic yards of transuranic, tank, and high-level radioactive waste at the Hanford Reservation; and

WHEREAS, The United States Department of Energy has identified more than sixty thousand cubic yards of additional wastes to be generated at the Hanford Reservation in the next twelve years; and

WHEREAS, A draft report of the United States Department of Energy has identified at least three hundred thirty sites on the Hanford Reservation which include both chemical and radioactive wastes (mixed wastes); and

WHEREAS, Until these materials are properly cleaned up they constitute a threat to the future health and safety of the people of the entire Pacific Northwest, as well as those living near and working on the Hanford Reservation; and

WHEREAS, The Northwest Citizens Forum on Defense Waste and the Washington State Nuclear Waste Board have studied this problem and have reviewed the Draft Environmental Impact Statement produced by the Department of Energy on the defense waste cleanup; and

WHEREAS, Through separate public meetings conducted by the Washington State Nuclear Waste Board and the Department of Energy the citizens of the Pacific Northwest have had an opportunity to express their feelings and concerns on the Defense Waste Cleanup issue; and

WHEREAS, The Northwest Citizens Forum has issued a report which recommends funding options for clean-up of the defense wastes to ensure the protection of the environment; and

WHEREAS, The Washington State Nuclear Waste Board has urged timely clean-up of the existing defense wastes and has offered to take a leadership role in developing a regional consensus on funding priorities and clean-up; and

WHEREAS, The estimated costs of cleaning up radioactive and mixed wastes could exceed seventeen billion dollars;

NOW, THEREFORE, Your Memorialists respectfully pray that Congress aggressively pursue the cleanup and safe disposal of radioactive defense wastes and mixed waste at the Hanford Reservation by appropriating sufficient funds to carry out the Northwest Citizens Forum's recommendation to clean up defense wastes at Hanford, and by seriously examining proposals for a Defense Waste Trust fund.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the United States Department of Energy, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Congress."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendment to Substitute House Joint Memorial No. 4023.

Representatives Nelson and Barnes spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE MEMORIAL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4023 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4023 as amended by the Senate, and the memorial passed the House by the following vote: Yeas, 96; excused, 2.

Voting ye: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Beicher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Armstrong, Wineberry - 2.

Substitute House Joint Memorial No. 4023 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 221 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that it is more difficult for hearing impaired people to have access to the telecommunications system than hearing persons. It is imperative that hearing impaired people be able to reach government offices and health, human, and emergency services with the same ease as other taxpayers. Regulations to provide telecommunications devices for the deaf with a relay system will help ensure that the hearing impaired community has equal access to the public accommodations and telecommunications system in the state of Washington in accordance with chapter 49.60 RCW.

NEW SECTION, Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

'Hearing impaired' means those persons who are certified to be deaf, deaf-blind, or hard of hearing, and those persons who are certified to have a hearing disability limiting their access to telecommunications.

'Telecommunications device for the deaf (TDD)' means a teletypewriter that has a typewriter keyboard and a readable display that couples with the telephone, allowing messages to be typed rather than spoken. The device allows a person to make a telephone call directly to another person possessing similar equipment. The conversation is typed through one machine to the other machine instead of spoken.

'TDD relay system' is a service for hearing impaired people who have a TDD to call someone who does not have a TDD or vice versa. The service consists of several telephones being utilized by TDD relay service operators who receive either TDD or voice phone calls. If a TDD relay service operator receives a phone call from a hearing impaired person wishing to call a hearing person, the operator will call the hearing person and act as an intermediary by translating what is displayed on the TDD to voice and typing what is voiced into the TDD to be read by the deaf caller. This process can also be reversed with a hearing person calling a deaf person through the TDD relay service.

'Qualified trainer' is a person who is knowledgeable about TDDs, signal devices, and amplifying accessories; familiar with the technical aspects of equipment designed to meet hearing impaired people's needs; and is fluent in American sign language.

'Qualified contractor' shall have bilingual staff available for quality language/cultural interpretations; quality training of operators; and policies, training, and operational procedures to be determined by the office.

'The department' means the department of social and health services of the state of Washington.

'Office' means the office of deaf services within the state department of social and health services.

NEW SECTION, Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall design and implement a program whereby TDDs, signal devices, and amplifying accessories capable of serving the needs of the hearing impaired shall be provided at no charge additional to the basic exchange rate, to an individual of school age or older, who is certified as hearing impaired by a licensed physician, audiologist, or a qualified state agency, and to any subscriber that is an organization representing the hearing impaired, as determined and specified by the TDD advisory committee. For the purpose of this section,

certification implies that individuals cannot use the telephone for expressive or receptive communications due to hearing impairment.

(2) The office shall award contracts on a competitive basis, to qualified persons for which eligibility to contract is determined by the office, for the distribution and maintenance of such TDDs, signal devices, and amplifying accessories as shall be determined by the office. Such contract shall include a provision for the employment and use of a qualified trainer and the training of recipients in the use of such devices.

(3) TDDs, signal devices, and amplifying accessories shall be made available to qualified recipients by December 1, 1987.

NEW SECTION. Sec. 4. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department advisory committee on deafness shall establish a TDD advisory committee to study the feasibility of implementing a state-wide telecommunications relay system. The TDD advisory committee shall consist of individuals from hearing impaired communities, representatives from the department, utilities and transportation commission, agencies and services serving the hearing impaired, and local exchange companies in the state. In order to develop and implement a state-wide relay system providing cost-effective relay centers at a reasonable cost and that will meet the requirements of the hearing impaired, the TDD advisory committee shall investigate options, conduct public hearings to determine the most cost-effective method of creating a state-wide relay system providing relay centers to the hearing impaired, and solicit the advice, counsel, and assistance of interested parties and nonprofit consumer organizations for hearing impaired persons state-wide. Such committee shall begin the study within thirty days of the effective date of this section, to be completed within six months after the study begins. The TDD advisory committee, shall also, in conjunction with the department, monitor the activities and moneys that is being spent by the department for the program herein.

(2) Pursuant to the recommendations of the TDD advisory committee, the office shall implement a program whereby relay centers will be provided state-wide using operator intervention to connect hearing impaired persons and offices of organizations representing the hearing impaired, as determined and specified by the TDD advisory committee pursuant to subsection (4) of this section, and connect hearing persons within six months after the office receives the recommendations.

(3) The program will be funded by telecommunications devices for the deaf (TDD) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine the amount of money needed to fund the program. That information shall be given to the utilities and transportation commission. The utilities and transportation commission shall then determine the amount of TDD excise tax to be placed on each access line. The TDD excise tax shall not exceed ten cents per month per access line. The TDD excise tax shall be separately identified on each ratepayer's bill as "Telecommunications devices funds for deaf and hearing impaired." All proceeds from the TDD excise tax will be put into a fund to be administered by the office through the department.

(4) The TDD advisory committee shall establish criteria and specify state-wide organizations representing the hearing impaired meeting such criteria that are to receive telecommunications devices pursuant to section 3(1) of this act, and in which offices the equipment shall be installed if an organization has more than one office.

(5) The office shall establish a policy determining the ultimate ownership and responsibility for the recovery of TDDs, signal devices, and amplifying accessories from recipients who are moving from this state.

(6) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services in accordance with the provisions of section 3 of this act.

(7) A study will be authorized to determine the number of hearing impaired people who have party lines and the costs of converting them to single lines. The TDD advisory committee will report the study findings to the utilities and transportation commission. The study will be completed by the TDD advisory committee within a year of the effective date of this section.

NEW SECTION. Sec. 5. Nothing in sections 3 and 4 of this act is inconsistent with any telecommunications device systems created by county legislative authorities under RCW 70.54.180. To the extent possible, the office, utilities and transportation commission, the TDD advisory committee, and any other persons or organizations implementing the provisions of sections 3 and 4 of this act will use the telecommunications devices already in place and work with county governments in ensuring that no duplication of services occurs.

NEW SECTION. Sec. 6. This act shall be known as the "Clyde Randolph Ketchum Act."

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall expire June 30, 1990. A review and determination on its continuation beyond this date shall be made prior to its expiration."

On page 1, line 2 of the title, after "impaired," strike the remainder of the title and insert "adding new sections to chapter 43.20A RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Nelson, the House concurred in the Senate amendments to Engrossed Second Substitute House Bill No. 221.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 221 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 221 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Prullitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Armstrong, Wineberry - 2.

Engrossed Second Substitute House Bill No. 221 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 400 with the following amendments:

On page 3, line 2, strike "one hundred" and insert "eighty-five"

On page 5, line 6, strike "one hundred" and insert "eighty-five"

On page 6, line 29, strike "one hundred" and insert "eighty-five"

On page 7, line 5, strike "one hundred" and insert "eighty-five"

On page 9, line 24, strike "one hundred" and insert "eighty-five"

On page 9, line 32, after "reenacted" insert "and amended"

On page 11, line 14, after "exceed" strike "one hundred" and insert "(one hundred) eighty-five"

On page 11, after line 18, insert the following:

"Sec. 5. Section 51.32.160, chapter 23, Laws of 1961 as last amended by section 4, chapter 59, Laws of 1986 and RCW 51.32.160 are each amended to read as follows:

(1) If aggravation, diminution, or termination of disability takes place or ~~((be))~~ is discovered after the rate of compensation ~~((shall have))~~ has been established or compensation terminated, in any case the director, through ~~((and by means of))~~ (and by means of) the division of industrial insurance, may, upon the application of the beneficiary, made within ~~((seven years after the establishment or termination of such compensation, or upon his own motion))~~ five years from the date the first closing order becomes final, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: PROVIDED, That the time limitation of this ~~((section))~~ subsection shall be ten years in claims involving loss of vision or function of the eyes.

(2) If compensation has been readjusted within the five-year period as provided in subsection (1) of this section, then within five years after the order first readjusting the compensation has become final, the director may, upon application of the beneficiary, again readjust the rate of compensation or, in a proper case, terminate the payment.

(3) The director may, at any time, upon his or her own motion, make the readjustments provided in this section.

(4) If a worker receiving a pension for total disability returns to gainful employment for wages, the director may suspend or terminate the rate of compensation established for the disability without producing medical evidence that shows that a diminution of the disability has occurred.

(5) No act done or ordered to be done by the director, or the department prior to the signing and filing in the matter of a written order for such readjustment shall be ground for such readjustment."

Renumber the remaining sections consecutively

On page 17, after line 16, insert the following:

"Sec. 10. Section 11, chapter 14, Laws of 1980 and RCW 51.32.110 are each amended to read as follows:

Any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, at a time and from time to time, at a place reasonably convenient for the worker and as may be provided by the rules of the department. If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department, with notice to the worker, or the self-insurer (~~(upon approval by the department)~~), with notice to the worker and the department may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That the department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or the self-insurer, or required under this section. When a self-insured employer reduces, suspends or denies any compensation under this section, the self-insurer shall enter a written order, communicated to the worker and the department's self-insurance section. The order shall contain the following statement clearly set forth in bold face type: 'This order constitutes notification that your compensation benefits are being reduced, suspended or denied for failure to cooperate in accordance with RCW 51.32.110. If, for any reason, you disagree with this determination, you may protest in writing to the Department of Labor and Industries, Self-Insurance Section, within sixty days of the date you received this order.' In the event the department receives such a protest, the department shall investigate and review the claim evidence and enter a determinative order as provided for in RCW 51.52.050: PROVIDED, That the worker must be advised in writing by the self-insurer of the consequences for failure to cooperate prior to the effective date of the reduction, suspension or denial of compensation and be allowed a reasonable time for compliance: PROVIDED FURTHER, That if the department determines that the self-insurer has improperly reduced, suspended or denied benefits as they became due or such reduction, suspension or denial is not in compliance with this section then, upon order of the department, the self-insurer shall pay to the worker an additional amount equal to the greater of five hundred dollars or the amount of the benefits otherwise due. If the worker necessarily incurs traveling expenses in attending (for) examination ((pursuant to the request of the department)), such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

If the medical examination required by this section causes the worker to be absent from his or her work without pay he or she shall be paid for such time lost in accordance with the schedule of payments provided in RCW 51.32.090 as amended.

NEW SECTION, Sec. 11. A new section is added to chapter 51.32 RCW to read as follows:

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

If, upon final determination, the entity that paid benefits under this title is determined to be not responsible for payment of the benefits, such entity shall be reimbursed by the responsible entity for all amounts paid. If neither the department nor a self-insurer is determined to be responsible for the benefits, the recipient of benefits shall repay the entity having paid the benefits and recoupment may be made from any future payments due the recipient on any claim with the state fund or self-insurer, as the case may be. The director may exercise his or her discretion to waive, in whole or in part, the amount of any such repayments where the recovery would be against equity and good conscience."

On page 17, after line 16, insert the following:

NEW SECTION, Sec. 10. A new section is added to chapter 51.32 RCW to read as follows:

Notwithstanding RCW 51.32.040, whenever, pursuant to a collective bargaining agreement, a self-insured employer pays a worker or his or her beneficiaries disability benefits from a sickness and accident fund maintained by the employer, and it is subsequently determined that the worker or beneficiary is entitled to those benefits under this title, the employer may withhold amounts from benefits payable under this title sufficient to reimburse its sickness and

accident fund for payments made to the worker or beneficiary from such fund: PROVIDED, That the reimbursement is authorized by the collective bargaining agreement."

On page 1, line 2 of the title, after "51.32.090," strike the remainder of the title and insert "51.32.160, 51.32.180, 51.32.080, 51.08.178, 74.20A.260, and 51.32.110; reenacting and amending RCW 51.32.060; reenacting RCW 51.32.090; adding new sections to chapter 51.32 RCW; and providing effective dates."

On page 1, line 3 of the title, strike "and 74.20A.260" and insert "74.20A.260, and 51.32.160" On page 1, line 3 of the title, after "51.32.060" strike "; reenacting RCW" and insert "and" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

Mr. Wang moved that the House do concur in the Senate amendments to page 11, line 18; page 17, line 16 and page 17, line 16 to Substitute House Bill No. 400.

Representative Wang spoke in favor of the motion, and it was carried.

Mr. Wang moved that the House refuse to concur in the remaining amendments to Substitute House Bill No. 400 and ask the Senate to recede therefrom.

Mr. Wang spoke in favor of the motion.

Mr. Chandler moved that the House do concur in the remaining amendments to Substitute House Bill No. 400.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Representatives Chandler and L. Smith spoke in favor of the motion, and Representatives R. King and Wang opposed it.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the remaining Senate amendments to Substitute House Bill No. 400, and the motion was not adopted by the following vote: Yeas, 38; nays, 58; excused, 2.

Voting yea: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S - 38.

Voting nay: Representatives Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Winsley, Zellinsky, and Mr. Speaker - 58.

Excused: Representatives Armstrong, Wineberry - 2.

The Speaker stated that the House had, by its action, refused to concur in the remaining Senate amendments to Substitute House Bill No. 400 and asked the Senate to recede therefrom.

Representative Wineberry appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 499 with the following amendment:

On page 1, line 14, after "effluent," insert "The toxicity of the effluent shall be determined by techniques such as chronic or acute bioassays. Such conditions shall be required regardless of the quality of receiving water and regardless of the minimum water quality standards."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rust, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 499

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 499 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 499 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Allen, Appelwick, Ballard, Barnes, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Amondson, Beck, May, Moyer, Silver, Walker - 6.

Excused: Representative Armstrong - 1.

Engrossed Substitute House Bill No. 499 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 551 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 9, chapter 167, Laws of 1961 as last amended by section 79, chapter 57, Laws of 1985 and RCW 79.24.580 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be distributed as follows: (1) ((Forty percent)) To the state building bond redemption fund such amounts necessary to retire bonds issued pursuant to RCW 79.24.630 through 79.24.647 prior to January 1, 1987, and for which tide and harbor area revenues have been pledged, and (2) all moneys not deposited for the purposes of subsection (1) of this section shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects; and (2) the remainder shall be deposited in the capitol purchase and development account in the state treasury which is hereby authorized or, in the event that revenue bonds are issued as authorized by RCW 79.24.630 through 79.24.647, into the state building bond redemption fund pursuant to RCW 79.24.630. All earnings of investments of balances in the aquatic lands enhancement account and the capitol purchase and development account shall be credited to the general fund).

NEW SECTION, Sec. 2. A new section is added to chapter 43.79 RCW to read as follows:

The capitol purchase and development account is hereby created in the state treasury.

NEW SECTION, Sec. 3. This act shall take effect July 1, 1989."

On page 1, line 2 of the title, after "therefrom," strike the remainder of the title and insert "amending RCW 79.24.580; adding a new section to chapter 43.79 RCW; and providing an effective date."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. K. Wilson, the House concurred in the Senate amendments to House Bill No. 551.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 551 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 551 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Braddock, Vekich - 2.

Excused: Representative Armstrong - 1.

House Bill No. 551 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 644 with the following amendments:

On page 1, line 15, after "state" insert "or federal agency"

On page 1, line 26, after "of" strike "four thousand dollars" and insert "the actual costs of providing the certification or four thousand dollars, whichever is less"

On page 2, line 8, after "Laboratories" insert "owned by persons holding wastewater discharge permits and operated solely for their own use" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rust, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 644.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 644 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 644 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Engrossed Substitute House Bill No. 644 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. McMullen, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:30 p.m. The Clerk called the roll and all members were present except Representatives Brekke, Gallagher, Schoon, C. Smith, Taylor, J. Williams, S. Wilson and Wineberry.

SENATE AMENDMENT TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 523 with the following amendment:

On page 4, line 20, after "chapter," insert "Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Valle moved that the House do concur in the Senate amendment to Substitute House Bill No. 523.

Ms. Valle spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 523 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 523 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; absent, 8.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Brekke, Gallagher, Schoon, Smith C, Taylor, Williams J, Wilson S, Wineberry - 8.

Substitute House Bill No. 523 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Brekke, Gallagher, Taylor and S. Wilson appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 695 with the following amendment:

On page 2, line 22, after "~~(fifteen)~~" strike "seventeen" and insert "eighteen" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Madsen moved that the House do concur in the Senate amendment to Substitute House Bill No. 695.

Mr. Madsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 695 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 695 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; nays, 1; absent, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Braddock - 1.

Absent: Representatives Schoon, Smith C, Williams J, Wineberry - 4.

Substitute House Bill No. 695 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives C. Smith and J. Williams appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 755 with the following amendment:

On page 1, after line 21, strike all material through "appropriations." on page 2, line 27 and insert:

"(1) A county may establish a community corrections board which shall consist of nine members. The county legislative authority shall appoint four members to the board, two of whom shall be from the private sector. The secretary shall appoint one member to the board. In addition, the county prosecutor and county sheriff, or their designees, a judge of the county superior court selected by the county superior court judges, and a county district court judge, selected by the county district court judges, shall be members of the board.

(2) If a combination of counties establishes a community corrections board, an intergovernmental agreement shall establish the composition and powers of the board, not to exceed the authority granted in this section.

(3) The community corrections board shall develop a community corrections plan for the county. Upon request, the department may provide technical assistance in developing the plan. The plan shall describe the existing correctional resources, goals, objectives, needs, and problems for local and state correctional services in the county. The plan shall review ways to maximize resources and reduce duplication of services. Areas to be addressed in the plan include, but are not limited to: Voluntary services for offenders, which include employment, substance and alcohol abuse services, housing and mental health services; ways to share administrative costs between local and state government; and the development of alternatives to partial and total confinement.

(4) The secretary shall adopt rules for the submittal and review of all plans. Representatives from other state and local agencies and organizations shall participate in the review process. Initiatives that reduce the duplication of services or maximize the use of existing resources shall be given priority."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendment to Substitute House Bill No. 755.

Mr. Braddock spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 755 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 755 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Schoon, Wineberry - 2.

Substitute House Bill No. 755 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wineberry appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 767 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that it is necessary to regulate the practice of respiratory care at the level of certification in order to protect the public health and safety. The settings for these services may include, health facilities licensed in this state, clinics, home health agencies, physicians' offices, and public or community health services. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

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

(1) 'Advisory committee' means the Washington state advisory respiratory care committee.

(2) 'Department' means the department of licensing.

(3) 'Director' means the director of licensing or the director's designee.

(4) 'Respiratory care practitioner' means an individual certified under this chapter.

(5) 'Physician' means an individual licensed under chapter 18.57 or 18.71 RCW.

(6) 'Rural hospital' means a hospital located anywhere in the state except the following areas:

(a) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane;

(b) Areas within a twenty-mile radius of an urban area with a population exceeding thirty thousand persons; and

(c) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

NEW SECTION. Sec. 3. An entity or person shall not employ or contract with persons engaging in respiratory care as respiratory care practitioners that have not received a certificate to practice respiratory care in the state. Rural hospitals are exempt from this chapter. Nothing in this chapter prohibits or restricts:

(1) The practice of a profession by individuals who are licensed under other laws of this state who are performing services within their authorized scope of practice, which may overlap the services provided by respiratory care practitioners;

(2) The practice of respiratory care by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed for him or her by the laws and regulations of the United States;

(3) The practice of respiratory care by a person pursuing a supervised course of study leading to a degree or certificate in respiratory care as a part of an accredited and approved

educational program, if the person is designated by a title which clearly indicates his or her status as a student or trainee, or otherwise as a student;

(4) The use of the title 'respiratory care practitioner' by registered nurses authorized under chapter 18.88 RCW.

NEW SECTION, Sec. 4. A respiratory care practitioner is a person who adopts or uses any title or any description of services which incorporates one or more of the following terms or designations: (1) RT, (2) RCP, (3) respiratory care practitioner, (4) respiratory therapist, (5) respiratory technician, (6) inhalation therapist, or (7) any other words, abbreviation, or insignia indicating that he or she is a respiratory care practitioner.

NEW SECTION, Sec. 5. A respiratory care practitioner certified under this chapter is employed in the treatment, management, diagnostic testing, rehabilitation, and care of patients with deficiencies and abnormalities which affect the cardiopulmonary system and associated aspects of other systems, and is under the direct order and under the qualified medical direction of a physician. The practice of respiratory care includes, but is not limited to:

- (1) The use and administration of medical gases, exclusive of general anesthesia;
- (2) The use of air and oxygen administering apparatus;
- (3) The use of humidification and aerosols;
- (4) The administration of prescribed pharmacologic agents related to respiratory care;
- (5) The use of mechanical or physiological ventilatory support;
- (6) Postural drainage, chest percussion, and vibration;
- (7) Bronchopulmonary hygiene;
- (8) Cardiopulmonary resuscitation as it pertains to establishing airways and external cardiac compression;
- (9) The maintenance of natural and artificial airways and insertion, without cutting tissues, of artificial airways, as ordered by the attending physician;
- (10) Diagnostic and monitoring techniques such as the measurement of cardiorespiratory volumes, pressures, and flows; and
- (11) The drawing and analyzing of arterial, capillary, and mixed venous blood specimens as ordered by the attending physician or an advanced registered nurse practitioner as authorized by the board of nursing under chapter 18.88 RCW.

NEW SECTION, Sec. 6. (1) In addition to any other authority provided by law, the director, in consultation with the advisory committee, may:

- (a) Adopt rules, in accordance with chapter 34.04 RCW, necessary to implement this chapter;
- (b) Set all certification, examination, and renewal fees in accordance with RCW 43.24.086;
- (c) Establish forms and procedures necessary to administer this chapter;
- (d) Issue a certificate to any applicant who has met the education, training, and examination requirements for certification;
- (e) Hire clerical, administrative, and investigative staff as needed to implement this chapter and hire individuals certified under this chapter to serve as examiners for any practical examinations;
- (f) Approve those schools from which graduation will be accepted as proof of an applicant's eligibility to take the certification examination;
- (g) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for certification;
- (h) Determine whether alternative methods of training are equivalent to formal education and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take the examination;
- (i) Determine which states have legal credentialing requirements equivalent to those of this state and issue certificates to individuals legally credentialled in those states without examination; and
- (j) Define and approve any experience requirement for certification.

(2) The provisions of chapter 18.130 RCW shall govern the issuance and denial of certificates, uncertified practice, and the disciplining of persons certified under this chapter. The director shall be the disciplining authority under this chapter.

NEW SECTION, Sec. 7. The director shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for certification under this chapter, with the result of each application.

NEW SECTION, Sec. 8. (1) There is created a state respiratory care advisory committee consisting of five members appointed by the director. Three members of the advisory committee shall be respiratory care practitioners who are certified under this chapter. The initial members, however, may be appointed to the advisory committee if they meet all the requirements for certification under this chapter and have been engaged in the practice of respiratory care for at least five years. One member of the advisory committee shall be an individual representing the public who is unaffiliated with the profession. One member of the advisory committee shall be a physician, who is a pulmonary specialist. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for

the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and two at the end of the fourth year after the date of appointment. Thereafter all appointments shall be for four years. Any advisory committee member may be removed for just cause. The director may appoint a new member to fill any vacancy on the advisory committee for the remainder of the unexpired term. No advisory committee member may serve more than two consecutive terms, whether full or partial.

(2) Advisory committee members shall be entitled to be compensated in accordance with RCW 43.03.240, and to be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(3) The advisory committee shall have the authority to elect annually a chairperson and vice-chairperson to direct the meetings of the advisory committee. The advisory committee shall meet at least once each year, and may hold additional meetings as called by the director or the chairperson. Three members of the advisory committee constitute a quorum.

NEW SECTION. Sec. 9. The director, members of the advisory committee, or individuals acting on their behalf are immune from suit in any civil action based on any certification or disciplinary proceedings, or other official acts performed in the course of their duties.

NEW SECTION. Sec. 10. The director shall issue a certificate to any applicant who demonstrates to the director's satisfaction that the following requirements have been met:

(1) Graduation from a school approved by the director or successful completion of alternate training which meets the criteria established by the director;

(2) Successful completion of an examination administered or approved by the director;

(3) Successful completion of any experience requirement established by the director;

(4) Good moral character.

In addition, applicants shall be subject to the grounds for denial or issuance of a conditional certificate under chapter 18.130 RCW.

A person who meets the qualifications to be admitted to the examination for certification as a respiratory care practitioner may practice as a respiratory care practitioner under the supervision of a respiratory care practitioner certified under this chapter between the date of filing an application for certification and the announcement of the results of the next succeeding examination for certification if that person applies for and takes the first examination for which he or she is eligible.

The director shall establish by rule what constitutes adequate proof of meeting the criteria.

NEW SECTION. Sec. 11. The director shall approve only those persons who have achieved the minimum level of competency as defined by the director. The director shall establish by rule the standards and procedures for approval of alternate training and shall have the authority to contract with individuals or organizations having expertise in the profession, or in education, to assist in evaluating those applying for approval. The standards and procedures set shall apply equally to schools and training within the United States and those in foreign jurisdictions.

NEW SECTION. Sec. 12. (1) The date and location of the examination shall be established by the director. Applicants who have been found by the director to meet the other requirements for certification shall be scheduled for the next examination following the filing of the application. However, the applicant shall not be scheduled for any examination taking place sooner than sixty days after the application is filed.

(2) The director shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently, and shall meet generally accepted standards of fairness and validity for certification examinations.

(3) All examinations shall be conducted by the director, and all grading of the examinations shall be under fair and wholly impartial methods.

(4) Any applicant who fails to make the required grade in the first examination is entitled to take up to three subsequent examinations, upon the prepayment of a fee determined by the director as provided in RCW 43.24.086 for each subsequent examination. Upon failure of four examinations, the director may invalidate the original application and require such remedial education as is deemed necessary.

(5) The director may approve an examination prepared and administered by a private testing agency or association of credentialing boards for use by an applicant in meeting the certification requirement.

NEW SECTION. Sec. 13. Applications for certification shall be submitted on forms provided by the director. The director may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for certification provided in this chapter and chapter 18.130 RCW. All applications shall be accompanied by a fee determined by the director under RCW 43.24.086.

NEW SECTION. Sec. 14. (1) The director shall waive the examination and grant a certificate to a person engaged in the profession of respiratory care in this state on the effective date of

this section, if the director determines the person meets commonly accepted standards of education and experience for the profession and has previously achieved an acceptable grade on an approved examination administered by a private testing agency or respiratory care association as established by rule of the director.

(2) If an individual is engaged in the practice of respiratory care on the effective date of this section but has not achieved an acceptable grade on an approved examination administered by a private testing agency, the individual may apply to the director for examination. This section shall only apply to those individuals who file an application within one year of the effective date of this section.

NEW SECTION. Sec. 15. The director shall establish by rule the requirements and fees for renewal of certificates. Failure to renew shall invalidate the certificate and all privileges granted by the certificate. In the event a certificate has lapsed for a period longer than three years, the certified respiratory care practitioner shall demonstrate competence to the satisfaction of the director by continuing education or under the other standards determined by the director.

Sec. 16. Section 3, chapter 117, Laws of 1985 and section 28, chapter 326, Laws of 1985 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) 'Applicant group' includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) 'Certificate' and 'certification' mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use 'certified' in the title or designation to perform prescribed health professional tasks.

(3) 'Grandfather clause' means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) 'Health professions' means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; drugless healing under chapter 18.36 RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; respiratory care practitioners certified under chapter 18.-- RCW (sections 1 through 15 of this 1987 act); veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; and acupuncturists certified under chapter 18.06 RCW.

(5) 'Inspection' means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) 'Legislative committees of reference' means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) 'License', 'licensing', and 'licensure' mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) 'Professional license' means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) 'Practitioner' means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) 'Public member' means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not

have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(1) 'Registration' means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(2) 'Regulatory entity' means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(3) 'State agency' includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 17. Section 4, chapter 279, Laws of 1984 as amended by section 29, chapter 326, Laws of 1985 and by section 3, chapter 259, Laws of 1986 and RCW 18.130.040 are each reenacted and amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Drugless healers licensed under chapter 18.36 RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW; ~~((and))~~

(vii) Acupuncturists certified under chapter 18.106 RCW; and

(viii) Respiratory care practitioners certified under chapter 18.— RCW (sections 1 through 15 of this 1987 act).

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

(iv) The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(v) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vi) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(vii) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(viii) The board of physical therapy as established in chapter 18.74 RCW;

(ix) The board of occupational therapy practice as established in chapter 18.59 RCW;

(x) The board of practical nursing as established in chapter 18.78 RCW;

(xi) The board of nursing as established in chapter 18.88 RCW; and

(xii) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION. Sec. 18. Sections 1 through 15 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 19. There is appropriated from the health professions account in the state general fund to the department of licensing for the biennium ending June 30, 1989, the sum of one hundred sixty-one thousand eight hundred forty-five dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 20. Section 4 of this act shall take effect September 15, 1987. This act shall not affect respiratory care practitioners employed by rural hospitals until September 15, 1988.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date."
and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Substitute House Bill No. 767.

Mr. Braddock spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 767 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 767 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Schoon - 1.

Substitute House Bill No. 767 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Schoon appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I was unable to vote on SHB 523, SHB 695 and SHB 755 when session resumed after lunch. Had I been on the floor, I would have cast affirmative votes for all three bills.

DICK SCHOON, 30th District.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 776 with the following amendments:

On page 2, line 3, after "employee's" strike "nominee" and insert "designee"

On page 2, beginning on line 3, after "one nominee" strike everything through "shall)" on line 6 and insert "((-each of whom shall be a member in good standing of the Washington state bar association. Within five days following the appointment of such nominees they)). The two nominees shall"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 776.

Mr. Ebersole spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 776 as amended by the Senate.

Mr. Padden spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 776 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 776 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 833 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) There is hereby created a temporary commission to be known as the Washington state commission for efficiency and accountability in government, hereafter referred to as the commission.

(2) The commission shall consist of fourteen members as follows:

(a) Six members appointed by the governor including but not limited to representatives from private sector business and industry, labor unions, and public interest organizations;

(b) Three members appointed jointly by the president of the senate and speaker of the house including but not limited to representatives from private sector business and industry, labor unions, and public interest organizations;

(c) One representative from each of the four legislative caucuses to be appointed by the president of the senate and the speaker of the house; and

(d) The governor shall be a member and the chair of the commission.

The vice-chair shall be selected by the commission.

(3) Nonlegislative members shall be reimbursed for travel expenses for attending meetings of the commission as provided for in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed for travel expenses for attending meetings of the commission as provided for in RCW 44.04.120.

NEW SECTION, Sec. 2. The commission shall develop recommendations for legislative and executive consideration that will:

(1) Increase the efficiency and effectiveness of state government programs and reduce costs;

(2) Enhance executive accountability and the organizational soundness of state government;

(3) Enhance legislative oversight and program accountability; and

(4) Improve managerial competence and workforce productivity.

NEW SECTION, Sec. 3. To carry out the provisions of section 2 of this act, the commission shall:

(1) Prepare a list of selected programs funded by the state that will be subject to review by the commission. The list shall include programs that have a major fiscal impact on the state and where the commission determines that operational and organizational improvements are feasible. The reviews shall concentrate on identifying improvements that will result in increased program efficiency and effectiveness and reduced costs, greater accountability to the general public, increased information and data relative to governmental expenditures, and increased managerial competence and workforce productivity.

(2) Develop a four-year plan for the orderly review of each program identified under subsection (1) of this section. The plan shall contain a timetable for the completion of each program review and an estimate of the resources needed to carry out the reviews. The plan shall be updated annually.

(3) Secure private sector financial and other support for the conduct of the reviews.

(4) Establish the scope of program reviews, select review teams and direct those teams to conduct the program reviews identified by the commission. The review teams shall report to the commission their findings and recommendations for organizational and operational improvements.

(5) Decide upon recommendations for executive action or legislation necessary to implement the operational or organizational improvements developed by program review teams.

(6) Submit the following reports to the legislature:

(a) By December 31, 1987, a four-year plan required by subsection (2) of this section;

(b) Upon completion of each program review, its recommendations for operational and organizational improvements for the program reviewed. The report shall include estimates of savings which may result from recommended legislative or executive action.

(c) By December 31, 1988, a report summarizing recommendations of the commission for legislative and executive actions to accomplish operational and organizational improvements identified in completed program reviews and any executive action initiated as a result of findings of a program review. Thereafter, the commission shall report to the legislature annually, no later than December 31, on its progress toward completing the four-year review plan and on its recommendations for operational and organizational improvements in state government.

NEW SECTION. Sec. 4. (1) It is the intent of the legislature that the program review activities of the commission be funded, to the extent practicable, by contributions received from the private sector. The office of financial management and the legislature shall provide staff as required by the commission for developing the plan for proper reviews and undertaking such reviews. To the extent permitted by law, all agencies of the state shall cooperate fully with the commission in carrying out its duties under this act.

(2) The commission may receive and expend gifts, grants, and endowments from private sources to carry out the purposes of this act.

NEW SECTION. Sec. 5. The commission may contract for such services as are necessary to supplement the staff as provided in section 4 of this act.

NEW SECTION. Sec. 6. This act shall expire December 31, 1991.*

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House concurred in the Senate amendments to Substitute House Bill No. 833.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 833 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 833 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nedley, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Belcher - 1.

Substitute House Bill No. 833 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 844 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The state of Washington may enter into salary reduction agreements with employees pursuant to the Internal Revenue Code, 26 U.S.C. Sec. 125 for the purpose of making it possible for employees to select on a 'before-tax basis' certain taxable and non-taxable benefits pursuant to 26 U.S.C. Sec. 125. The purpose of the salary reduction plan established in this chapter is to attract and retain individuals in governmental service by permitting them to enter into agreements with the state to provide for benefits pursuant to 26 U.S.C. Sec. 129.

(2) Nothing in the salary reduction plan constitutes an employment agreement between the participant and the state, and nothing contained in the participant's salary reduction agreement, the plan, or sections 2 through 10 of this act gives a participant any right to be retained in state employment.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 3 through 8 of this act.

(1) 'Salary reduction plan' means a plan whereby state employees and officers may agree to a reduction of salary which reduction will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125.

(2) 'Committee' means the committee for deferred compensation.

(3) 'Salary' means a state employee's or officer's monthly salary or wages.

(4) 'Dependent care program' means the program for the care of dependents pursuant to 26 U.S.C. Sec. 129 financed from funds deposited in the salary reduction account in the state treasury for the purpose of holding and disbursing the funds deposited under the auspices of the salary reduction plan.

(5) 'Participant' means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(6) 'Plan year' means the time period established by the committee.

NEW SECTION. Sec. 3. The committee shall have responsibility for the formulation and adoption of a plan and policies and procedures designed to guide, direct, and administer the salary reduction plan.

NEW SECTION. Sec. 4. (1) A plan document describing the salary reduction plan shall be adopted and administered by the committee. The committee shall represent the state in all matters concerning the administration of the plan. The state through the committee, may engage the services of a professional consultant or administrator on a contractual basis to serve as an agent to assist the committee in carrying out the purposes of sections 1 through 10 of this act.

(2) The committee shall formulate and establish policies and procedures for the administration of the salary reduction plan that are consistent with existing state law, the internal revenue code, and the regulations adopted by the internal revenue service as they may apply to the benefits offered to participants under the plan.

(3) The funds held by the state for the dependent care program shall be deposited in the salary reduction account in the state treasury. Any interest in excess of the amount used to defray the cost of administering the salary reduction plan shall become a part of the general fund as shall unclaimed moneys remaining in the salary reduction account at the end of a plan year. The committee may assess each participant a fee for administering the salary reduction plan. In addition to moneys for initial costs, moneys shall be appropriated from the general fund for any expense relating to the administration of the salary reduction plan. The appropriation may be funded from an amount equivalent to actually realized savings experienced due to reductions in employer contributions required under the social security act, from other similar savings, from interest earned from the salary reduction account credited to the general fund, from any unclaimed moneys in the salary reduction account at the end of the plan year, and from fees charged to the participants.

(4) Every action taken by the committee in administering sections 1 through 10 of this act shall be presumed to be a fair and reasonable exercise of the authority vested in or the duties imposed upon it. The committee shall be presumed to have exercised reasonable care, diligence, and prudence and to have acted impartially as to all persons interested unless the contrary be proved by clear and convincing affirmative evidence.

NEW SECTION. Sec. 5. (1) Elected officials and all permanent officers and employees of the state are eligible to participate in the salary reduction plan and reduce their salary by agreement with the committee. The committee may adopt rules to permit participation in the plan by temporary employees of the state.

(2) Persons eligible under subsection (1) of this section may enter into salary reduction agreements with the state.

(3)(a) In the initial year of the salary reduction plan, an eligible person may become a participant after the adoption of the plan and before its effective date by agreeing to have a portion of his or her gross salary reduced and deposited into a dependent care account to be used for reimbursement of expenses covered by the plan.

(b) After the initial year of the salary reduction plan, an eligible person may become a participant for a full plan year, with annual benefit selection for each new plan year made

before the beginning of the plan year, as determined by the committee, or upon becoming eligible.

(c) Once an eligible person elects to participate and determines the amount his or her salary shall be reduced and the benefit for which the funds are to be used during the plan year, the agreement shall be irrevocable and may not be amended during the plan year except as provided in (d) of this subsection. Prior to making an election to participate in the salary reduction plan, the eligible person shall be informed in writing of all the benefits and reductions that will occur as a result of such election.

(d) The committee shall provide in the salary reduction plan that a participant may enroll, terminate, or change his or her election after the plan year has begun if there is a significant change in a participant's status, as provided by 26 U.S.C. Sec. 125 and the regulations adopted under that section.

(4) The committee shall establish as part of the salary reduction plan the procedures for and effect of withdrawal from the plan by reason of retirement, death, leave of absence, or termination of employment. To the extent possible under federal law, the committee shall protect participants from forfeiture of rights under the plan.

(5) Any salary reduced under the salary reduction plan shall continue to be included as regular compensation for the purpose of computing the state retirement and pension benefits earned by the employee.

NEW SECTION, Sec. 6. The salary reduction account is established in the state treasury. All fees paid to reimburse participants or service providers pursuant to the provisions of sections 1 through 10 of this act shall be paid from the salary reduction account.

NEW SECTION, Sec. 7. (1) The committee shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of a salary reduction plan created under section 4 of this act.

(2) The committee shall file an annual report of the financial condition, transactions, and affairs of the salary reduction plan under the committee's jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

(3) Members of the committee shall be deemed to stand in a fiduciary relationship to the employees participating in the salary reduction plan and shall discharge their duties in good faith and with that diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

NEW SECTION, Sec. 8. (1) The state may terminate the salary reduction plan at the end of the plan year or upon notification of federal action affecting the status of the plan.

(2) The committee may amend the salary reduction plan at any time if the amendment does not affect the rights of the participants to receive eligible reimbursement from the participants' dependent care accounts.

NEW SECTION, Sec. 9. The committee shall adopt rules to implement sections 3 through 8 of this act.

NEW SECTION, Sec. 10. Sections 1 through 9 of this act shall be construed to effectuate the purposes of 26 U.S.C. Sec. 125.

Sec. 11. Section 1, chapter 274, Laws of 1975 1st ex. sess. as last amended by section 23, chapter 57, Laws of 1985 and RCW 41.04.260 are each amended to read as follows:

(1) There is hereby created a committee for deferred compensation to be composed of five members appointed by the governor, one of whom shall be a representative of an employee association or union certified as an exclusive representative of at least one bargaining unit of classified employees, one who shall be a representative of either a credit union, savings and loan association, mutual savings bank or bank, one who possesses expertise in the area of insurance or investment of public funds, one who shall be the state attorney general or his designee, and one additional member selected by the governor. The committee shall serve without compensation but shall receive travel expenses as provided for in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The deferred compensation revolving fund is hereby created in the state treasury. All expenses of the committee including staffing and administrative expenses shall be paid out of the deferred compensation revolving fund.

The amount of compensation deferred by employees under agreements entered into under the authority contained in RCW 41.04.250 shall be paid into the revolving fund and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by this committee. The revolving fund shall be used to carry out the purposes of RCW 41.04.250. All eligible state employees shall be given the opportunity to participate in agreements entered into by the committee under RCW 41.04.250. State agencies shall cooperate with the committee in providing employees with the opportunity to participate. Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the committee under RCW 41.04.250, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the revolving fund shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state

Constitution, for the purpose of determining eligible investments and deposits of the moneys therein. All moneys in the revolving fund, all property and rights purchased therewith, and all income attributable thereto, shall remain (until made available to the participating employee or other beneficiary) solely the money, property, and rights of the state and participating counties, municipalities and subdivisions (without being restricted to the provision of benefits under the plan) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately.

(3) The state investment board, at the request of the deferred compensation committee, is authorized to invest moneys in the deferred compensation revolving fund in accordance with RCW 43.84.150. Except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation revolving fund. The earnings on any surplus balances in the deferred compensation revolving fund shall be credited to the deferred compensation fund, notwithstanding RCW 43.84.090.

(4) In addition to the duties specified in this section and RCW 41.04.250, the deferred compensation committee shall administer the salary reduction plan established in sections 1 through 10 of this 1987 act.

(5) The deferred compensation committee shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of any deferred compensation plans created under RCW 41.04.250 through 41.04.260.

The deferred compensation committee shall file an annual report of the financial condition, transactions, and affairs of the deferred compensation plans under the committee's jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

((5)) (6) Members of the deferred compensation committee shall be deemed to stand in a fiduciary relationship to the employees participating in the deferred compensation plans created under RCW 41.04.250 through 41.04.260 and shall discharge the duties of their respective positions in good faith and with that diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

((6)) (7) The committee may adopt rules necessary to carry out the purposes of RCW 41.04.250 and 41.04.260.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act are each added to chapter 41.04 RCW.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 41.04.260; and adding new sections to chapter 41.04 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 844.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 844 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 844 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 844 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act. .

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 856 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. (1) The commerce and labor committee of the senate and the trade and economic development committee of the house of representatives shall jointly study the bed and breakfast industry.

(2) The study shall review the bed and breakfast industry, its economic impact on the state of Washington, and its impact on the environment of the state of Washington.

(3) The committees shall report their findings to the legislature before June 1, 1988.

NEW SECTION, Sec. 2. This act shall expire December 1, 1988.*

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Vekich, the House concurred in the Senate amendments to House Bill No. 856.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 856 as amended by the Senate.

Representative Schoon spoke in favor of final passage of the bill, and Representative Sanders opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 856 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; nays, 11.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Allen, Barnes, Brooks, Bumgarner, Chandler, Nealey, Padden, Sanders, Smith C, Smith L, Sommers D - 11.

House Bill No. 856 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 992 with the following amendments:

On page 1, line 9, after "service" insert "to the customer receiving the service"

On page 1, line 16, after "case," insert "In cases where the service is provided to a tenant, collection of charges shall be made from that individual or individuals, and liens against the property of the landlord for such service are prohibited."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Nelson moved that the House do not concur in the Senate amendments to House Bill No. 992, and ask the Senate to recede therefrom.

POINT OF ORDER

Mr. Nelson: Mr. Speaker, I would ask you to rule on whether or not these amendments are within the scope and object of the bill.

The Speaker (Mr. O'Brien presiding): The Speaker will take this under advisement.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1156 with the following amendments:

Strike everything after the enacting clause and insert the following:

'Sec. 1. Section 1, chapter 229, Laws of 1985 and RCW 43.165.010 are each amended to read as follows:

Unless the context clearly requires to the contrary, the definitions in this section apply throughout this chapter.

(1) 'Department' means the department of community development.

(2) 'Director' means the director of the department.

(3) 'Distressed area' means: (a) A county that has an unemployment rate that is twenty percent above the state-wide average for the previous three years; or (b) a community or area that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base due to decline of its dominant industries; or (c) an area within a county which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, 'families and unrelated individuals' has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) 'Economic development revolving loan funds' means a local, not-for-profit or governmentally sponsored business loan program.

(5) 'Team' means the community revitalization team.

((5)) (6) 'Technical assistance' includes, but is not limited to, assistance with strategic planning, market research, business plan development review, organization and management development, accounting and legal services, grant and loan packaging, and other assistance which may be expected to contribute to the redevelopment and economic well-being of a distressed area.

Sec. 2. Section 2, chapter 164, Laws of 1985 and RCW 43.168.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Committee' means the Washington state development loan fund committee.

(2) 'Department' means the department of community development.

(3) 'Director' means the director of the department of community development.

(4) 'Distressed area' means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; or (b) ((a community which has experienced sudden and severe loss of employment; or (c))) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, 'families and unrelated individuals' has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) 'Fund' means the Washington state development loan fund.

(6) 'Local development organization' means a nonprofit organization which is organized to operate within ((a distressed)) an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in ((a distressed)) an area.

(7) 'Project' means the establishment of a new or expanded business in ((a distressed)) an area which when completed will provide employment opportunities. 'Project' also means the retention of an existing business in ((a distressed)) an area which when completed will provide employment opportunities.

Sec. 3. Section 4, chapter 164, Laws of 1985 and RCW 43.168.040 are each amended to read as follows:

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of local governments for federal community development block grant funds which the local governments would use to make loans to finance business projects within ~~((distressed areas))~~ their jurisdictions. Applications approved by the committee under this chapter shall conform to applicable federal requirements.

Sec. 4. Section 5, chapter 164, Laws of 1985 as amended by section 2, chapter 204, Laws of 1986 and RCW 43.168.050 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) ~~((is located within a distressed area and may reasonably be expected to increase employment or maintain))~~ Will result in the creation of employment opportunities or the maintenance of threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the ~~((distressed))~~ area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(3) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(4) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(5) The committee shall fix the terms and rates pertaining to its loans.

(6) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the 'greatest amount of employment or benefit' the committee shall also consider the employment which would be saved by its loan.

(7) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(8) The committee shall not approve any application to finance or help finance a shopping mall.

(9) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(10) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

Sec. 5. Section 7, chapter 164, Laws of 1985 and RCW 43.168.070 are each amended to read as follows:

The committee shall receive and approve applications on a quarterly basis for each fiscal year. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods to hire unemployed persons from the ~~((distressed))~~ area. Each application shall contain a credit analysis of the business to receive the loan. The chairperson of the committee may convene the committee on short notice to respond to applications of a serious or immediate nature.

NEW SECTION. Sec. 6. A new section is added to chapter 43.168 RCW to read as follows:

(1) The committee shall develop guidelines for development loan funds to be used to fund existing economic development revolving loan funds. Consideration shall be given to the selection process for grantees, loan quality criteria, legal and regulatory issues, and ways to

minimize duplication between development loan funds and local economic development revolving loan funds.

(2) If it appears that all of the funds appropriated to the development loan fund for a biennium will not be fully granted to local governments within that biennium, the committee may make available up to twenty percent of the eighty percent of the funds available to projects in distressed areas under RCW 43.168.050(9) for grants to local governments to assist existing economic development revolving loan funds in distressed areas. The grants to local governments shall be utilized to make loans to businesses that meet the specifications for loans under this chapter. The local governments shall, to the extent permitted under federal law, agree to convey to the development loan fund the principal and interest payments from existing loans that the local governments have made through their revolving loan funds. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

NEW SECTION, Sec. 7. A new section is added to chapter 43.168 RCW to read as follows:

(1) The committee shall develop performance standards for judging the effectiveness of the program. Such standards shall include, to the extent possible, examining the effectiveness of grants in regard to:

- (a) Job creation for individuals of low and moderate income;
- (b) Retention of existing employment;
- (c) The creation of new employment opportunities;
- (d) The diversification of the economic base of local communities;
- (e) The establishment of employee cooperatives;
- (f) The provision of assistance in cases of employee buy-outs of firms to prevent the loss of existing employment;
- (g) The degree of risk assumed by the development loan fund, with emphasis on loans which did not receive financing from commercial lenders, but which are considered financially sound.

(2) The committee shall report to the appropriate standing committees of the legislature on the development of performance standards by January 1, 1988.

NEW SECTION, Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "program," strike the remainder of the title and insert "amending RCW 43.165.010, 43.168.020, 43.168.040, 43.168.050, and 43.168.070; adding new sections to chapter 43.168 RCW; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Vekich, the House concurred in the Senate amendments to Substitute House Bill No. 1156.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1156 as amended by the Senate.

Representatives Vekich and Schoon spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1156 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1156 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1160 with the following amendments:

On page 2, line 19, after "June 30," strike "1989" and insert "1990"
 On page 2, line 26, after "February 15," strike "1989" and insert "1990"
 On page 2, line 34, after "June 30," strike "1989" and insert "1990"
 and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House concurred in the Senate amendments to Substitute House Bill No. 1160.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1160 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1160 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Meyers, Vekich - 2.

Substitute House Bill No. 1160 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 418 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A child support schedule commission is established. The commission shall recommend a child support schedule and propose changes in the schedule to the legislature no later than November 1, 1987.

(2) The commission shall be composed of the secretary of social and health services or the secretary's designee and nine other members. Seven members shall be appointed by the governor as follows: (a) A superior court judge; (b) a representative from the state bar association; (c) an attorney representing indigent persons in Washington; (d) two other persons who have demonstrated an interest or expertise in the study of economic data or child support issues, one of which shall be a non-custodial parent; and (e) two public members who represent the affected populations, one of which shall be a non-custodial parent. Two members shall be the administrator for the courts or his or her designee and the attorney general or his or her designee. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; and of the state bar association in respect to the state bar association and indigent attorney representatives.

(3) The secretary of social and health services or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of social and health services. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The office of support enforcement shall provide clerical and other support to the commission to enable it to perform its functions.

(7) The commission shall invite public participation and input, particularly from persons who are affected by child support orders.

NEW SECTION, Sec. 2. (1) The child support schedule commission shall propose a child support schedule to the legislature no later than November 1, 1987.

(2) The commission shall set the child support schedule and recommended revisions based upon:

(a) Updated economic data which accurately reflects family spending and child rearing costs for families of different sizes and income levels in the state of Washington;

(b) Appropriate adjustments for significant changes in child rearing costs at different age levels;

(c) The need for funding of the child's primary residence by a payment which is sufficient to meet the basic needs of the child;

(d) Provisions for health care coverage and, when needed, child care payments; and

(e) The support amount shall be based on the child's age, the parent's combined income, and the family size. Family size shall mean all children for whom support is to be established.

(3) The commission shall establish standards for applying the child support schedule. Included in these standards shall be:

(a) The type, net or gross, and sources of income on which support amounts shall be based;

(b) Provisions for taking into account the voluntary unemployment or underemployment of one or both parents or if the income of a parent is not known;

(c) Provisions for taking into account a parent whose income varies; and

(d) Provisions for taking into account the differing cost of living in the various counties in this state.

NEW SECTION, Sec. 3. The superior court in each judicial district shall adopt a child support schedule by August 1, 1987.

NEW SECTION, Sec. 4. This act shall expire July 1, 1988.

NEW SECTION, Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to Substitute House Bill No. 418.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 418 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 418 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; nays, 9.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hearvey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Amondson, Brough, Bumgarner, Fuhrman, Hankins, Miller, Silver, Williams B, Williams J - 9.

Substitute House Bill No. 418 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 420 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature recognizes the financial impact on custodial parents and children when child support is not received on time, or in the correct amount. The legislature also recognizes the burden placed upon the responsible parent and the second family when enforcement action must be taken to collect delinquent support.

It is the intent of the legislature to create a central Washington state support registry to improve the recordkeeping of support obligations and payments, thereby providing protection for both parties, and reducing the burden on employers by creating a single standardized process through which support payments are deducted from earnings.

It is also the intent of the legislature that child support payments be made through mandatory wage assignment or payroll deduction if the responsible parent becomes delinquent in making support payments under a court or administrative order for support.

To that end, it is the intent of the legislature to interpret all existing statutes and processes to give effect to, and to implement, one central registry for recording and distributing support payments in this state.

NEW SECTION. Sec. 2. (1) The definitions contained in RCW 74.20A.020 shall be incorporated into and made a part of this chapter.

(2) 'Support order' means a superior court order or administrative order, as defined in RCW 74.20A.020.

(3) 'Earnings' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW. Earnings shall specifically include all gain from capital, from labor, or from both combined, not including profit gained through sale or conversion of capital assets.

(4) 'Disposable earnings' means that part of the earnings of an individual remaining after the deduction from those earnings of an amount required by law to be withheld.

(5) 'Employer' means any person or entity who pays or owes earnings in employment as defined in Title 50 RCW to the responsible parent including but not limited to the United States government, or any state or local unit of government.

(6) 'Employee' means a person in employment as defined in Title 50 RCW to whom an employer is paying, owes or anticipates paying earnings as a result of services performed.

NEW SECTION. Sec. 3. There is created a Washington state support registry within the office of support enforcement as the agency designated in Washington state to administer the child support program under Title IV-D of the federal social security act. The registry shall:

(1) Account for and disburse all support payments received by the registry;

(2) Maintain the necessary records including, but not limited to, information on support orders, support debts, the date and amount of support due; the date and amount of payments; and the names, social security numbers, and addresses of the parties;

(3) Develop procedures for providing information to the parties regarding action taken by, and support payments collected and distributed by the registry;

(4) The secretary of social and health services shall adopt rules for the maintenance and retention of records of support payments and for the archiving and destruction of such records when the support obligation terminates or is satisfied. When a support obligation established under court order entered in a superior court of this state has been satisfied, a satisfaction of judgment form shall be prepared by the registry and filed with the clerk of the court in which the order was entered.

The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.

If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A-.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and up to ten percent of amounts collected as current support.

NEW SECTION. Sec. 4. (1) The legislature recognizes that, in order for the support registry to operate in an effective and efficient manner and to ensure that delinquent child support payments will be enforced and collected promptly, especially when the responsible parent is

employed and earning regular wages, current employment information must be available to the registry. The legislature also recognizes that the current employer reporting requirements to the department of employment security are not sufficient to facilitate the efforts of the registry to operate effectively and efficiently and collect delinquent payments promptly. Finally, the legislature recognizes that it may not be reasonable to create several different employer reporting systems because of the burdens that would be imposed on employers, especially small businesses. Therefore, the legislature directs the secretary of social and health services and the commissioner of employment security to work with business and employer groups to devise a single reporting process which will meet the needs of both departments and which will provide for prompt and timely employer reporting. The secretary and the commissioner shall prepare and submit a joint report to the judiciary and commerce and labor committees of the house of representatives and the senate by November 1, 1987. The report shall describe the progress that has been made in devising a new reporting system and shall include any recommendations for legislative action that have been agreed upon by the departments and the business and employer groups.

(2) The report shall include exemptions from the reporting requirement for employees employed for less than two months duration, whether they are full-time or part-time employees or employed on a sporadic basis, employees who earn less than three hundred dollars per month, and other appropriate exemptions. The report shall also provide for simple methods for employers to use in reporting information to the registry which shall include mailing a copy of the W-4 form, calling a toll-free telephone number maintained by the registry, or by other authorized means. The reporting process established by the report shall be designed to provide for up-to-date employment reports without imposing undue burdens on employers and small businesses.

(3) The secretary and the commissioner shall prepare and submit a report to the judiciary and commerce and labor committees of the house of representatives and the senate by January 25, 1989. This report shall describe the system or systems in effect at that time for employer reporting, identify any problems with the system or systems, include an assessment of the costs associated with the system or systems and the benefits derived from the information reported, if these costs and benefits can be quantified and identified, assess the additional work load for employers to comply with reporting requirements, propose a means by which employers may be compensated for their costs to comply with the reporting requirements, and include recommendations for legislative action if appropriate.

(4) The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support obligation or debt of the employee. If the employee does not owe such an obligation or a debt, the registry shall not create a record regarding the employee and the information contained in the notice shall be promptly destroyed.

NEW SECTION. Sec. 5. (1) The superior court shall include in all superior court orders which establish or modify a support obligation, a provision which orders and directs the responsible parent to make all support payments to the Washington state support registry, or the person entitled to receive the payments if the parties agree to an alternate payment plan and the court finds that the alternate payment plan includes reasonable assurances that payments will be made in a regular and timely manner. The superior court shall also include a statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month. If the court approves an alternate payment plan, the order shall include a statement that the order may be submitted to the Washington state support registry for enforcement if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month.

(2) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, without further notice to the responsible parent, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month.

(3) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due, the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(4) Every support order shall state:

(a) That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name of employer of the responsible parent;

(g) The social security number and residence address of the custodial parent;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children; and

(i) That the parties are to notify the Washington state support registry of any change in residence address.

(5) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to the effective date of this section directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

(6) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who are not recipients of public assistance is deemed to be a request for support enforcement services under RCW 74.20A.040.

(7) After the responsible parent has been ordered or notified to make payments to the Washington state support registry in accordance with subsection (1), (2), or (3) of this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

NEW SECTION. Sec. 6. (1) If a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the office of support enforcement is authorized to serve a notice of payroll deduction upon an employer for child support obligations in compliance with section 5 (1), (2), or (3) of this act. Service shall be by personal service or by any form of mail requiring a return receipt.

(2) Service of a notice of payroll deduction upon an employer requires an employer to immediately make a mandatory payroll deduction from the responsible parent/employee's unpaid disposable earnings. The employer shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible parent/employee's disposable earnings.

(3) A notice of payroll deduction for support shall have priority over any wage assignment or garnishment.

(4) The notice of payroll deduction shall be in writing and include:

(a) The name and social security number of the employee;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction by the employer;

(c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

(5) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

(6) An employer who receives a notice of payroll deduction shall make immediate deductions from the employee's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the employee is due to be paid.

(7) An employer, upon whom a notice of payroll deduction is served, shall make an answer to the Washington state support registry within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer, whether the

employer anticipates paying earnings and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known.

(8) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

NEW SECTION. Sec. 7. (1) The employer may combine amounts withheld from the earnings of more than one employee in a single payment to the Washington state support registry, listing separately the amount of the payment which is attributable to each individual employee.

(2) No employer who complies with a notice of payroll deduction under this chapter shall be civilly liable to the employee for complying with a notice of payroll deduction under this chapter.

NEW SECTION. Sec. 8. The responsible parent subject to a payroll deduction pursuant to sections 1 through 12 of this act, may file a motion in superior court to quash, modify, or terminate the payroll deduction. The court may grant relief only upon a showing that the payroll deduction causes extreme hardship or substantial injustice or that the responsible parent was not more than fifteen days past due in an amount equal to or greater than the support payable for one month when the notice of payroll deduction was served on the employer. Satisfaction by the obligor of all past due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction. If a notice of payroll deduction has been in operation for twelve consecutive months and the obligor's support obligation is current, upon motion of the obligor, the court may order the Washington state support registry to terminate the payroll deduction, unless the obligee can show good cause as to why the payroll deduction should remain in effect.

NEW SECTION. Sec. 9. No employer shall discipline or discharge an employee or refuse to hire a person by reason of an action authorized in this chapter. If an employer disciplines or discharges an employee or refuses to hire a person in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

NEW SECTION. Sec. 10. (1) The employer shall be liable to the Washington state support registry for one hundred percent of the amount of the support debt, or the amount of support moneys which should have been withheld from the employee's earnings, whichever is the lesser amount, if the employer:

(a) Fails or refuses, after being served with a notice of payroll deduction, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice; or

(b) Fails or refuses to submit an answer to the notice of payroll deduction after being served.

(2) Liability may be established in superior court or may be established pursuant to RCW 74.20A.270. Awards in superior court and in actions pursuant to RCW 74.20A.270 shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorney fees and staff costs as a part of the award. Debts established pursuant to this section may be collected pursuant to chapter 74.20A RCW utilizing any of the remedies contained in that chapter.

NEW SECTION. Sec. 11. The department shall establish, by regulation, a process that may be utilized when a support order does not state the obligation to pay current and future support as a fixed dollar amount, or if there is a dispute about the amount of the support debt owed under a support order. This process is authorized in order to facilitate enforcement of the support order, and is intended to implement and effectuate the terms of the order rather than to modify those terms.

The process shall provide for a notice to be served on the responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall contain an initial finding of the amount of current and future support that should be paid and/or the amount of the support debt owed under the support order. A copy of the notice of hearing shall be mailed to the person to whom support is payable under the support order.

The notice shall direct the responsible parent to appear and show cause at a hearing held by the department why the amount of current and future support to be paid and/or the amount of the support debt is incorrect and should not be ordered. The notice shall provide that the responsible parent has twenty days from the date of the service of the notice to request an administrative hearing or initiate an action in superior court. If the responsible parent does not request a hearing or initiate an action in superior court, the amount of current and future support and/or the amount of the support debt stated in the notice shall be subject to collection action.

If the responsible parent does not initiate such an action in superior court, and serve notice of the action on the department within the twenty-day period, the responsible parent shall be

deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.04.130.

The administrative hearing shall be a contested hearing under chapter 34.04 RCW and shall be conducted in accordance with the rules and regulations adopted by the department and the office of administrative hearings. A copy of the notice of hearing shall be mailed to the person to whom support is payable under the support order.

An administrative order entered in accordance with this section shall state the basis, rationale, or formula upon which the amounts established in the order were based. The amount of current and future support and/or the amount of the support debt determined under this section shall be subject to collection under this chapter and other applicable state statutes.

The regulation shall also provide for an annual review of the support order if either the office of support enforcement or the responsible parent requests such a review.

NEW SECTION, Sec. 12. (1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the office of support enforcement, or under chapter 74.20 RCW shall be private and confidential and shall only be subject to public disclosure as provided in this section.

(2) The secretary of the department of social and health services shall adopt rules which specify the individuals or agencies to whom this information and these records may be disclosed, the purposes for which the information may be disclosed, and the procedures to obtain the information or records. The rules adopted under this section shall provide for disclosure of the information and records, under appropriate circumstances, which shall include, but not be limited to:

(a) When authorized or required by federal statute or regulation governing the support enforcement program;

(b) To the person the subject of the records or information, unless the information is exempt from disclosure under RCW 42.17.310;

(c) To government agencies, whether state, local, or federal, and including law enforcement agencies, prosecuting agencies, and the executive branch, if the records or information are needed for child support enforcement purposes;

(d) To the parties in a judicial or formal administrative proceeding upon a specific written finding by the presiding officer that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records;

(e) To private persons or organizations if the disclosure is necessary to permit private contracting parties to assist in the management and operation of the department;

(f) Disclosure of address and employment information to the parties to a court order for support for purposes relating to the enforcement or modification of the order;

(g) Disclosure of information or records when necessary to the efficient administration of the support enforcement program or to the performance of functions and responsibilities of the support registry and the office of support enforcement as set forth in state and federal statutes; or

(h) Disclosure of the information or records when authorized under RCW 74.04.060.

(3) Prior to disclosing address information to a party to a child custody order, a notice shall be mailed, if appropriate under the circumstances, to the last known address of the party whose address has been requested. The notice shall advise the party that a request for disclosure has been made and will be complied with unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child.

(4) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.17.260(5). Nothing in this section shall be construed to prevent the disclosure of information and records if all details identifying an individual are deleted or the individual consents to the disclosure.

(5) It shall be unlawful for any person or agency in violation of this section to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists of names for commercial or political purposes or the use of any information for purposes other than those purposes specified in this section. A violation of this section shall be a gross misdemeanor as provided in chapter 9A.20 RCW.

Sec. 13, Section 15, chapter 298, Laws of 1981 and RCW 13.32A.175 are each amended to read as follows:

In any proceeding in which the court approves an alternative residential placement, the court shall inquire into the ability of parents to contribute to the child's support. If the court finds that the parents are able to contribute to the support of the child, the court shall order them to make such support payments as the court deems equitable. The court may enforce such an order by execution or in any way in which a court of equity may enforce its orders. However, payments shall not be required of a parent who has both opposed the placement and continuously sought reconciliation with, and the return of, the child. All orders entered in a proceeding approving alternative residential placement shall be in compliance with the provisions of section 5 of this 1987 act.

Sec. 14. Section 8, chapter 160, Laws of 1913 as last amended by section 8, chapter 195, Laws of 1981 and RCW 13.34.160 are each amended to read as follows:

In any case in which the court shall find the child dependent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person able to support the child or contribute ~~((to its support, and if the court shall find such person or persons able to support the child or contribute))~~ thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. All child support orders entered pursuant to this chapter shall be in compliance with the provisions of section 5 of this 1987 act.

Sec. 15. Section 12, chapter 157, Laws of 1973 1st ex. sess. as amended by section 3, chapter 45, Laws of 1983 1st ex. sess. and RCW 26.09.120 are each amended to read as follows:

(1) The court ~~((may, upon its own motion or upon motion of either party;))~~ shall order support ~~((or))~~ and maintenance payments to be made to:(

(a) ~~The person entitled to receive the payments; or~~

~~(b) The department of social and health services pursuant to chapters 74.20 and 74.20A RCW; or~~

~~(c) The clerk of court as trustee for remittance to the person entitled to receive the payments))~~ the Washington state support registry, or the person entitled to receive the payments under an alternate payment plan approved by the court as provided in section 5 of this 1987 act.

(2) Maintenance payments, when ordered in an action where there is no dependent child, may be ordered to be paid to the person entitled to receive the payments, or the clerk of the court as trustee for remittance to the persons entitled to receive the payments. If maintenance payments are made to the clerk of court:(

~~(a))~~, the clerk shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order((:and)),

~~((b))~~ (3) The parties affected by the order shall inform the ((clerk of the court)) registry through which the payments are ordered to be paid of any change of address or of other conditions that may affect the administration of the order.

Sec. 16. Section 21, chapter 260, Laws of 1984 as amended by section 1, chapter 138, Laws of 1986 and RCW 26.09.135 are each amended to read as follows:

~~((t))~~ Every court order or decree establishing a child support obligation shall ~~((state:~~

~~(a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.16 RCW without prior notice to the obligor;~~

~~(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;~~

~~(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;~~

~~(d) The specific day or date on which the support payment is due;~~

~~(e) The social security numbers, if known, of the obligor and obligee of the support payments; and~~

~~(f) Which party has or parties have custody of each child for whom an order of support is entered;~~

~~(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order))~~ be entered in compliance with the provisions of section 5 of this 1987 act.

Sec. 17. Section 2, chapter 260, Laws of 1984 and RCW 26.18.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Dependent child' means any child for whom a support order has been established or for whom a duty of support is owed.

(2) 'Duty of support' means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, including spousal maintenance, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(3) 'Obligee' means the custodian of a dependent child, or person or agency, to whom a duty of support is owed, or the person or agency to whom the right to receive or collect support has been assigned.

(4) 'Obligor' means the person owing a duty of support.

(5) 'Support order' means any judgment, decree, or order of support issued by the superior court or authorized agency of the state of Washington; or a judgment, decree, or other order of

support issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(6) 'Employer' includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings to the obligor.

(7) 'Earnings' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(8) 'Disposable earnings' means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

Sec. 18. Section 7, chapter 260, Laws of 1984 and RCW 26.18.070 are each amended to read as follows:

(1) A petition or motion seeking a mandatory wage assignment in an action under RCW 26.18.040 may be filed by an obligee if the obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the support payable for one month. The petition or motion shall include a sworn statement by the obligee, stating the facts authorizing the issuance of the wage assignment order, including:

(a) That the obligor, stating his or her name and residence, is more than fifteen days past due in child support payments in an amount equal to or greater than the support payable for one month;

(b) A description of the terms of the support order requiring payment of support, and the amount past due;

(c) The name and address of the obligor's employer;

(d) That notice by personal service or any form of mail requiring a return receipt, has been provided to the obligor ((as required by RCW 26.18.060)) at least fifteen days prior to the obligee seeking a mandatory wage assignment, unless the order for support states that the obligee may seek a mandatory wage assignment without notice to the obligor; and

(e) In cases not filed by the state, whether the obligee has received public assistance from any source and, if the obligee has received public assistance, that the department of social and health services has been notified in writing of the pending action.

(2) If the court in which a mandatory wage assignment is sought does not already have a copy of the support order in the court file, then the obligee shall attach a copy of the support order to the petition or motion seeking the wage assignment.

Sec. 19. Section 8, chapter 260, Laws of 1984 and RCW 26.18.080 are each amended to read as follows:

(1) Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with RCW 26.18.070, the court shall issue a wage assignment order, as provided in RCW 26.18.100 and including the information required in RCW 26.18.090(1), directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with RCW 26.18.120 within twenty days after service of the order upon the employer.

(2) The clerk of the court shall forward a copy of the mandatory wage assignment order, a true and correct copy of the support orders in the court file, and a statement containing the obligee's address and social security number shall be forwarded to the Washington state support registry within five days of the entry of the order.

Sec. 20. Section 10, chapter 260, Laws of 1984 and RCW 26.18.100 are each amended to read as follows:

The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF

.....
Obligee No.
vs.
..... WAGE ASSIGNMENT
Obligor ORDER
.....
Employer
THE STATE OF WASHINGTON TO:
Employer
AND TO:
Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the child support payable for one month. The amount of the accrued child support debt as of this date is

..... dollars, the amount of arrearage payments specified in the support order (if applicable) is dollars per, and the amount of the current and continuing support obligation under the support order is dollars per

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings due and owing to the obligor, then you shall do as follows:

(1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of:

- (a) The sum of the accrued support debt and the current support obligation;
- (b) The sum of the specified arrearage payment amount and the current support obligation; or
- (c) Fifty percent of the disposable earnings of the obligor.

(2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the wage assignment has been modified or terminated. You shall promptly notify the court and the Washington state support registry if and when the employee is no longer employed by you.

You shall deliver the withheld earnings to the ~~((clerk of the court that issued this wage assignment order))~~ Washington state support registry at each regular pay interval, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order.

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED SUPPORT DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS ... day of ..., 19

Obligee,
or obligee's attorney

Judge/Court Commissioner

Sec. 21, Section 11, chapter 260, Laws of 1984 and RCW 26.18.110 are each amended to read as follows:

(1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple child support attachments against the obligor.

(2) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the ~~((clerk of the court that issued the wage assignment order))~~ Washington state support registry at each regular pay interval, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the wage assignment has been modified or terminated. The employer shall promptly notify the ~~((court))~~ Washington state support registry when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the ~~((superior court clerk))~~ Washington state support registry; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable for the amounts disbursed to the obligor in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(9) An employer may combine amounts withheld from various employees into a single payment to the ~~((superior court clerk))~~ Washington state support registry, if the payment includes a listing of the amounts attributable to each employee and other information as required by the ~~((clerk))~~ registry.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

Sec. 22. Section 13, chapter 260, Laws of 1984 and RCW 26.18.130 are each amended to read as follows:

(1) Service of the wage assignment order on the employer is invalid unless it is served with ~~((four))~~ five answer forms in substantial conformance with RCW 26.18.120, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the Washington state support registry, the obligee's attorney or the obligee, and the obligor. The obligee shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the obligee shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the obligor has suffered substantial injury due to the failure to mail or serve the copy.

Sec. 23. Section 22, chapter 260, Laws of 1984 as amended by section 2, chapter 138, Laws of 1986 and RCW 26.21.125 are each amended to read as follows:

~~((+))~~ Every court order or decree establishing a child support obligation shall ~~((state:~~

~~((a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor;~~

~~((b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;~~

~~((c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;~~

~~((d) The specific day or date on which the support payment is due;~~

~~((e) The social security numbers, if known, of the obligor and obligee of the support payments; and~~

~~((f) Which party has or parties have custody of each child for whom an order of support is entered;~~

~~((2) Failure to comply with subsection (1) of this section does not affect the validity of the support order) be entered in compliance with section 5 of this 1987 act.~~

Sec. 24. Section 15, chapter 196, Laws of 1951 as amended by section 21, chapter 45, Laws of 1963 and RCW 26.21.140 are each amended to read as follows:

In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(1) To require the respondent to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent;

(2) To require the respondent to make payments at specified intervals to the ~~((clerk of the court))~~ Washington state support registry and to report personally to ~~((such clerk))~~ the Washington state support registry at such times as may be deemed necessary;

(3) To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Sec. 25. Section 16, chapter 196, Laws of 1951 as amended by section 22, chapter 45, Laws of 1963 and RCW 26.21.150 are each amended to read as follows:

The court of this state when acting as a responding state shall have the following duties which ~~((may))~~ shall be carried out through the ~~((clerk of the court))~~ Washington state support registry:

(1) Upon the receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(2) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.

Sec. 26. Section 17, chapter 196, Laws of 1951 as amended by section 23, chapter 45, Laws of 1963 and RCW 26.21.160 are each amended to read as follows:

The court of this state when acting as an initiating state shall have the duty which ~~((may))~~ shall be carried out through the ((clerk of the court)) Washington state support registry to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state.

Sec. 27. Section 23, chapter 260, Laws of 1984 as amended by section 3, chapter 138, Laws of 1986 and RCW 26.26.132 are each amended to read as follows:

~~((+))~~ Every court order or decree establishing a child support obligation shall ~~((state:~~

~~((a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.16 RCW without prior notice to the obligor;~~

~~((b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;~~

~~((c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;~~

~~((d) The specific day or date on which the support payment is due;~~

~~((e) The social security numbers, if known, of the obligor and obligee of the support payments; and~~

~~((f) Which party has or parties have custody of each child for whom an order of support is entered;~~

~~((g) Failure to comply with subsection (1) of this section does not affect the validity of the support order)) be entered in compliance with section 5 of this 1987 act.~~

Sec. 28. Section 16, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.150 are each amended to read as follows:

(1) If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this chapter or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the state of Washington, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he has furnished or is furnishing these expenses.

(2) The court ~~((may))~~ shall order support payments to be made to the ((department of social and health services pursuant to chapters 74.20 and 74.20A RCW, to a parent, the clerk of the court, or a person, corporation, or agency designated to administer them for the benefit of the child under the supervision of the court)) Washington state support registry, or the person entitled to receive the payments under an alternate payment plan approved by the court as provided in section 5 of this 1987 act.

(3) All remedies for the enforcement of judgments apply.

Sec. 29. Section 74.04.060, chapter 26, Laws of 1959 as last amended by section 32, chapter 41, Laws of 1983 1st ex. sess. and RCW 74.04.060 are each amended to read as follows:

For the protection of applicants and recipients, the department and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer. However, upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the ~~((current))~~ last known address and location of his or her natural or adopted children. The secretary shall adopt rules which establish procedures for disclosing the address of the children and providing, when appropriate, for prior notice to the custodian of the children. The notice shall state that a request for disclosure has been received and will be complied with by the department unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

Sec. 30. Section 16, chapter 173, Laws of 1969 ex. sess. as last amended by section 13, chapter 171, Laws of 1979 ex. sess. and RCW 74.20.101 are each amended to read as follows:

Whenever, as a result of any action, support money is paid by the person or persons responsible for support, such payment shall be paid through the ~~((support enforcement and collections unit of the state department of social and health services))~~ Washington state support registry if the support order contains a provision directing the responsible parent to make support payments through the registry or upon written notice by the ((department)) office of support enforcement to the responsible ((person)) parent or to the clerk of the court, if appropriate, that ((the children for whom a support obligation exists are receiving public assistance or that the support debt has been assigned to the department)) all future support payments must be made through the registry.

After service on a responsible parent of a notice under this section or RCW 74.20A.040 or 74.20A.055, payment of moneys ~~((or in-kind providings))~~ for the support of the responsible parent's children which are not paid to the ~~((department))~~ Washington state support registry shall not be credited against or set-off against any obligation to provide support which has been assigned to the department, whether the obligation has been determined by court order, or pursuant to RCW 74.20A.055, or is unliquidated.

Sec. 31. Section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 5, chapter 276, Laws of 1985 and RCW 74.20A.030 are each amended to read as follows:

The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

~~((No))~~ Public assistance moneys shall be exempt from collection ((shall be made from a parent or other person who is the recipient of public assistance moneys while such person or persons are in such status)) action under this chapter except as provided in RCW 74.20A.270.

No collection action shall be taken against parents of children eligible for admission to, or children who have been released from, a state school for the developmentally disabled as defined by chapter 72.33 RCW.

The department may initiate, continue, maintain, or execute action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state, for a period not to exceed three months from the month following the month in which the family or any member thereof ceases to receive public assistance and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040.

Sec. 32. Section 13, chapter 164, Laws of 1971 ex. sess. as amended by section 12, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.130 are each amended to read as follows:

Whenever a support lien has been filed pursuant to RCW 74.20A.060, the secretary may collect the support debt stated in said lien by the distraint, seizure, and sale of the property subject to said lien. Not less than ten days prior to the date of sale, the secretary shall ((give notice)) cause a copy of the notice of sale to be transmitted by regular mail and by any form of mailing requiring a return receipt to the debtor and any person known to have or claim an interest ((therein of the general description of the property to be sold and the time and place of sale of said)) in the property. Said notice shall ((be given to such persons by certified mail: return receipt requested or by service in the manner prescribed for the service of a summons in a civil action)) contain a general description of the property to be sold and the time, date, and place of the sale. ((A)) The notice ((specifying the property to be sold)) of sale shall be posted in at least two public places in the county wherein the distraint has been made. The time of sale shall not be less than ten nor more than twenty days from the date of posting of

such notices. Said sale shall be conducted by the secretary, who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a minimum reasonable price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the price so fixed, the secretary may declare such property to be purchased by the department for such price, or may conduct another sale of such property pursuant to the provisions of this section. In the event of sale, the debtor's account shall be credited with the amount for which the property has been sold. Property acquired by the department as herein prescribed may be sold by the secretary at public or private sale, and the amount realized shall be placed in the state general fund to the credit of the department of social and health services. In all cases of sale, as aforesaid, the secretary shall issue a bill of sale or a deed to the purchaser and said bill of sale or deed shall be prima facie evidence of the right of the secretary to make such sale and conclusive evidence of the regularity of his proceeding in making the sale, and shall transfer to the purchaser all right, title, and interest of the debtor in said property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the department, shall be first applied by the secretary to reimbursement of the costs of distraint and sale, and thereafter in satisfaction of the delinquent account. Any excess which shall thereafter remain in the hands of the secretary shall be refunded to the debtor. Sums so refundable to a debtor may be subject to seizure or distraint by any taxing authority of the state or its political subdivisions or by the secretary for new sums due and owing subsequent to the subject proceeding. Except as specifically provided in this chapter, there shall be exempt from distraint, seizure, and sale under this chapter such property as is exempt therefrom under the laws of this state.

Sec. 33. Section 19, chapter 164, Laws of 1971 ex. sess. as amended by section 17, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.190 are each amended to read as follows:

The secretary may assess and collect interest of six percent per annum on any support debt due and owing to the department under RCW 74.20A.030 (may be collected by the secretary) or which the department has been authorized to enforce and collect under RCW 74.20.040 at the maximum rate permitted under RCW 19.52.020. No provision of this chapter shall be construed to require the secretary to maintain interest balance due accounts and said interest may be waived by the secretary, if said waiver would facilitate the collection of the debt.

Sec. 34. Section 24, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.260 are each amended to read as follows:

((One hundred percent of the temporary total)) Disability payments ((and permanent total disability compensation to a workman allocated by RCW 51.32.090 and 51.32.060 respectively to the spouse and children of a workman, and forty percent of the net proceeds of payments to a workman for permanent partial disability under RCW 51.32.080)) made pursuant to Title 51 RCW shall ((not) be classified as ((;)earnings((but shall be subject to lien or order to withhold and deliver and said lien or order to withhold and deliver shall continue to operate and require any political subdivision or department of the state to withhold the above stated portions at each subsequent disbursement or receipt interval until the entire amount of the support debt stated in the lien or order to withhold and deliver has been withheld)) and shall be subject to collection action by the office for support enforcement under this chapter and all other applicable state statutes.

NEW SECTION. Sec. 35. Sections 1 through 12 of this act shall constitute a new chapter under Title 26 RCW.

NEW SECTION. Sec. 36. The following acts or parts of acts are each repealed:

(1) Section 13, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.130; and

(2) Section 6, chapter 260, Laws of 1984 and RCW 26.18.060.

NEW SECTION. Sec. 37. Sections 1 through 3 and 5 through 36 of this act shall take effect January 1, 1988.

NEW SECTION. Sec. 38. Section 4 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "relations;" strike the remainder of the title and insert "amending RCW 13.32A.175, 13.34.160, 26.09.120, 26.09.135, 26.18.020, 26.18.070, 26.18.080, 26.18.100, 26.18.110, 26.18.130, 26.21.125, 26.21.140, 26.21.150, 26.21.160, 26.26.132, 26.26.150, 74.04.060, 74.20.101, 74.20A.030, 74.20A.130, 74.20A.190, and 74.20A.260; adding a new chapter to Title 26 RCW; repealing RCW 26.09.130 and 26.18.060; prescribing penalties; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House concurred in the Senate amendments to Substitute House Bill No. 420.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill NO. 420 as amended by the Senate.

Representatives Padden, May, Heavey and Schoon spoke against final passage of the bill, and Representatives Armstrong, Appelwick and Sutherland spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 420 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 63; nays, 35.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hine, Holm, Jacobsen, King R, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 63.

Voting nay: Representatives Amondson, Ballard, Baugher, Beck, Betrozoff, Brooks, Bumgarner, Chandler, Crane, Doty, Fuhrman, Grant, Haugen, Heavey, Holland, Jesernig, King P, Kremen, May, McLean, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Vekich, Williams J, Wilson S, Zellinsky - 35.

Substitute House Bill No. 420 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 432 with the following amendment:

On page 18; line 17, after "equipment," strike everything through "sex." on line 20 and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Lux moved that the House do concur in the Senate amendment to Engrossed House Bill No. 432.

Representatives Niemi and Cole spoke against the motion, and Mr. Chandler spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion by Representatives Lux to concur in the Senate amendment to Engrossed House Bill No. 432, and the motion was not carried by the following vote: Yeas, 49; nays, 49.

Voting yea: Representatives Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Crane, Day, Dellwo, Doty, Ferguson, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, O'Brien, Padden, Patrick, Prince, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Sutherland, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 49.

Voting nay: Representatives Allen, Appelwick, Armstrong, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Ebersole, Fisch, Fisher, Grimm, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, Peery, Pruitt, Rasmussen, Rayburn, Rust, Scott, Sommers D, Sommers H, Spanel, Sprengle, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry - 49.

The Speaker (Mr. O'Brien presiding) stated that the House had, by its action, refused to concur in the Senate amendment to Engrossed House Bill No. 432 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 978 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 316, Laws of 1986 (uncodified) is amended to read as follows:

(1) The director of the department of ecology shall:

((1)) (a) Continue to participate with the federal government in its studies of the Yakima enhancement project and of options for future development of the second half of the Columbia Basin project;

((2)) (b) Vigorously represent the state's interest in said studies, particularly as they relate to protection of existing water rights and resolution of conflicts in the adjudication of the Yakima river within the framework of state water rights law and propose means of resolving the conflict that minimize adverse effects on the various existing uses;

((3)) (c) As a cooperative federal and nonfederal effort, work with members of the congressional delegation to identify and advance, subject to the limitations in subsection (2) of this section, for federal authorization elements of the Yakima enhancement project which: Have general public support and acceptable cost-sharing arrangements, meet study objectives, and otherwise have potential for early implementation; and

((4)) (d) In developing acceptable cost-sharing arrangements, request federal recognition of state credit for expenditures of moneys from Washington state utility ratepayers.

(2) In the interest of promoting cooperation between all interested parties and to effectuate the efficient and satisfactory implementation of the Yakima enhancement project, the state requests that Congress authorize the construction of a pipeline between Keechelus Lake and Kachess Lake as one of the elements of early implementation of the Yakima Enhancement Project for the purpose of supplying the water which is demanded for and caused by the operation of the fish passage facilities at the Easton Dam. The department, in concert with other state agencies, shall work diligently to assure that the pipeline element is included in the federal legislation.

(3) While the state and federal governments develop and implement the various phases of the Yakima enhancement project, the policy of the state shall be to require that any new water project or modification of an existing water project that creates a new demand for surface water from the Yakima river system include as a part of that project or modification a supply of water to meet the demand created. Any permit or other authorization required for the project that must be issued by an agency of the state shall include this requirement for water as one of its conditions. For the purposes of this subsection, water supplied by proposals to raise the reservoir elevation of Lake Cle Elum by three feet shall not be considered such a supply of water. For the purposes of this section, the phrase 'water projects' includes, but is not limited to, fish passage or protective facilities.

(4) Nothing contained in subsection (3) of this section shall limit any individual or entity from entering into any interim operating agreement, including but not limited to those that may be permitted by chapter 90.54 RCW, for the construction of any new water project or modification of an existing water project pending the completion of facilities which create the water required for the operation of such new or modified water project.

(5) The provisions of this section, including but not limited to the interim operating agreements recognized under subsection (4) of this section, shall not interfere with or impact the availability of water necessary to fulfill existing water rights, and the specific elements, uses, or methods of acquisition of those rights recognized under state water right laws.

NEW SECTION. Sec. 2. Section 1 of this act is added to chapter 43.21A RCW."

On page 1, beginning on line 1 of the title, after "basin;" strike the remainder of the title and insert "amending section 3, chapter 316, Laws of 1986 (uncodified); and adding a new section to chapter 43.21A RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rayburn, the House concurred in the Senate amendments to Substitute House Bill No. 978.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill NO. 978 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 978 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Brekke, Cole, Leonard, Nelson - 4.

Substitute House Bill No. 978 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4661, by Representative Sutherland

WHEREAS, The House of Representatives takes a strong interest in the quality of education in this state; and

WHEREAS, The House of Representatives and the people of the State of Washington recognize the contribution our educational system and our community colleges make to our daily lives and to the future of our state; and

WHEREAS, The Clark College Forensic Team recently earned the National Sweepstakes Award by placing first among the seventy-two community colleges participating in the annual Phi Rho Pi National Community College Speech Championship held in Odessa, Texas; and

WHEREAS, This is the eleventh consecutive year the Clark College Forensic Team has participated in this national contest; and

WHEREAS, This is Clark College coach, Orv Iverson's first national award in twenty-two years of involvement with forensic teaching, coaching and competition; and

WHEREAS, Each of the five team members participating in this year's competition earned awards: Robert Babb, a bronze medal in Lincoln-Douglas debate; Dennis Hodges, a bronze medal in communications analysis; Mike Sanders, a bronze medal in dramatic interpretation and a bronze medal in prose; Lynn Elliot, a gold medal in persuasion, a gold medal in communications analysis and a bronze medal in informative speech; and Roxane Sutherland, a gold medal in informative speech, a gold medal in communications analysis and a silver medal in persuasion; and

WHEREAS, The House of Representatives of the State of Washington is proud of the successes of its students and the excellence of its school system and is gratified to see these accomplishments at the national level;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington commend the coach and members of the Clark College Forensic Team on their impressive first place finish and their outstanding individual achievements at the Phi Rho Pi National Community College Speech Championship; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit copies of this Resolution to coach Orv Iverson and the five championship participants of the Clark College Forensic Team.

Mr. Sutherland moved adoption of the resolution. Representatives Sutherland and Nutley spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4659, by Representatives Day, Dellwo, Grant, Fuhrman, Taylor, D. Sommers, Bristow, Moyer, Bumgarner, Silver, Padden, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, C. Smith, L. Smith, H. Sommers, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Thousands of employees of common carriers travel across state lines in the regular course of their daily employment; and

WHEREAS, These employees who are not residents of these states impose no tax burden on the states through which they travel; and

WHEREAS, The employers of these nonresidents are common carriers which pay a substantial share of state and local taxes in the states in which they operate, such as fuel taxes and registration fees, and various other excise and property taxes to cover the cost of governmental services from which they benefit while present in the state; and

WHEREAS, It is patently inequitable for one state to tax another state's residents for purported benefits received from governmental services when the nonresidents taxed are neither living, nor working to any substantial degree, in the taxing state; and

WHEREAS, Current federal law allows withholding of state income tax by common carriers from their employees' wages if more than fifty percent of the distance traveled by the employee is within a state other than the employee's state of residence; and

WHEREAS, In imposing state income taxes, these states are taxing nonresidents who, as such, have no vote or voice in the imposition of the tax or its rate and receive no benefit from the expenditure of their tax money; and

WHEREAS, The fact that current federal law allows this taxation without representation does not make the collection of such taxes from these nonresident employees equitable; and

WHEREAS, Taxing nonresidents while traveling through another state raises questions regarding the exclusive power of Congress to regulate interstate commerce and the ensuing right to travel freely as expressed in Article I, Section 8 of the Constitution of the United States;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognizes the impropriety of the State of Idaho taxing nonresident employees of common carriers and believes that the United States Congress should change federal law to ensure more fair treatment of employees of common carriers who cross state lines; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted to the Director of the Internal Revenue Service, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of Congress.

Mr. Day moved adoption of the resolution. Representatives Day and Taylor spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4667, by Representatives Brough, Belcher, Nelson, Hankins, McMullen, Miller, Lewis, Locke, Lux, Holland, Allen, Ballard, Prince, Grimm, Rasmussen, Braddock, Nutley, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Berozoff, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Madsen, May, McLean, Meyers, Moyer, Nealey, Niemi, O'Brien, Padden, Patrick, Peery, Pruitt, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Determining a state budget for the 1987-88 biennium is a matter of utmost urgency and a concern of the highest order; and

WHEREAS, It is absolutely critical that both houses of the legislature immediately begin a cooperative bipartisan effort in order to conclude favorably the budgetary process; and

WHEREAS, Without a swift resolution of this matter the continued existence of state government is highly in doubt, the welfare of our citizens is severely jeopardized, and we are all suddenly at risk; and

WHEREAS, It is time to put aside partisan concerns, petty disputes, backroom maneuverings, secret plottings, frivolous motions and all other schemes, ruses, conspiracies, cabals, connivings, collusions, tricks, duplicities, chicaneries and double-dealings, and we must begin to consider seriously and soberly what we can do to find a solution posthaste to this most solemn budgetary crisis;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington is willing to challenge, and hereby does challenge, the Senate of the State of Washington to a winner-take-all softball game, played in accordance with the rules established by the Amateur Softball Association for coed slow pitch; and

BE IT FURTHER RESOLVED, That the winners shall have the exclusive privilege of determining the 1987-88 biennium budget and that the losers shall unanimously concur in the decision of the winners.

Ms. Brough moved adoption of the resolution. Representatives Brough, Appelwick, Hargrove, Taylor, Nelson and Barnes spoke in favor of the resolution, and it was adopted.

Ms. Brough moved that the resolution be immediately transmitted to the Senate by the Chief Clerk. The motion was carried.

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

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5008,
SECOND SUBSTITUTE SENATE BILL NO. 5063,
SECOND SUBSTITUTE SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5088,
SUBSTITUTE SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5124,
SENATE BILL NO. 5129,
SUBSTITUTE SENATE BILL NO. 5142,
SENATE BILL NO. 5178,
SECOND SUBSTITUTE SENATE BILL NO. 5252,
SUBSTITUTE SENATE BILL NO. 5253,
SUBSTITUTE SENATE BILL NO. 5405,
SUBSTITUTE SENATE BILL NO. 5456,
SUBSTITUTE SENATE BILL NO. 5464.

SUBSTITUTE SENATE BILL NO. 5604,
 SECOND SUBSTITUTE SENATE BILL NO. 5659,
 SENATE BILL NO. 5747,
 SUBSTITUTE SENATE BILL NO. 5857,
 SECOND SUBSTITUTE SENATE BILL NO. 5986,
 SENATE CONCURRENT RESOLUTION NO. 8404,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 22, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5181,
 SUBSTITUTE SENATE BILL NO. 5191,
 SUBSTITUTE SENATE BILL NO. 5232,
 SENATE BILL NO. 5265,
 SUBSTITUTE SENATE BILL NO. 5274,
 SUBSTITUTE SENATE BILL NO. 5326,
 SUBSTITUTE SENATE BILL NO. 5392,
 SUBSTITUTE SENATE BILL NO. 5423,
 SENATE BILL NO. 5483,
 SUBSTITUTE SENATE BILL NO. 5502,
 SUBSTITUTE SENATE BILL NO. 5510,
 SUBSTITUTE SENATE BILL NO. 5511,
 SUBSTITUTE SENATE BILL NO. 5512,
 SUBSTITUTE SENATE BILL NO. 5514,
 SENATE BILL NO. 5529,
 SUBSTITUTE SENATE BILL NO. 5530,
 SUBSTITUTE SENATE BILL NO. 5533,
 SUBSTITUTE SENATE BILL NO. 5606,
 SUBSTITUTE SENATE BILL NO. 5608,
 SUBSTITUTE SENATE BILL NO. 5650,
 SENATE BILL NO. 5693,
 SENATE BILL NO. 5732,
 SENATE BILL NO. 5764,
 SENATE BILL NO. 5863,
 SUBSTITUTE SENATE BILL NO. 5880,
 SENATE BILL NO. 5882,
 SENATE BILL NO. 5948,
 SENATE BILL NO. 5956,
 SENATE BILL NO. 5972,
 SENATE BILL NO. 5976,
 SENATE BILL NO. 6003,
 SUBSTITUTE SENATE BILL NO. 6010,
 SUBSTITUTE SENATE BILL NO. 6013,
 SUBSTITUTE SENATE BILL NO. 6023,
 SUBSTITUTE SENATE BILL NO. 6048,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND SUBSTITUTE HOUSE BILL NO. 16,
 SUBSTITUTE HOUSE BILL NO. 48,
 SUBSTITUTE HOUSE BILL NO. 56,
 SUBSTITUTE HOUSE BILL NO. 99,
 SUBSTITUTE HOUSE BILL NO. 217,
 SUBSTITUTE HOUSE BILL NO. 244,
 HOUSE BILL NO. 310,
 SUBSTITUTE HOUSE BILL NO. 324,
 SUBSTITUTE HOUSE BILL NO. 425,
 SUBSTITUTE HOUSE BILL NO. 430,

HOUSE BILL NO. 959,
SENATE BILL NO. 5008,
SECOND SUBSTITUTE SENATE BILL NO. 5063,
SECOND SUBSTITUTE SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5088,
SUBSTITUTE SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5124,
SENATE BILL NO. 5129,
SUBSTITUTE SENATE BILL NO. 5142,
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SUBSTITUTE SENATE BILL NO. 5191,
SUBSTITUTE SENATE BILL NO. 5232,
SECOND SUBSTITUTE SENATE BILL NO. 5252,
SUBSTITUTE SENATE BILL NO. 5253,
SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5274,
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SENATE BILL NO. 5693,
SENATE BILL NO. 5732,
SENATE BILL NO. 5747,
SENATE BILL NO. 5764,
SUBSTITUTE SENATE BILL NO. 5857,
SENATE BILL NO. 5863,
SUBSTITUTE SENATE BILL NO. 5880,
SENATE BILL NO. 5882,
SENATE BILL NO. 5948,
SENATE BILL NO. 5956,
SENATE BILL NO. 5972,
SENATE BILL NO. 5976,
SECOND SUBSTITUTE SENATE BILL NO. 5986,
SENATE BILL NO. 6003,
SUBSTITUTE SENATE BILL NO. 6010,
SUBSTITUTE SENATE BILL NO. 6013,
SUBSTITUTE SENATE BILL NO. 6023,
SUBSTITUTE SENATE BILL NO. 6048,
SENATE CONCURRENT RESOLUTION NO. 8404.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 161 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 4, chapter 232, Laws of 1967 as last amended by section 8, chapter 113, Laws of 1986 and RCW 46.37.530 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state commission on equipment;

(c) For any person under the age of twelve years to operate or ride upon a motorcycle or motor-driven cycle on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the commission on equipment. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state commission on equipment.

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend rules, pursuant to the administrative procedure act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

Sec. 2. Section 50, chapter 145, Laws of 1967 ex. sess. as last amended by section 8, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.505 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a motorcycle examination fee which is not refundable. The director of licensing shall prescribe the examination fee at an amount equal to the cost of administering such examination, but in no event more than ~~((four))~~ six dollars for the initial or new category examination nor more than ~~((two))~~ four dollars for a subsequent renewal examination. ~~((Two))~~ Four dollars of the initial or new category examination fee and ~~((two))~~ four dollars of any subsequent fee for a renewal shall be deposited in the motorcycle safety education account of the highway safety fund.

Sec. 3. Section 5, chapter 77, Laws of 1982 and RCW 46.20.520 are each amended to read as follows:

(1) The director of licensing shall use moneys designated for the motorcycle safety education account of the highway safety fund to implement by July 1, 1983, a voluntary motorcycle operator training and education program. The director may contract with a vocational-technical institute, school district, educational service district, community college, college, university, county, city, town, and other public and private entities to implement this program.

(2) There is created a motorcycle safety education advisory ~~((committee))~~ board to assist the director of licensing in the development of a motorcycle operator training education program. The ~~((committee))~~ board shall monitor this program following implementation and report to the director of licensing as necessary with recommendations including, but not limited to, administration, application, and substance of the motorcycle operator training and education program.

The ~~((committee))~~ board shall consist of five members appointed by the director of licensing. Three members of the ~~((committee))~~ board, one of whom shall be appointed ~~((chairman))~~ chairperson, shall be ~~((active motorcycle riders))~~ members of nonprofit motorcycle organizations which actively support and promote motorcycle safety education. One member shall be a currently employed Washington state patrol motorcycle officer with at least five years experience and at least one year cumulative experience as a motorcycle officer. One member shall be a member of the public. The term of appointment shall be ~~((determined by the director))~~ two years. The ~~((committee))~~ board shall meet at the call of the director, but not less than two times annually and not less than five times during its term of appointment, and shall receive no

compensation for ~~(their)~~ services but shall be reimbursed ~~(their)~~ for travel expenses while engaged in business of the ~~(committee)~~ board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The ~~(director of licensing)~~ board shall submit a proposed motorcycle operator training and education program to the director and to the legislative transportation committee for review and approval on or before ~~(April 1, 1983)~~ January 1, 1988.

(4) The director shall administer the program submitted by the board in the absence of approval by the transportation committee.

(5) The priorities of the program shall be in the following order of priority:

(a) Public awareness of motorcycle safety.

(b) Motorcycle safety education in a vocational-technical institute, educational service district, school district, community college, college, university, county, city, town, and other public or private educational program.

(c) Classroom and on-cycle training.

(d) Improved motorcycle operator testing."

On line 1 of the title, after "helmets;" strike the remainder of the title and insert "and amending RCW 46.37.530, 46.20.505, and 46.20.520."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Baugher, the House refused to concur in the Senate amendments to Engrossed House Bill No. 161 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Fisher, Vekich and Ferguson as conferees on Engrossed House Bill No. 161.

MESSAGE FROM THE SENATE

April 15, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to SENATE BILL NO. 5072, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rust, the House refused to recede from its amendments to Senate Bill No. 5072 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Rust, Unsoeld and Walker as conferees on Senate Bill No. 5072.

MESSAGE FROM THE SENATE

April 18, 1987

Mr. Speaker:

The President has ruled that the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5439 are beyond the scope and object of the bill. The Senate refuses to concur in the House amendments and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. K. Wilson, the House refused to recede from its amendments to Engrossed Substitute Senate Bill No. 5439 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sutherland, Spanel and S. Wilson as conferees on Engrossed Substitute Senate Bill No. 5439.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 927 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL PROVISIONS

NEW SECTION. Sec. 101. Except as otherwise expressly provided, the provisions of this chapter and of chapters 6.04, 6.12, 6.16, 6.20, 6.-- (part VI of this act), 7.12, 7.33, 6.-- RCW (part IX of this act), as recodified by this act, and chapter 6.32 RCW apply to both the superior courts and district courts of this state. If proceedings are before a district court, acts to be performed by the clerk may be performed by a district court judge if there is no clerk. As used in this title, 'sheriff' includes deputies, and 'execution docket' refers also to the docket of a district court.

NEW SECTION. Sec. 102. For purposes of this title and RCW 4.56.190 and 4.56.210, a judgment of a superior court is entered when it is delivered to the clerk's office for filing. A judgment of a district court of this state is entered on the date of the entry of the judgment in the docket of the court. A judgment of a small claims department of a district court of this state is entered on the date of the entry in the docket of that department.

NEW SECTION. Sec. 103. If the sheriff is a party or otherwise interested in an action in which a writ of execution, attachment, or replevin is to be served, the writ shall be directed to the coroner of the county, or the officer exercising the powers and performing the duties of coroner if there is no coroner, and the person to whom the writ is thus directed shall perform the duties of the sheriff.

NEW SECTION. Sec. 104. (1) When property liable to an execution against several persons is sold on execution, if more than a due proportion of the judgment is levied upon the property of one person, or one of them pays without a sale more than his or her due proportion, that person may compel contribution from the others. When a judgment against several persons is upon an obligation or contract of one of them as security for another, if the surety pays the full amount or any part of the judgment, either by sale of the surety's property or before sale, the surety may compel repayment from the principal.

(2) In either case covered by subsection (1) of this section, the person or surety so paying shall be entitled to the benefit of the judgment to enforce contribution or repayment, if within thirty days after the payment, notice of the payment and claim to contribution or repayment is filed with the clerk of the court where the judgment was rendered.

(3) Upon filing such notice, the clerk shall make an entry thereof in the docket where the judgment is entered.

PART II

HOMESTEAD EXEMPTION

Sec. 201. Section 1, chapter 64, Laws of 1895 as last amended by section 7, chapter 329, Laws of 1981 and RCW 6.12.010 are each amended to read as follows:

(1) The homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated(;) and by which the same are surrounded, or improved or unimproved land (~~without improvements purchased~~) owned with the intention of ~~(building)~~ placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter, the term 'owner' includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

(3) As used in this chapter, the term 'net value' means market value less all liens and encumbrances.

Sec. 202. Section 2, chapter 64, Laws of 1895 as last amended by section 8, chapter 329, Laws of 1981 and RCW 6.12.020 are each amended to read as follows:

If the owner is married, the homestead may consist of the community or jointly owned property of the spouses or the separate property of either spouse: PROVIDED, That the same premises may not be claimed separately by the husband and wife with the effect of increasing the net value of the homestead available to the marital community beyond the amount specified in RCW 6.12.050 as now or hereafter amended. When the owner is not married, the homestead may consist of any of his or her property.

Sec. 203. Section 24, chapter 64, Laws of 1895 as last amended by section 4, chapter 45, Laws of 1983 1st ex. sess. and RCW 6.12.050 are each amended to read as follows:

A homestead(s) may consist of lands ((and tenements with the improvements thereon)), as ((defined)) described in RCW 6.12.010, regardless of area, but ((not exceeding in)) the homestead exemption amount shall not exceed the lesser of (i) the total net value(;) of ((both)) the lands ((and)), mobile home, and improvements as described in RCW 6.12.010, or (ii) the sum of

~~((twenty-five))~~ thirty thousand dollars. ~~((The premises thus included in the homestead must be actually intended or used as a home for the owner, and shall not be devoted exclusively to any other purpose.))~~

Sec. 204. Section 9, chapter 329, Laws of 1981 and RCW 6.12.045 are each amended to read as follows:

(1) ~~((The homestead exemption described in RCW 6.12.050 applies automatically to the homestead as defined in RCW 6.12.010 if the occupancy requirement of RCW 6.12.050 is met. However, the homestead exemption does not apply to those judgments defined in RCW 6.12.100))~~ Property described in RCW 6.12.010 constitutes a homestead and is automatically protected by the exemption described in RCW 6.12.090 from and after the time the property is occupied as a principal residence by the owner or, if the homestead is unimproved or improved land that is not yet occupied as a homestead, from and after the declaration or declarations required by the following subsections are filed for record or, if the homestead is a mobile home not yet occupied as a homestead and located on land not owned by the owner of the mobile home, from and after delivery of a declaration as prescribed in RCW 6.16.090(3)(c).

(2) ~~((H))~~ An owner ~~((elects to))~~ who selects ~~((the))~~ a homestead from unimproved or improved land ~~((purchased with the intention of residing thereon, the owner))~~ that is not yet occupied as a homestead must execute a declaration of homestead and file the same for record in the office of the recording officer in the county in which the land is located. However, if the owner also owns another parcel of property on which the owner presently resides or in which the owner claims a homestead, the owner must also execute a declaration of abandonment of homestead on ~~((the))~~ that other property ~~((on which the owner presently resides.))~~ and file the same for record with the recording officer in the county in which the land is located.

(3) The declaration of homestead must contain:

(a) A statement that the person making it is residing on the premises or ~~((has purchased the same for a homestead and))~~ intends to reside thereon and claims them as a homestead;

(b) A legal description of the premises; and

(c) An estimate of their actual cash value.

(4) The declaration of abandonment must contain:

(a) A statement that premises occupied as a residence or claimed as a homestead no longer constitute the owner's homestead;

(b) A legal description of the premises; and

(c) A statement of the date of abandonment.

(5) The declaration of homestead and declaration of abandonment of homestead must be acknowledged in the same manner as a grant of real property is acknowledged.

Sec. 205. Section 7, chapter 64, Laws of 1895 as amended by section 14, chapter 329, Laws of 1981 and RCW 6.12.120 are each amended to read as follows:

A homestead is presumed abandoned if the owner vacates the property for a continuous period of at least six months. However, if an owner is going to be absent from the homestead for more than six months but does not intend to abandon the homestead, and has no other ~~((permanent))~~ principal residence, the owner may execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of nonabandonment of homestead and file the declaration for record in the office of the recording officer of the county in which the property is situated.

The declaration of nonabandonment of homestead must contain:

(1) A statement that the owner claims the property as a homestead, that the owner intends to occupy the property in the future, and that the owner claims no other property as a homestead;

(2) A statement of where the owner will be residing while absent from the ~~((premises))~~ homestead property, the estimated duration of the owner's absence, and the reason for the absence; and

(3) A legal description of the ~~((premises))~~ homestead property.

Sec. 206. Section 6, chapter 64, Laws of 1895 as amended by section 1, chapter 251, Laws of 1983 and RCW 6.12.110 are each amended to read as follows:

The homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both husband and wife, except that a husband or a wife or both jointly may make and execute powers of attorney for the conveyance or encumbrance of the homestead.

Sec. 207. Section 4, chapter 64, Laws of 1895 as last amended by section 13, chapter 329, Laws of 1981 and RCW 6.12.090 are each amended to read as follows:

(1) Except as provided in RCW 6.12.100, the homestead is exempt from attachment and from execution or forced sale~~((except as in this chapter provided; and))~~ for the debts of the owner up to the amount specified in RCW 6.12.050. The proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, and proceeds from insurance covering destruction of homestead property held for use in restoring or replacing the homestead property, up to the amount specified in RCW 6.12.050, shall likewise be exempt for one year from receipt, and also such new homestead acquired with such proceeds.

(2) Every homestead created under this chapter is presumed to be valid to the extent of all the ~~(lands)~~ property claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 208. Section 1, chapter 10, Laws of 1982 as amended by section 16, chapter 260, Laws of 1984 and RCW 6.12.100 are each amended to read as follows:

The homestead exemption is ~~((subject to))~~ not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises;

(2) On debts secured by purchase money security agreements describing as collateral ~~((a)) the mobile home ((located on the premises)) that is claimed as a homestead or by mortgages or deeds of trust on the premises, executed and acknowledged by the husband and wife or by any unmarried claimant;~~

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, ~~((including as a joint case under 11 U.S.C. Sec. 302))~~ other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse exempts property from property of the estate under the ~~((federal))~~ bankruptcy exemption provisions of 11 U.S.C. Sec. ~~((522(b)(+))~~ 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance.

Sec. 209. Section 30, chapter 260, Laws of 1984 and RCW 6.12.105 are each amended to read as follows:

~~((When a homestead declaration occurs before a judgment, the judgment creditor has))~~ A judgment against the owner of a homestead shall become a lien on the value of the homestead property in excess of the homestead exemption~~(- This lien commences when)~~ from the time the judgment creditor records the judgment with the ~~((creditor))~~ recording officer of the county where the property is located.

Sec. 210. Section 9, chapter 64, Laws of 1895 and RCW 6.12.140 are each amended to read as follows:

When ~~((the))~~ execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 is levied upon the homestead, the judgment creditor ~~((may))~~ shall apply to the superior court of the county in which the homestead is situated for the appointment of a person~~((s))~~ to appraise the value thereof.

Sec. 211. Section 10, chapter 64, Laws of 1895 as amended by section 15, chapter 329, Laws of 1981 and RCW 6.12.150 are each amended to read as follows:

The application under RCW 6.12.140 must be made ~~((upon))~~ by filing a verified petition, showing~~((—))~~:

(1) The fact that an execution has been levied upon the homestead.

(2) The name of the owner of the homestead property.

(3) That the net value of the homestead exceeds the amount of the homestead exemption.

Sec. 212. Section 12, chapter 64, Laws of 1895 as amended by section 16, chapter 329, Laws of 1981 and RCW 6.12.170 are each amended to read as follows:

A copy of the petition, with a notice of the time and place of hearing, must be served upon the owner and the owner's attorney of record, if any, at least ten days before the hearing.

Sec. 213. Section 13, chapter 64, Laws of 1895 as amended by section 1, chapter 118, Laws of 1984 and RCW 6.12.180 are each amended to read as follows:

At the hearing, the judge may, upon the proof of the service of a copy of the petition and notice and of the facts stated in the petition, appoint a disinterested qualified person of the county to appraise the value of the homestead.

Sec. 214. Section 14, chapter 64, Laws of 1895 and RCW 6.12.190 are each amended to read as follows:

The person~~((s))~~ appointed, before entering upon the performance of ~~((their))~~ duties, must take an oath to faithfully perform the same. The appraiser must view the premises and appraise the market value thereof and, if the appraised value, less all liens and encumbrances, exceeds the homestead exemption, must determine whether the land claimed can be divided without material injury. Within fifteen days after appointment, the appraiser must make to the court a report in writing, which report must show the appraised value, less liens and encumbrances, and, if necessary, the determination whether or not the land can be divided without material injury and without violation of any governmental restriction.

Sec. 215. Section 17, chapter 64, Laws of 1895 as amended by section 17, chapter 329, Laws of 1981 and RCW 6.12.220 are each amended to read as follows:

If, from the report, it appears to the court that the value of the homestead, less liens and encumbrances, exceeds the homestead exemption and the property can be divided without material injury and without violation of any governmental restriction, the court ~~((must))~~ may, by an order, direct the appraiser~~((s))~~ to set off to the owner so much of the land, including the residence, as will amount in net value to the homestead exemption, and the execution may be enforced against the remainder of the land.

Sec. 216. Section 18, chapter 64, Laws of 1895 as amended by section 18, chapter 329, Laws of 1981 and RCW 6.12.230 are each amended to read as follows:

If, from the report, it appears to the court that the ~~((homestead exceeds in))~~ appraised value of the homestead property, less liens and encumbrances, exceeds the amount of the homestead exemption and ~~((that it cannot be))~~ the property is not divided, the court must make an order directing its sale under the execution. The order shall direct that at such sale no bid may be received unless it exceeds the amount of the homestead exemption.

Sec. 217. Section 20, chapter 64, Laws of 1895 as amended by section 19, chapter 329, Laws of 1981 and RCW 6.12.250 are each amended to read as follows:

If the sale is made, the proceeds must be applied in the following order: First, to the amount of the homestead exemption, to be paid to the judgment debtor; second, up to the amount of the execution, to be applied to the satisfaction of the execution; third, the balance to be paid to the judgment debtor.

Sec. 218. Section 21, chapter 64, Laws of 1895 as last amended by section 20, chapter 329, Laws of 1981 and RCW 6.12.260 are each amended to read as follows:

The money paid to the owner is entitled to the same protection against legal process and the voluntary disposition of the husband or wife which the law gives to the homestead.

Sec. 219. Section 22, chapter 64, Laws of 1895 as amended by section 2, chapter 118, Laws of 1984 and RCW 6.12.270 are each amended to read as follows:

The court shall determine a reasonable compensation for the appraiser.

Sec. 220. Section 23, chapter 64, Laws of 1895 and RCW 6.12.280 are each amended to read as follows:

The execution creditor must pay the costs of these proceedings in the first instance; but in the cases provided for in RCW 6.12.220 and 6.12.230 the amount so paid must be added as costs on execution, and collected accordingly.

Sec. 221. Section 26, chapter 64, Laws of 1895 as amended by section 4, chapter 80, Laws of 1977 ex. sess. and RCW 6.12.300 are each amended to read as follows:

In case of a homestead, if either the husband or wife shall be or become incompetent or disabled to such a degree that he or she is unable to assist in the management of his or her interest in the marital property and no guardian has been appointed, upon application of the ~~((husband or wife not so incompetent or disabled))~~ other spouse to the superior court of the county in which the homestead is situated, and upon due proof of such incompetency or disability in the severity required above, the court may make an order permitting the husband or wife applying to the court to sell and convey or mortgage such homestead.

Sec. 222. Section 27, chapter 64, Laws of 1895 as amended by section 5, chapter 80, Laws of 1977 ex. sess. and RCW 6.12.310 are each amended to read as follows:

Notice of the application for such order shall be given by publication of the same in a newspaper published in the county in which such homestead is situated, if there be a newspaper published therein, once each week for three successive weeks prior to the hearing of such application, and a copy of such notice shall be served upon the alleged incompetent husband or wife personally, and upon the nearest relative of such incompetent or disabled husband or wife other than the applicant, resident in this state, at least three weeks prior to such application being heard, and in case there be no such relative known to the applicant, a copy of such notice shall be served upon the prosecuting attorney of the county in which such homestead is situated; and it is hereby made the duty of such prosecuting attorney, upon being served with a copy of such notice, to appear in court and see that such application is made in good faith, and that the proceedings thereon are fairly conducted.

Sec. 223. Section 28, chapter 64, Laws of 1895 as amended by section 6, chapter 80, Laws of 1977 ex. sess. and RCW 6.12.320 are each amended to read as follows:

Thirty days before the hearing of any application under the provisions of this chapter, the applicant shall present and file in the court in which such application is to be heard a petition for the order mentioned, subscribed and sworn to by the applicant, setting forth the name and age of the alleged incompetent or disabled husband or wife; a description of the premises constituting the homestead; the value of the same; the county in which it is situated; such facts necessary to show that the nonpetitioning husband or wife is incompetent or disabled to the degree required under RCW 6.12.300; and such additional facts relating to the circumstances and necessities of the applicant and his or her family as he or she may rely upon in support of the petition.

Sec. 224. Section 29, chapter 64, Laws of 1895 and RCW 6.12.330 are each amended to read as follows:

If the court shall make the order provided for in RCW 6.12.300, the same shall be entered upon the minutes of the court, and thereafter any sale, conveyance ~~((or))~~, or mortgage made in pursuance of such order shall be as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance, or mortgage in fee simple.

NEW SECTION. Sec. 225. The following acts or parts of acts are each repealed:

(1) Section 32, chapter 64, Laws of 1895, section 11, chapter 329, Laws of 1981 and RCW 6.12.070;

(2) Section 33, chapter 64, Laws of 1895, section 12, chapter 329, Laws of 1981 and RCW 6.12.080;

(3) Section 11, chapter 64, Laws of 1895 and RCW 6.12.160;

(4) Section 15, chapter 64, Laws of 1895 and RCW 6.12.200;

(5) Section 16, chapter 64, Laws of 1895 and RCW 6.12.210; and

(6) Section 19, chapter 64, Laws of 1895 and RCW 6.12.240.

PART III

PERSONAL EXEMPTIONS

Sec. 301. Section 253, page 178, Laws of 1854 as last amended by section 8, chapter 45, Laws of 1983 1st ex. sess. and RCW 6.16.020 are each amended to read as follows:

Except as provided in RCW 6.16.080, the following personal property shall be exempt from execution ((and)), attachment, ((except as hereinafter specially provided)) and garnishment:

(1) All wearing apparel of every ((person)) individual and family, but not to exceed seven hundred fifty dollars in value in furs, jewelry, and personal ornaments for any ((person)) individual.

(2) All private libraries of every individual, but not to exceed one thousand dollars in value, and all family pictures and keepsakes.

(3) To each ((person or family)) individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community:

(a) The ((person's or family's)) individual's or community's household goods, appliances, furniture, and home and yard equipment, not to exceed one thousand five hundred dollars in value;

(b) Provisions and fuel for the comfortable maintenance of ((such person or family)) the individual or community for three months; ((and))

(c) Other property, except personal earnings as provided under RCW 6.16.090(1), not to exceed five hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities((:)); and

~~((4) To any person or family:))~~ (d) One motor vehicle which is used for personal transportation, not to exceed one thousand two hundred dollars in value.

~~((5)) To each qualified individual, one of the following exemptions:~~

~~(a) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed three thousand dollars in value((:));~~

~~((6)) (b) To a physician, surgeon, attorney, clergyman, or other professional person, the ((person's)) individual's library, office furniture, office equipment and supplies, not to exceed three thousand dollars in value((:));~~

~~((7)) (c) To any other ((person)) individual, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed three thousand dollars in value.~~

~~((The property referred to in the foregoing subsection (3) shall be selected by any adult member of the family on behalf of the family or the person, if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).))~~

~~For purposes of this section 'value' shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon:~~

~~Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments:~~

~~No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property:))~~

~~For purposes of this section, 'value' means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.~~

Sec. 302. Section 1, page 88, Laws of 1890 and RCW 6.16.030 are each amended to read as follows:

Unless otherwise provided by federal law, any money received by any citizen of the state of Washington as a pension from the government of the United States, whether the same be in the actual possession of such person or be deposited or loaned ((by him)), shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever,

and when a debtor dies, or absconds, and leaves his or her family any money exempted by this section, the same shall be exempt to the family as provided in this section.

Sec. 303. Section 1, chapter 76, Laws of 1895 and RCW 6.16.050 are each amended to read as follows:

~~((That whenever))~~ If property, which by the laws of this state is exempt from execution ~~((or)),~~ attachment, or garnishment, is insured and the same is lost, stolen, or destroyed ~~((by fire)),~~ then the insurance money coming to or belonging to the person thus insured, to an amount equal to the exempt property thus destroyed, shall be exempt from execution ~~((and)),~~ attachment, and garnishment.

Sec. 304. Section 252, page 178, Laws of 1854 as last amended by section 14, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.070 are each amended to read as follows:

All real and personal ~~((estate))~~ property belonging to any married person at the time of his or her marriage, and all which he or she may have acquired subsequently to such marriage, or to which he or she shall hereafter become entitled in his or her own right, and all his or her personal earnings, and all the issues, rents and profits of such real ~~((estate))~~ property, shall be exempt from ~~((attachment and))~~ execution, attachment, and garnishment upon any liability or judgment against the other spouse, so long as he or she or any minor heir of his or her body shall be living; PROVIDED, That the separate property of each spouse shall be liable for debts owing by him or her at the time of marriage.

Sec. 305. Section 344, page 88, Laws of 1869 as last amended by section 2, chapter 149, Laws of 1981 and RCW 6.16.080 are each amended to read as follows:

(1) Wages, salary, or other compensation regularly paid for personal services rendered by the debtor claiming the exemption shall not be claimed as exempt under RCW 6.16.020, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

(2) No property may be exempt under RCW 6.16.020 from execution, attachment, or garnishment issued upon a judgment for all or any part of the purchase price of the property.

(3) No property may be exempt under RCW 6.16.020 from legal process issued upon a judgment for any tax levied upon such property.

(4) Nothing in this chapter shall be so construed as to prevent ~~((the mortgaging of))~~ a debtor from creating a security interest in personal property which might be claimed as exempt, or the enforcement of such ~~((mortgage, nor to prevent the waiver of the right of exemption by failure to claim the same prior to sale under execution, and nothing in this chapter shall be construed to exempt from attachment or execution the personal property of a nonresident of this state, or a person who has left or is about to leave the state with the intention to defraud his creditors, or))~~ security interest against the property.

(5) Nothing in this chapter shall be construed to exempt personal property of a nonresident of this state or of an individual who has left or is about to leave this state with the intention to defraud his or her creditors.

(6) Personal property exemptions are waived by failure to claim them prior to sale of exemptible property under execution or, in a garnishment proceeding, within the time specified in section 1016 of this 1987 act.

(7) Personal property exemptions may not be claimed by one spouse in a bankruptcy ~~((proceeding where (†)))~~ case that is not a joint case or a joint administration of the estate with the bankruptcy estate of the other spouse where (a) bankruptcy is filed by both spouses within a six-month period, ~~((including as a joint case under 11 U.S.C. Sec. 302, and (2) the other))~~ and (b) one spouse exempts property from property of the estate under the ~~((federal))~~ bankruptcy exemption provisions of 11 U.S.C. Sec. ~~((522(b)(†)))~~ 522(d).

Sec. 306. Section 346, page 88, Laws of 1869 as last amended by section 15, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.090 are each amended to read as follows:

~~((As used in this section the masculine shall apply also to the feminine.~~

~~When))~~ (1) Except as provided in subsection (2) of this section, property claimed exempt under RCW 6.16.020 shall be selected by the individual entitled to the exemption, or by the husband or wife entitled to a community exemption, in the manner described in subsection (3) of this section.

(2) If, at the time of seizure under execution or attachment of property exemptible under RCW 6.16.020(3) (a), (b), or (c), the individual or the husband or wife entitled to claim the exemption is not present, then the sheriff or deputy shall make a selection equal in value to the applicable exemptions and, if no appraisal is required as permitted under subsection (4) of this section, the officer shall return the same as exempt by inventory. Any selection made as provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions.

(3)(a) A debtor who claims personal property as exempt ~~((he))~~ against execution or attachment shall, at any time before sale, deliver to the officer making the levy a list by separate items of the property claimed as exempt, together with an itemized list of all the personal property owned or claimed by ~~((him))~~ the debtor, including money, bonds, bills, notes, claims and demands, with the residence of the person indebted upon the said bonds, bills, notes,

claims and demands, and shall verify such list by affidavit. ~~((He shall also deliver to such officer a list by separate items of the property he claims as exempt.))~~ The officer shall immediately advise the creditor, attorney, or agent of the exemption claim and, if no appraisal is required as permitted under subsection (4) of this section, the officer shall return with the process the list of property claimed as exempt.

(b) A debtor who claims personal property exempt against garnishment shall proceed as provided in section 1016 of this 1987 act.

(c) A debtor who claims as a homestead, under chapter 6.12 RCW, a mobile home that is not yet occupied as a homestead and that is located on land not owned by the debtor shall claim the homestead as against a specific levy by delivering to the sheriff who levied on the mobile home, before sale under the levy, a declaration of homestead that contains (i) a declaration that the debtor owns the mobile home, intends to reside therein, and claims it as a homestead, and (ii) a description of the mobile home, a statement where it is located or was located before the levy, and an estimate of its actual cash value.

(4)(a) Except as provided in (b) of this subsection, a creditor, or the agent or attorney of a creditor, who wishes to object to a claim of exemption shall proceed as provided in section 1016 of this 1987 act.

(b) A creditor, or the agent or attorney of the creditor, who wishes to object to a claim of exemption made to a levying officer, on the ground that the property claimed exceeds exemptible value, may demand appraisal. In the absence of such demand within seven days following the officer's giving of notice of the claim, the officer shall release to the debtor the property claimed as exempt. If the creditor, ~~((his))~~ or the agent or attorney of the creditor, demands an appraisal ~~((thereof, two disinterested householders of the neighborhood)),~~ two persons shall be chosen to appraise the property, one by the debtor and the other by the creditor, ~~((his))~~ agent or attorney, and these two, if they cannot agree, shall select a third; but if either party fails to choose an appraiser, or the two fail to select a third, or if one or more of the appraisers fail to act, the ~~((officer))~~ court shall appoint one or more as the circumstances require. The appraisers shall forthwith proceed to make a list by separate items, of the personal property selected by the debtor as exempt, which they shall decide as exempt, stating the value of each article, and annexing to the list their affidavit to the following effect: 'We solemnly swear that to the best of our judgment the above is a fair cash valuation of the property therein described,' which affidavit shall be signed by two appraisers at least, and be certified by the officer administering the oaths. The list shall be delivered to the officer holding the execution or ~~((other process))~~ attachment and be ~~((by him))~~ annexed to and made part of ~~((his))~~ the return, and the property therein specified shall be exempt from levy and sale, ~~((and))~~ but the other personal estate of the debtor shall remain subject ~~((thereto))~~ to execution, attachment, or garnishment. ~~((In case no appraisal be required the officer shall return with the process the list of the property claimed as exempt by the debtor. The appraisers))~~ Each appraiser shall ~~((each))~~ be entitled to ~~((one))~~ fifteen dollars or such larger fee as shall be fixed by the court, to be paid by the creditor~~(:)~~; if all the property claimed by the debtor shall be exempt; otherwise to be paid by the debtor.

NEW SECTION. Sec. 307. If from an appraisal it appears that the value of the property claimed exempt, exclusive of liens and encumbrances, exceeds the exemptible value and the property is indivisible, the property shall be put up for sale on execution, but at the sale no bid may be received unless it exceeds the exempt value. The proceeds of a sale in excess of the exempt value shall be paid, first, to the debtor to the extent of the exempt amount; second, up to the amount of the execution, to the satisfaction of the execution; third, the balance to be paid to the debtor. A judgment creditor who is the successful bidder at the sale must pay the exempt amount in cash.

NEW SECTION. Sec. 308. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 57, Laws of 1897, section 6, chapter 292, Laws of 1971 ex. sess., section 12, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.010; and
- (2) Section 2, page 89, Laws of 1890 and RCW 6.16.040.

PART IV EXECUTIONS

NEW SECTION. Sec. 401. Unless otherwise expressly provided, all provisions of this chapter governing execution against personal property apply to proceedings before district courts of this state, but the district courts shall not have power to issue writs of execution against real property or any interest in real property or against a vendor's interest in a real estate contract.

Sec. 402. Section 2, chapter 25, Laws of 1929 as last amended by section 4, chapter 105, Laws of 1980 and RCW 6.04.010 are each amended to read as follows:

The party in whose favor a judgment of a court of record of this state or a district court of this state has been(:) or may (hereafter) be(:) rendered, or ((his)) the assignee, may have an execution issued for the collection or enforcement of the ((same:)) judgment at any time within ten years from ((the rendition thereof)) entry of the judgment.

Sec. 403. Section 7, chapter 25, Laws of 1929 as amended by section 2, chapter 8, Laws of 1957 and RCW 6.04.070 are each amended to read as follows:

~~((in all cases in which))~~ When a judgment ~~((heretofore or hereafter))~~ recovered in any court of this state~~(:)~~ has been ~~((or shall be))~~ assigned ~~((to any person))~~, execution may issue in the name of the assignee~~((upon))~~ after the assignment ~~((being))~~ has been recorded in the execution docket~~(:)~~ by the clerk of the court in which the judgment ~~((is))~~ was recovered~~((and in all cases in which a judgment has been or shall be recovered in any such court, and))~~. When the person in whose name execution might have issued~~(:)~~ has died ~~((or shall die))~~, execution may issue in the name of the executor, administrator or legal representative of such deceased person~~((upon))~~ after letters testamentary or of administration~~(:)~~ or other sufficient proof ~~((being))~~ has been filed in ~~((said))~~ the cause and ~~((minuted upon))~~ recorded in the execution docket~~(:)~~ by the clerk of the court in which ~~((said))~~ the judgment ~~((is))~~ was entered~~(: and upon an order of said court or the judge thereof, which may be made on an ex parte application))~~.

NEW SECTION, Sec. 404. In addition to any stay of execution provided by court rule, stay of execution shall be allowed on judgments of the courts of this state for the following periods upon the judgment debtor filing with the clerk of the court in which the judgment was entered a bond in double the amount of the judgment and costs, with surety to the satisfaction of the clerk, conditioned to pay the judgment, interests, costs, and increased costs, at the expiration of the stay period. If execution is issued before elapse of the stay period, the judgment debtor may nevertheless stay execution for the balance of the period by filing the required bond.

(1) In the supreme court and the court of appeals, the period of stay, measured from date of entry of judgment, shall be:

- (a) On all sums under five thousand dollars, thirty days;
- (b) On all sums over five and under fifteen thousand dollars, sixty days; and
- (c) On all sums over fifteen thousand dollars, ninety days.

(2) On judgments rendered in the superior court or a district court of this state, the period of stay shall be:

- (a) On all sums under three thousand dollars, two months;
- (b) On all sums over three thousand and under ten thousand dollars, five months; and
- (c) On all sums over ten thousand dollars, six months.

NEW SECTION, Sec. 405. If execution of a judgment is stayed as permitted by section 404 of this act and the judgment is not satisfied at expiration of the stay period, at any time thereafter the judgment creditor may, upon motion supported by an affidavit that the judgment or any part of it is unpaid and stating how much still remains due, have judgment against the surety on the bond for the balance remaining due, and have an execution on the judgment against the surety, on which stay shall not be allowed.

Sec. 406. Section 3, chapter 25, Laws of 1929 and RCW 6.04.020 are each amended to read as follows:

There shall be three kinds of executions~~((one))~~: First, against the property of the judgment debtor~~((the))~~; second, for the delivery of the possession of real or personal property~~(:)~~ or such delivery with damages for withholding the same~~(:)~~; and ~~((the))~~ third, commanding the enforcement of or obedience to any ~~((special))~~ other order of the court~~((and))~~. In all cases there shall be an order to collect the costs.

Sec. 407. Section 1, chapter 25, Laws of 1929 as amended by section 1, chapter 8, Laws of 1957 and RCW 6.04.030 are each amended to read as follows:

When any judgment of a court ~~((of record))~~ of this state requires the payment of money~~(:)~~ or the delivery of real or personal property, ~~((the same))~~ it may be enforced ~~((in those respects))~~ by execution. When ~~((if))~~ a judgment of a court of record requires the performance of any other act, a certified copy of the judgment may be served on the party against whom it is given~~(:)~~ or the person or officer who is required ~~((thereby))~~ by the judgment or by law~~(:)~~ to obey the same, and a writ ~~((shall))~~ may be issued commanding ~~((him))~~ the person or officer to obey or enforce the ~~((same))~~ judgment. ~~((if he refuses, he))~~ Refusal to do so may be punished by the court as for contempt.

Sec. 408. Section 604, page 154, Laws of 1869 as last amended by section 664, Code of 1881 and RCW 6.04.140 are each amended to read as follows:

~~((If))~~ No execution may issue for collection of a judgment ~~((be given))~~ for the recovery of money or damages against ~~((such))~~ a county or other public corporation~~((no execution shall issue thereon for the collection of such money or damages, but such judgment in such respect shall be satisfied))~~. Any such judgment may be enforced as follows:

(1) The ~~((party in whose favor such judgment is given))~~ judgment creditor may at any time ~~((thereafter))~~ when execution might issue on a like judgment against a private person, ~~((present a certified transcript of the docket thereof to the officer of such county or other public corporation who is authorized to draw orders on the treasury thereof))~~ and after acknowledging satisfaction of the judgment as in ordinary cases, obtain from the clerk a certified transcript of the judgment. The clerk shall include in the transcript a copy of the memorandum of acknowledgment of satisfaction and the entry thereof as the basis for an order on the treasurer for payment. Unless the transcript contains such memorandum, no order upon the treasurer shall issue thereon.

(2) ((On the presentation of such transcript such)) The judgment creditor shall present the certified transcript showing satisfaction of the judgment to the officer of the county or other public corporation who is authorized to draw orders on its treasury.

(3) The officer shall draw an order on ~~((such))~~ the treasurer for the amount of the judgment, in favor of the ~~((party for whom the same was given. Thereafter such))~~ judgment creditor. The order shall be presented for payment and paid with like effect and in like manner as other orders upon the treasurer ~~((of such county or other public corporation.~~

~~(3) The certified transcript herein provided for shall not be furnished by the clerk unless at the time an execution might issue on such judgment if the same were against a private person; nor until satisfaction of the same judgment in respect to such money or damages be acknowledged as in ordinary cases. The clerk shall include in the transcript the memorandum of such acknowledgment of satisfaction and the entry thereof. Unless the transcript contain such memorandum, no order upon the treasurer shall issue thereon)). If the proper officer of the county or other public corporation fails or refuses to draw the order for payment of the judgment as provided in this section, a writ of mandamus may be issued in the original case to compel performance of the duty.~~

Sec. 409. Section 6, chapter 25, Laws of 1929 and RCW 6.04.060 are each amended to read as follows:

All property, real and personal, of the judgment debtor~~(;)~~ that is not exempted by law~~(; shall be)~~ is liable to execution.

Sec. 410. Section 4, chapter 329, Laws of 1981 and RCW 6.04.035 are each amended to read as follows:

(1) Before a writ of execution may issue on any real property, the judgment creditor must file with the court an affidavit ~~((with the court stating:~~

~~(a) That the judgment creditor has exercised due diligence to ascertain if the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest; a list of the personal property so located and whether the judgment creditor believes the items to be exempt; and a statement that, after diligent search, there is not sufficient nonexempt personal property belonging to the judgment debtor to satisfy the judgment.~~

~~(b) That the judgment creditor has exercised due diligence in ascertaining whether the property is occupied or claimed as a homestead by the judgment debtor, as defined in chapter 6.12 RCW;~~

~~(c) Whether or not the judgment debtor is currently occupying the property as the judgment debtor's permanent residence and whether there is a declaration of homestead or nonabandonment of record. If the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion; and~~

~~(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, that the judgment debtor has been absent for a period of at least six months and the judgment debtor's current address if known)) as described in subsection (4) of this section and must mail a copy of the affidavit to the judgment debtor at the debtor's last known address.~~

(2) If the affidavit attests that the premises are occupied or otherwise claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12.140 through 6.12.250.

(3) The term 'due diligence,' as used in subsection (4) of this section, includes but is not limited to the creditor or the creditor's representative personally visiting the premises, contacting the occupants and inquiring about their relationship to the judgment debtor, contacting immediate neighbors of the premises, and searching the records of the auditor of the county in which the property is located to determine if a declaration of homestead or nonabandonment has been ~~((filed))~~ recorded by the judgment debtor. ~~((A copy of the affidavit must be mailed to the judgment debtor at the debtor's last known address.~~

~~if the affidavit attests that the premises are occupied or claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12.140 through 6.12.250;)) (4) The affidavit required by this section shall include:~~

~~(a) A statement that the judgment creditor has exercised due diligence to ascertain whether the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest and believes that there is not sufficient nonexempt personal property belonging to the judgment debtor to so satisfy the judgment. A list of personal property located shall be attached with an indication of any items that the judgment creditor believes to be exempt.~~

~~(b) A statement that the judgment creditor has exercised due diligence to ascertain whether the property is occupied or otherwise claimed by the judgment debtor as a homestead as defined in chapter 6.12 RCW.~~

~~(c) A statement based on belief whether the judgment debtor is currently occupying the property as the judgment debtor's principal residence and whether there is a declaration of~~

homestead or nonabandonment of record. If the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion.

(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, a statement based on belief whether the judgment debtor has been absent for a period of at least six months, with facts relied upon to reach that conclusion, and, if known, the judgment debtor's current address.

Sec. 411. Section 4, chapter 25, Laws of 1929 as amended by section 5, chapter 329, Laws of 1981 and RCW 6.04.040 are each amended to read as follows:

(1) The writ of execution shall be issued in the name of the state of Washington, sealed with the seal of the court, and subscribed by the clerk of the court in which the judgment was entered, and shall be directed to the sheriff of the county in which the property is situated (~~(-or to the coroner of such county, or the officer exercising the powers and performing the duties of coroner in case there be no coroner, when the sheriff is a party, or interested, and)~~). The writ shall intelligibly refer to the judgment, stating the court, the county where the judgment was rendered, the names of the parties, the amount of the judgment if it be for money, and the amount actually due thereon(~~(:);~~); and if the judgment has been recorded, the writ shall so indicate and shall state the recording number.

(2) Before an execution is delivered on a judgment of a district court of this state, the amount of the judgment, or damages and costs, and the fees due to each person separately shall be entered in the docket and on the back of the execution. In any proceeding to enforce a judgment certified to a district court from the small claims department under RCW 12.40.110, the execution shall include the amount of the judgment owed plus reasonable costs and reasonable attorneys' fees incurred by the judgment creditor in seeking enforcement of the judgment in district court.

(3) A writ shall require substantially as follows:

((1)) (a) If the execution ((be)) is against the judgment of the judgment debtor, it shall require the officer to satisfy the judgment(~~(-with interest)~~) out of the personal property of the debtor unless an affidavit has been filed with the court pursuant to RCW 6.04.035, in which case it shall require that the judgment(~~(-with interest)~~) be satisfied out of the real property of the debtor.

((2)) (b) If the execution ((be)) is against real or personal property in the hands of a personal representative(~~(s)~~), heir(~~(s)~~), devisee(~~(s)~~), legatee(~~(s)~~), tenant(~~(s)~~) of real property, or trustee(~~(s)~~), it shall require the officer to satisfy the judgment(~~(-with interest)~~) out of such property.

((3)) (c) If the execution ((be)) is for the delivery of real or personal property, it shall particularly describe the property and state its value and require the officer to deliver possession of ((the same, particularly describing it)) if to the party entitled thereto, and may, at the same time, require the officer to satisfy any charges, damages, or rents and profits recovered by the same judgment, out of the personal property of the party against whom it was rendered(~~(-and the value of the property for which the judgment was recovered, shall be specified therein)~~). If ((a delivery of)) the property described in the execution cannot be ((had)) delivered, and if sufficient personal property cannot be found to satisfy the judgment, it shall be satisfied out of the real property of the party against whom the judgment was rendered.

((4) When) (d) If the execution is to enforce obedience to any ((special)) order, it shall particularly command what is required to be done or to be omitted.

((5) When) (e) If the nature of the case ((shall)) requires it, the execution may embrace ((one)) two or more of the requirements ((above mentioned. And)) of this section.

(f) In all cases the execution shall require the collection of all interest, costs, and increased costs thereon.

Sec. 412. Section 5, chapter 25, Laws of 1929 as amended by section 1, chapter 45, Laws of 1983 1st ex. sess. and RCW 6.04.050 are each amended to read as follows:

The sheriff or other officer shall indorse upon the writ of execution ((the time when he received the same)) in ink, the day, hour, and minute when the writ first came into his or her hands, and the execution shall be ((returnable)) returned with a report of proceedings under the writ within sixty days after its date to the clerk who issued it. ((No sheriff or other officer shall retain any moneys collected on execution, more than twenty days before paying the same to the clerk of the court who issued the writ, under penalty of twenty percent on the amount collected, to be paid by the sheriff or other officer, one half to the party to whom the judgment is payable, and the other half to the county treasurer of the county wherein the action was brought, for the use of the school fund of said county. The clerk shall notify the party to whom the same is payable, and pay over the amount to the party as provided for by court order.)) When there are several writs of execution or of execution and attachment against the same debtor, they shall be executed in the order in which they were received by the sheriff.

Sec. 413. Section 351, page 91, Laws of 1869 as last amended by section 7, chapter 276, Laws of 1984 and RCW 6.04.100 are each amended to read as follows:

When the writ of execution is against the property of the judgment debtor, the sheriff shall set the date of sale and serve on the debtor, in the same manner as service of a summons in a

civil action, or cause to be transmitted by both regular mail and certified mail, return receipt requested, a copy of the writ, together with copies of RCW 6.12.010, 6.12.045, 6.12.050, 6.16.020, and 6.16.090 (~~each as now existing or hereafter amended~~), and shall at the time of service, or with the mailing, notify the judgment debtor of the date of sale (~~and shall execute the writ as follows~~):

(1) ~~If property has been attached, he shall indorse on the execution, and pay to the clerk forthwith the amount of the proceeds of sales of perishable property or debts due the defendant received by him, sufficient to satisfy the judgment.~~

(2) ~~If the judgment is not then satisfied, and property has been attached and remains in his custody, he shall sell the same, or sufficient thereof to satisfy the judgment.~~

(3) ~~If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, he shall levy on the property of the judgment debtor, sufficient to satisfy the judgment.~~

(4) ~~Property shall be levied on in like manner and with like effect as similar property is attached.~~

(5) ~~Until a levy, personal property shall not be affected by the execution. When property has been sold or debts received by the sheriff on execution, he shall pay the proceeds thereof, or sufficient to satisfy the judgment, as commanded in the writ.~~

(6) ~~When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the execution may be levied on other property of the judgment debtor without delay, if after satisfying the judgment any property, or the proceeds thereof, remain in the custody of the sheriff, he shall deliver the same to the judgment debtor). If service on the judgment debtor must be effected by publication, only the following notice need be published under the caption of the case:~~

To Judgment Debtor:

A writ of execution has been issued in the above-captioned case, directed to the sheriff of county, commanding the sheriff as follows:

'WHEREAS, ... (Quoting body of writ of execution).'

The sale date has been set for YOU MAY HAVE A RIGHT TO EXEMPT PROPERTY from the sale under statutes of this state, including sections 6.12.010, 6.12.045, 6.12.050, 6.16.020, and 6.16.090 of the Revised Code of Washington, in the manner described in those statutes.

NEW SECTION, Sec. 414. The sheriff shall, at a time as near before or after service on the judgment debtor as is possible, execute the writ as follows:

(1) If property has been attached, the sheriff shall indorse on the execution, and pay to the clerk forthwith, if he or she has not already done so, the amount of the proceeds of sales of perishable property or debts due the defendant previously received, sufficient to satisfy the judgment.

(2) If the judgment is not then satisfied, and property has been attached and remains in custody, the sheriff shall sell the same, or sufficient thereof to satisfy the judgment. When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the sheriff may, on instructions from the judgment creditor, levy on other property of the judgment debtor without delay.

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, the sheriff shall levy on the property of the judgment debtor, sufficient to satisfy the judgment, in the manner described in RCW 7.12.130.

(4) If, after the judgment is satisfied, any property remains in custody, the sheriff shall deliver it to the judgment debtor.

(5) Until a levy, personal property shall not be affected by the execution.

(6) When property has been sold or debts received on execution, the sheriff shall pay the proceeds to the clerk who issued the writ, for satisfaction of the judgment as commanded in the writ or for return of any excess proceeds to the judgment debtor. No sheriff or other officer may retain any moneys collected on execution more than twenty days before paying the same to the clerk of the court who issued the writ.

NEW SECTION, Sec. 415. Upon receipt of proceeds from the sheriff on execution, the clerk shall notify the party to whom the same is payable, and pay over the amount to that party as required by law. If any proceeds remain after satisfaction of the judgment, the clerk shall pay the excess to the judgment debtor.

Sec. 416. Section 13, page 42, Laws of 1886 as amended by section 1, chapter 100, Laws of 1927 and RCW 7.12.130 are each amended to read as follows:

The sheriff to whom the writ is directed and delivered (~~must~~) shall execute the same without delay as follows:

(1) Real property shall be (~~attached~~) levied on by (~~fitting~~) recording a copy of the writ, together with a description of the property attached, with the (~~county auditor~~) recording officer of the county in which the (~~attached~~) real estate is situated.

(2) Personal property, capable of manual delivery, shall be (~~attached~~) levied on by taking into custody.

(3) ~~((Stock or shares, or interest in stock or shares, of any corporation, association or company, shall be attached by leaving with the president or other head of the same, or the secretary, cashier or managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached in pursuance of such writ)). Shares of stock and other investment securities shall be levied on in accordance with the requirements of RCW 62A.8-317.~~

(4) A fund in court shall be levied on by leaving a copy of the writ with the clerk of the court with notice in writing specifying the fund.

(5) A franchise granted by a public or quasi-public corporation shall be levied on by (a) serving a copy of the writ on the judgment debtor as required by RCW 6.04.100 and (b) filing a copy of the writ in the office of the auditor of the county in which the franchise was granted together with a notice in writing that the franchise has been levied on to be sold, specifying the time and place of sale, the name of the owner, the amount of the judgment for which the franchise is to be sold, and the name of the judgment creditor.

(6) A vendor's interest under a real estate contract shall be levied on by (a) recording a copy of the writ, with descriptions of the contract and of the real property covered by the contract, with the recording officer of the county in which the real estate is located and (b) serving a copy of the writ, with a copy of the descriptions, on the judgment debtor in the manner as required by RCW 6.04.100.

(7) Other intangible personal property may be levied on by serving a copy of the writ on the judgment debtor as required by RCW 6.04.100.

NEW SECTION. Sec. 417. If a judgment debtor owns real estate jointly or in common with any other person, only the debtor's interest may be levied on and sold on execution, and the sheriff's notice of sale shall describe the extent of the debtor's interest to be sold as accurately as possible.

Sec. 418. Section 499, page 220, Laws of 1854 as last amended by section 3, chapter 8, Laws of 1957 and RCW 6.04.120 are each amended to read as follows:

When a ((defendant)) judgment debtor owns personal property jointly((:)) or in ((copartnership)) common with any other person, ((and the)) only the debtor's interest may be levied on and sold on execution, and the sheriff's notice of sale shall describe the extent of the debtor's interest as accurately as possible.

If the debtor's interest cannot be separately ((attached)) levied on, the sheriff shall take possession of the property((:)) unless the other person having an interest ((therein shall)) gives the sheriff a sufficient bond, with surety, conditioned to hold and manage the property according to law; and the sheriff shall then proceed to sell the interest of the defendant in such property((- describing such interest in his advertisement as nearly as may be, and the purchaser shall acquire all the interest of such defendant therein; but nothing herein contained shall be so construed as to deprive the copartner of any such defendant of his interest in any such)). This section shall not be construed so as to deprive the joint or common owner of any interest in the property.

Sec. 419. Section 268, page 182, Laws of 1854 as last amended by section 358, Code of 1881 and RCW 6.04.130 are each amended to read as follows:

((When the sheriff shall)) After levy of execution upon personal property, ((by virtue of an execution, he)) the sheriff may permit the judgment debtor to retain ((the same,)) possession of the property or any part ((thereof, in his possession)) of it until the day of sale, upon the ((defendant)) debtor executing a written bond to the sheriff with sufficient surety, in double the value of such property, to the effect that it shall be delivered to the sheriff at the time and place of sale, and for nondelivery thereof, an action may be maintained upon such bond by the sheriff or the ((plaintiff in the execution; but the sheriff shall not thereby be discharged from his liability to the plaintiff for such property)) judgment creditor, or the judgment creditor may, on motion supported by affidavit that the property has not been delivered and the judgment remains unpaid, stating the amount unpaid, have judgment against the surety on the bond for the balance remaining due. In the alternative, the sheriff may appoint the judgment debtor as an agent to keep the property, without bond, upon written approval by the judgment creditor.

NEW SECTION. Sec. 420. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 61, Laws of 1897 and RCW 6.04.080;
- (2) Section 2, chapter 61, Laws of 1897 and RCW 6.04.090;
- (3) Section 3, chapter 61, Laws of 1897 and RCW 6.04.095;
- (4) Section 499, page 220, Laws of 1854, section 694, page 174, Laws of 1869, section 757, page 152, Laws of 1877, section 751, Code of 1881 and RCW 6.04.110; and
- (5) Section 605, page 155, Laws of 1869, section 668, page 138, Laws of 1877, section 665, Code of 1881 and RCW 6.04.150.

PART V ADVERSE CLAIMS

NEW SECTION. Sec. 501. The definitions in this section apply throughout this chapter.

(1) 'Adverse claimant' means a person, other than the judgment debtor or defendant, who claims title or right to possession of property levied on.

(2) 'Levying creditor' means the judgment creditor or plaintiff who obtained the writ of execution or attachment under which levy was made.

NEW SECTION. Sec. 502. An adverse claimant may assert a claim under the procedures provided in this chapter whether the levy was made under a writ of execution or of attachment and whether the writ was issued by a superior court or a district court of this state, but this chapter does not supersede common law or other remedies available to an adverse claimant before or after levy or sale.

Sec. 503. Section 256, page 179, Laws of 1854 as last amended by section 1, chapter 40, Law of 1891 and RCW 6.20.010 are each amended to read as follows:

(When any other person than the judgment debtor shall claim property levied upon or attached, he may have the right to) (1) An adverse claimant to property levied on may demand and receive the ((same)) property from the sheriff ((or other officer making the attachment or)) who made the levy, upon ((his)) making and delivering to the sheriff an affidavit that the property is ((his)) owned by the claimant or that ((he)) the claimant has a right to the immediate possession thereof, stating on oath the value thereof, and giving to the sheriff ((or officer)) a bond, with sureties in double the value of such property((:)). The bond shall be conditioned that ((he)) the claimant will appear in the ((superior court of the county in which the property was seized, within ten days)) court specified in RCW 6.20.030 after the bond is accepted by the sheriff ((or other officer)), and make good ((his title to the same, or that he)) the claim in the affidavit or will return the property or pay its value to the ((said)) sheriff ((or other officer)).

(2) Without giving a bond, an adverse claimant who delivers to the sheriff an affidavit as described in subsection (1) of this section may, on motion made within seven days after delivering the affidavit, appear in the court specified in RCW 6.20.030, with notice to the sheriff and to the attorney of record for the levying creditor, if any, otherwise to the levying creditor, and set a hearing at which the probable validity of the claim stated in the affidavit can be considered. If the court, after the hearing, finds that the claim is probably valid, it shall direct the sheriff to release the claimed property to the claimant; otherwise, the court shall direct the sheriff to continue to hold the property unless the claimant gives a bond as provided in subsection (1) of this section.

Sec. 504. Section 256, page 179, Laws of 1854 as last amended by section 5, chapter 8, Laws of 1957 and RCW 6.20.020 are each amended to read as follows:

If the adverse claimant posts a bond and the sheriff ((or other officer)) requires it, the sureties shall justify as in other cases, and in case they do not so justify when required, the sheriff ((or officer)) shall retain the property; if the sheriff ((or officer)) does not require the sureties to justify, he or she shall stand good for their sufficiency. ((He)) The sheriff shall date and indorse ((his)) acceptance upon the bond.

Sec. 505. Section 257, page 179, Laws of 1854 as last amended by section 2, chapter 40, Laws of 1891 and RCW 6.20.030 are each amended to read as follows:

The ((officer)) sheriff shall immediately return the affidavit((:)) of an adverse claimant and the bond and justification, if any, to the office of the clerk of the ((superior)) court that issued the writ, unless the property was seized in another county, then to the clerk of the superior court of the county in which the property was seized or, if the levy was made under a writ of a district court of this state, then to a district court, to be selected by the sheriff, in the county in which the property was seized, and this case shall stand for trial in said court. The adverse claimant shall be the plaintiff, and the sheriff and the levying creditor shall be the defendants. The sheriff or levying creditor or both of them may respond to the affidavit, but no further pleadings are required, and any party may cause the matter to be noted for trial.

Sec. 506. Section 259, page 179, Laws of 1854 as last amended by section 354, Code of 1881 and RCW 6.20.050 are each amended to read as follows:

If the claimant makes good ((his)) on all or any part of the claim to title to the property or right to possession, judgment shall be entered for the claimant to the extent the claim has been established. If the claimant has given a bond, the bond shall be canceled((:)) or, if ((to)) the claimant makes good on only a portion ((thereof)) of the claim, a like proportion of the bond shall be canceled((:-but if he shall)). If the claimant has not given a bond and the sheriff has retained possession of the property, judgment shall be entered in favor of the claimant for return of the property or its value.

If the claimant does not maintain ((his title)) the claim, judgment shall be rendered against ((him and his)) the claimant. If the claimant has retained possession of the property pending trial on the claim, the judgment shall be entered against the claimant and, if the claimant has given a bond, against the sureties for the return of the property or for the value of the property or of the portion of the property for which the claim is not maintained, or for such ((less)) lesser amount as shall not exceed the amount due on the original execution or attachment.

When the judgment is in favor of the sheriff for the entire property, the claimant shall pay the costs; when the claimant recovers all the property, judgment shall be given in favor of the claimant for costs; when the claimant recovers a portion of the property only, the costs shall be apportioned. When the ((plaintiff)) claimant prevails, the costs may be taxed against the ((defendant who was plaintiff in the execution or attachment, or the court may, if it shall be of

opinion)) levying creditor or, if the court finds that the sheriff attached or levied upon ((said)) the property without the exercise of due caution, ((adjudge him)) the court may require the sheriff to pay the costs or any portion thereof.

NEW SECTION. Sec. 507. Section 258, page 179, Laws of 1854, section 349, page 90, Laws of 1869, section 356, page 75, Laws of 1877, section 353, Code of 1881 and RCW 6.20.040 are each repealed.

PART VI
SALES UNDER EXECUTION

NEW SECTION. Sec. 601. All the provisions of this chapter governing sales of personal property, except vendors' interests under real estate contracts, shall apply to proceedings before district courts.

Sec. 602. Section 1, chapter 35, Laws of 1935 as last amended by section 1, chapter 276, Laws of 1984 and RCW 6.24.010 are each amended to read as follows:

Before the sale of personal property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) ~~((in case of personal property, the sheriff shall post typed or printed notice of the time and place of sale in three public places in the county where the sale is to take place, for a period of not less than thirty days prior to the day of sale. Not))~~ The judgment creditor shall, not less than thirty days prior to the day of sale, ((the judgment creditor shall)) cause a copy of the notice of sale to be transmitted both by regular mail and by certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by regular mail to the attorney of record for the judgment debtor, if any.

(2) ~~((in case of real property, the sheriff shall post a notice as provided in RCW 6.24.015, particularly describing the property for a period of not less than four weeks prior to the day of sale in two public places in the county, one of which shall be at the court house door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement. The sheriff shall also publish a notice thereof once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated in substantially the following form:~~

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR COUNTY

_____	_____	CAUSE NO.
Plaintiff,	_____	
_____	_____	SHERIFF'S PUBLIC
vs.	_____	NOTICE OF SALE
_____	_____	OF REAL PROPERTY
Defendant.	_____	

TO: (Judgment Debtor)

The Superior Court of _____ County has directed the undersigned Sheriff of _____ County to sell the property described below to satisfy a judgment in the above entitled action: If developed the property address is: _____

The sale of the above described property is to take place:

Time: _____
Date: _____
Place: _____

The judgment debtor can avoid the sale by paying the judgment amount of \$ _____ together with interest, costs, and fees before the sale date. For the exact amount, contact the sheriff at the address stated below:

_____ SHERIFF DIRECTOR, _____ COUNTY, WASHINGTON.
By _____ Deputy
Address _____
_____ (City)
_____ Washington 9 _____
Phone (____) _____

PROVIDED, HOWEVER, That if there is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspapers such notice shall be published: PROVIDED; FURTHER, That if there is no legal newspaper published in the county, then such notice shall be published in a legal newspaper published in a contiguous county. Not less than thirty days prior to the date of sale, the judgment creditor shall cause a copy of the notice as provided in RCW 6.24.015 to be (a) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, or (b) transmitted by both regular and certified mail; return receipt requested; to the judgment debtor or debtors and to each of them separately if there is more than one judgment debtor at the judgment debtor's last known address; and the judgment creditor shall mail a copy of the notice of sale to the attorney of record for the judgment debtor.

(3) ~~The judgment creditor shall file an affidavit with the court that the judgment creditor has complied with the notice requirements of this section. The sheriff shall post typed or printed notice of the time and place of the sale in three public places in the county in which the sale is to take place, for a period of not less than four weeks prior to the day of sale.~~

NEW SECTION. Sec. 603. Before the sale of real property under execution, order of sale, or decree, notice of the sale shall be given as follows:

(1) The judgment creditor shall:

(a) Not less than thirty days prior to the date of sale, cause a copy of the notice in the form provided in RCW 6.24.015 to be (i) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, or (ii) transmitted both by regular mail and by certified mail, return receipt requested, to the judgment debtor or debtors, and to each of them separately if there is more than one judgment debtor, at each judgment debtor's last known address; and

(b) Not less than thirty days prior to the date of sale, mail a copy of the notice of sale to the attorney of record for the judgment debtor, if any; and

(c) File an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

(2) The sheriff shall:

(a) For a period of not less than four weeks prior to the date of sale, post a notice in the form provided in RCW 6.24.015, particularly describing the property, in two public places in the county in which the property is located, one of which shall be at the courthouse door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement; and

(b) Publish a notice of the sale once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated, but if there is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit, or proceeding has the exclusive right to designate in which of the qualified newspapers the notice shall be published, and if there is no qualified legal newspaper published in the county, then the notice shall be published in a qualified legal newspaper published in a contiguous county, as designated by the plaintiff or moving party. The published notice shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR COUNTY

Plaintiff, }

CAUSE NO.

vs. }

SHERIFF'S PUBLIC
NOTICE OF SALE
OF REAL PROPERTY

Defendant. }

TO: (Judgment Debtor)

The Superior Court of County has directed the undersigned Sheriff of County to sell the property described below to satisfy a judgment in the above-entitled action. If developed, the property address is:

The sale of the above described property is to take place:

Time:
Date:
Place:

The judgment debtor can avoid the sale by paying the judgment amount of \$..... together with interest, costs, and fees, before the sale date. For the exact amount, contact the sheriff at the address stated below:

..... SHERIFF-DIRECTOR, COUNTY, WASHINGTON.

By Deputy
Address
..... (City)
Washington 9.....
Phone (...)

Sec. 604, Section 2, chapter 329, Laws of 1981 as amended by section 2, chapter 276, Laws of 1984 and RCW 6.24.015 are each amended to read as follows:

The notice of sale shall be printed or typed and shall be in substantially the following form, except that if the sale is not pursuant to a judgment of foreclosure of a mortgage or a statutory lien, the notice shall also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR COUNTY

Plaintiff, }

CAUSE NO.

vs.

SHERIFF'S NOTICE TO
JUDGMENT DEBTOR OF
SALE OF REAL PROPERTY

Defendant.

TO: (Judgment Debtor)
The Superior Court of County has directed the undersigned Sheriff of
County to sell the property described below to satisfy a judgment in the above-entitled action.
The property to be sold is described on the reverse side of this notice. If developed, the prop-
erty address is:

The sale of the above described property is to take place:

Time:
Date:
Place:

The judgment debtor can avoid the sale by paying the judgment amount of \$..... together
with interest, costs, and fees, before the sale date. For the exact amount, contact the sheriff at
the address stated below:

This property is subject to: (check one)

- 1. No redemption rights after sale.
- 2. A redemption period of eight months which will expire at 4:30 p.m. on the day
of 19....
- 3. A redemption period of one year which will expire at 4:30 p.m. on the day of
..... 19....

The judgment debtor or debtors or any of them may redeem the above described property at
any time up to the end of the redemption period by paying the amount bid at the sheriff's sale
plus additional costs, taxes, assessments, ~~(and)~~ certain other amounts, fees, and interest. If you
are interested in redeeming the property contact the undersigned sheriff at the address stated
below to determine the exact amount necessary to redeem.

**IMPORTANT NOTICE: IF THE JUDGMENT DEBTOR OR DEBTORS DO NOT REDEEM THE PROP-
ERTY BY 4:30 p.m. ON THE DAY OF 19.... THE END OF THE REDEMPTION PERIOD,
THE PURCHASER AT THE SHERIFF'S SALE WILL BECOME THE OWNER AND MAY EVICT THE
OCCUPANT FROM THE PROPERTY UNLESS THE OCCUPANT IS A TENANT HOLDING UNDER AN
UNEXPIRED LEASE. IF THE PROPERTY TO BE SOLD IS OCCUPIED AS A ~~((PERMANENT))~~ PRINCIPAL
RESIDENCE ~~((AND IS OCCUPIED))~~ BY THE JUDGMENT DEBTOR OR DEBTORS AT THE TIME OF SALE,
HE, SHE, THEY, OR ANY OF THEM MAY HAVE THE RIGHT TO RETAIN POSSESSION DURING THE
REDEMPTION PERIOD, IF ANY, WITHOUT PAYMENT OF ANY RENT OR OCCUPANCY FEE. THE
JUDGMENT DEBTOR MAY ALSO HAVE A RIGHT TO RETAIN POSSESSION DURING ANY REDEMPT-
ION PERIOD IF THE PROPERTY IS USED FOR FARMING OR IF THE PROPERTY IS BEING SOLD
UNDER A MORTGAGE THAT SO PROVIDES.**

..... SHERIFF-DIRECTOR, COUNTY, WASHINGTON.

By Deputy
Address
.....(City)
Washington 9

Phone (..)

~~((If the sale is not pursuant to a judgment of foreclosure of a mortgage, the above notice
should also contain a statement that the sheriff has been informed that there is not sufficient
personal property to satisfy the judgment and that if the judgment debtor or debtors do have
sufficient personal property to satisfy the judgment, the judgment debtor or debtors should
contact the sheriff's office immediately.))~~

Sec. 605, Section 2, chapter 50, Laws of 1897 as last amended by section 1, chapter 126,
Laws of 1953 and RCW 6.24.020 are each amended to read as follows:

(1) All sales of property under execution, order of sale, or decree, shall be made by auc-
tion between nine o'clock in the morning and four o'clock in the afternoon. ~~((After sufficient
property has been sold to satisfy the execution, no more shall be sold. Neither the officer hold-
ing the execution, nor his deputy, shall become a purchaser, or be interested in any purchase
at such sale. When the sale is of personal property capable of manual delivery, and not in the
possession of a third person, it shall be within view of those who attend the sale, and be sold in
such parcels as are likely to bring the highest price; and (when) the sale is of real property,
consisting of several known lots or parcels, they shall be sold separately or otherwise as is
likely to bring the highest price, or when a portion of such real property is claimed by a third
person, and he requires it to be sold separately, such portion shall be sold separately.))~~ Sale of
a public franchise under execution or order of sale on foreclosure must be made at the front
door of the courthouse in the county in which the franchise was granted. Sales of real property
shall be made at the courthouse door on Friday~~((PROVIDED, HOWEVER, That if) unless Friday
is a legal holiday and then~~ the sale shall be held on the next following regular business day.

(2) If at the time appointed for the sale the sheriff is prevented from attending at the place
appointed or, being present, should deem it for the advantage of all concerned to postpone

the sale for want of purchasers, or other sufficient cause, the sheriff may postpone the sale not exceeding one week next after the day appointed, and so from time to time for the like cause, giving notice of every adjournment by public proclamation made at the same time, and by posting written notices of such adjournment under the notices of sale originally posted. The sheriff for like causes may also adjourn the sale from time to time, not exceeding thirty days beyond the day at which the writ is made returnable, with the consent of the plaintiff indorsed upon the writ.

NEW SECTION, Sec. 606. After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither the officer holding the execution nor his or her deputy shall become a purchaser or be interested in any purchase at the sale.

Sec. 607. Section 270, page 183, Laws of 1854 as last amended by section 362, Code of 1881 and RCW 6.24.050 are each amended to read as follows:

((When the purchaser of any personal property, capable of manual delivery, and not in the possession of a third person, association or corporation, shall pay)) If the sale is of personal property capable of manual delivery, and not in the possession of a third person, it shall be within view of those who attend the sale and shall be sold in such parcels as are likely to bring the highest price; and upon receipt of the purchase money, the sheriff shall deliver ((to him)) the property((:)) to the purchaser and ((if desired)) shall give ((him)) a bill of sale containing an acknowledgment of the payment if the purchaser requests it. A vendor's interest under a real estate contract, including vendor's legal title to the real property, shall be treated as personal property for purposes of sale, but the sheriff shall give the purchaser both a bill of sale covering the vendor's interest under the contract and a sheriff's deed covering the vendor's legal title to the real property. In all other sales of personal property, the sheriff shall give the purchaser a bill of sale with ((the like)) an acknowledgment of payment. The sheriff shall return the proceeds with the execution to the clerk who issued the writ for payment as required by law.

Sec. 608. Section 5, chapter 53, Laws of 1899 and RCW 6.24.030 are each amended to read as follows:

((Upon)) A sale of a real property ((under execution, decree or order of sale, when the) estate ((is)) of less than a leasehold of two years unexpired term((-the sale)) and a sale of a vendor's interest in real property being sold under a real estate contract shall be absolute. In all other cases ((such)), real property shall be sold subject to redemption, as ((hereinafter)) provided in chapter 6.-- RCW (part VII of this act). ((At the time of the sale the sheriff shall give to the purchaser a certificate of the sale, containing a particular description of the property sold, the price bid for each distinct lot, or parcel, the whole price paid, and when subject to redemption, it shall be so stated. The matters contained in such certificate shall be substantially stated in the sheriff's return of his proceedings upon the writ.))

Sec. 609. Section 262, page 181, Laws of 1854 as last amended by section 363, Code of 1881 and RCW 6.24.060 are each amended to read as follows:

(1) The form and manner of ((sale of)) selling real estate by execution shall be as follows: The sheriff shall proclaim aloud at the place of sale, in the hearing of all the bystanders: 'I am about to sell the following tracts of real estate (here reading the description,) upon the following execution:' (here reading the execution). ((He)) The sheriff shall also state the amount ((which he)) that is required ((to make)) upon the execution, which shall include damages, interests and costs up to the day of sale, and increased costs. ((He)) The sheriff shall then offer the land for sale((-the lots and parcels separately or together, as he shall deem most advantageous)).

(2) If the sale is of real property consisting of several known lots or parcels, they shall be sold separately or otherwise as the sheriff deems likely to bring the highest price, except that if an interest in a portion of such real property is claimed by a third person who, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the bidding is begun, requests that it be sold separately, such portion shall be sold separately. Bids on all land except town lots ((shall)) may be ((sold)) by the acre or by tract or parcel.

(3) If the land is sold by the acre and any fewer number of acres than the whole tract or parcel is sold, it shall be measured off to the purchaser in a square form, from the northeast corner of the tract or parcel, unless some person claiming an interest in the land, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the bidding is begun, requests that the land sold be taken from some other part or in some other form; in such case, if the request is reasonable, the officer making the sale shall sell accordingly.

(4) If an entire tract or parcel of land is sold by the acre, it shall not be measured but shall be deemed and taken to contain the number of acres named in the description, and be paid for accordingly; and if the number of acres is not contained in the description, the officer shall declare according to his or her judgment how many acres are contained therein, which shall be deemed and taken to be the true number of acres.

Sec. 610. Section 265, page 182, Laws of 1854 as last amended by section 28, chapter 81, Laws of 1971 and RCW 6.24.090 are each amended to read as follows:

(1) The officer shall strike off the land to the highest bidder, who shall forthwith pay the money bid to the officer, who shall return the money with ~~((his) the~~ execution and ~~((his doings thereon:))~~ the report of proceedings on the execution to the clerk of the court from which the execution issued~~((according to the order thereof):~~ PROVIDED, HOWEVER, That when final judgment shall have been entered in the supreme court or the court of appeals and the execution upon which sale has been made issued from said court, the ~~((proceedings on execution and))~~ return shall be ~~((docketed for confirmation in))~~ made to the superior court in which the action was originally commenced, and ((like) the same proceedings shall be had as though ((said) execution had issued from ((the said) that superior court.

(2) At the time of the sale, the sheriff shall prepare a certificate of the sale, containing a particular description of the property sold, the price bid for each distinct lot or parcel, and the whole price paid; and when subject to redemption, it shall be so stated. The matters contained in such certificate shall be substantially stated in the sheriff's return of proceedings upon the writ. Upon receipt of the purchase price, the sheriff shall give a copy of the certificate to the purchaser and the original certificate to the clerk of the court with the return on the execution to hold for delivery to the purchaser upon confirmation of the sale.

Sec. 611, Section 6, chapter 53, Laws of 1899 as last amended by section 3, chapter 276, Laws of 1984 and RCW 6.24.100 are each amended to read as follows:

(1) Upon the return of any sale of real estate ~~((as aforesaid)),~~ the clerk (a) shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: 'Sale of land for confirmation'; (b) shall mail notice of the filing of the return of sale ((shall be mailed by the clerk)) to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them ~~((and));~~ (c) shall file proof of such mailing ((shall be filed)) in the action; ~~((and the following proceedings shall be had:))~~ (d) shall apply the proceeds of the sale returned by the sheriff, or so much thereof as may be necessary, to satisfaction of the judgment, including interest as provided in the judgment, and shall pay any excess proceeds as provided in subsection (5) of this section, and (e) upon confirmation of the sale, shall deliver the original certificate of sale to the purchaser.

~~((+))~~ (2) The judgment creditor or successful purchaser at the sheriff's sale is entitled to an order confirming the sale at any time after twenty days have elapsed from the mailing of the notice of the filing of ((such)) the sheriff's return ((shall be entitled)), on motion with notice given to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them, ((to have an order confirming the sale:)) unless the judgment debtor, or in case of ((his)) the judgment debtor's death, ((his)) the representative, or any nondefaulting party to whom notice was sent shall file objections to confirmation with the clerk within twenty days after the mailing of the notice of the filing of such return~~((his objections thereto)).~~

~~((2))~~ (3) If ((such)) objections ((be) to confirmation are filed, the court shall~~((notwithstanding:))~~ nevertheless allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be, as upon an execution received as of that date.

~~((3))~~ Upon the return of the execution, the sheriff shall pay the proceeds of sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment including interest as provided in the judgment:))

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. If ((an order of)) on resale ((be afterwards made, and)) the property sells for a greater amount to any person other than the former purchaser, the clerk shall first repay to ((such)) the former purchaser out of the proceeds of the resale the amount of ((his)) the former purchaser's bid ((out of the proceeds of the latter sale)) together with interest as is provided in the judgment.

~~((4))~~ Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever:))

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or ((his)) the judgment debtor's representative, as the case may be, ((at any time)) before the order is made upon the motion to confirm the sale~~((PROVIDED, Such))~~ only if the party files with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; otherwise the excess proceeds shall remain in the custody of the clerk until the sale of the property has been disposed of; but if the sale be confirmed, such excess proceeds shall be paid to ((said party)) the judgment debtor or representative as a matter of course~~((otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of)).~~

(6) The purchaser shall file the original certificate of sale for record with the recording officer in the county in which the property is located.

Sec. 612. Section 16, chapter 53, Laws of 1899 as amended by section 5, chapter 80, Laws of 1965 and RCW 6.24.220 are each amended to read as follows:

In all cases where real estate has been, or may hereafter be sold (~~(in pursuance of law)~~) by virtue of an execution or other process, (~~issued upon an ordinary money judgment, or by virtue of execution, or other process issued upon a decree for the foreclosure of a mortgage or other lien~~) it shall be the duty of the sheriff or other officer making such sale to execute and deliver to the purchaser, or other person entitled to the same, a deed of conveyance of the real estate so sold (~~immediately after the time for redemption from such sale has expired. PROVIDED, Such sale has been duly confirmed by order of the court. AND, PROVIDED FURTHER, That such~~). The deeds shall be issued upon request immediately after the confirmation of sale by the court in those instances where redemption rights have been precluded pursuant to RCW 61.12.093 et seq., or immediately after the time for redemption from such sale has expired in those instances in which there are redemption rights, as provided in RCW 6.24.160. In case the term of office of the sheriff or other officer making such sale shall have expired before a sufficient deed has been executed, then the successor in office of such sheriff shall, within the time specified in this section, execute and deliver to the purchaser or other person entitled to the same a deed of the premises so sold, and such deeds shall be as valid and effectual to convey to the grantee the lands or premises so sold, as if the deed had been made by the sheriff or other officer who made the sale.

Sec. 613. Section 364, page 96, Laws of 1869 as last amended by section 368, Code of 1881 and RCW 6.24.110 are each amended to read as follows:

~~((If the))~~ A purchaser of real property sold on execution, or ~~((his))~~ a purchaser's successor in interest, ~~((be))~~ who is evicted (~~((therefrom))~~) in consequence of the reversal of the judgment (~~((he))~~) may recover from the plaintiff in the execution the price paid with interest and the costs and disbursements of the eviction suit (~~((by which he was evicted, from the plaintiff in the writ of execution))~~).

NEW SECTION. Sec. 614. The following acts or parts of acts are each repealed:

(1) Section 263, page 181, Laws of 1854, section 360, page 94, Laws of 1869, section 367, page 79, Laws of 1877, section 364, Code of 1881 and RCW 6.24.070;

(2) Section 264, page 182, Laws of 1854, section 361, page 95, Laws of 1869, section 368, page 79, Laws of 1877, section 365, Code of 1881 and RCW 6.24.080; and

(3) Section 272, page 183, Laws of 1854, section 365, page 96, Laws of 1869, section 372, page 81, Laws of 1877, section 369, Code of 1881 and RCW 6.24.120.

PART VII

REDEMPTIONS OF REAL PROPERTY FROM FORCED SALES

Sec. 701. Section 7, chapter 53, Laws of 1899 and RCW 6.24.130 are each amended to read as follows:

(1) Real property sold subject to redemption, as ~~((above))~~ provided in RCW 6.24.030, or any part thereof separately sold, may be redeemed by the following persons, or their successors in interest:

~~((1))~~ (a) The judgment debtor ~~((or his successor in interest))~~, in the whole or any part of the property separately sold.

~~((2))~~ (b) A creditor having a lien by judgment, decree, deed of trust, or mortgage, on any portion of the property, or any portion of any part thereof, separately sold, subsequent in time to that on which the property was sold. The persons mentioned in ~~((subdivision (2) of this section))~~ this subsection are termed redemptioners.

(2) As used in this chapter, the terms 'judgment debtor,' 'redemptioner,' and 'purchaser,' refer also to their respective successors in interest.

Sec. 702. Section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 276, Laws of 1984 and RCW 6.24.140 are each amended to read as follows:

(1) Unless redemption rights have been precluded pursuant to RCW 61.12.093 et seq., the judgment debtor ~~((or his successor in interest))~~ or any redemptioner ~~((;))~~ may redeem the property from the purchaser at any time (a) within eight months after the date of the sale if the sale is pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment, or (b) otherwise within one year after the date of the sale ~~((on paying))~~.

(2) The person who redeems from the purchaser must pay: (a) The amount of the bid, with interest thereon at the rate provided in the judgment to the time of redemption, together with (b) the amount of any assessment or taxes which the purchaser ~~((or his successor in interest may have))~~ has paid thereon after purchase, and like interest on such amount from time of payment to time of redemption, together with (c) any sum paid by the purchaser on a prior lien or obligation secured by an interest in the property to the extent the payment was necessary for the protection of the interest of the judgment debtor ~~((the judgment debtor's successor in interest))~~ or a redemptioner ~~((which the purchaser or the purchaser's successor in interest may have paid thereon with)), and like interest upon every payment made ((by the purchaser or the purchaser's successor in interest at the rate provided in the judgment))~~ from the date of

payment ((thereof)) to the time of redemption((:)); and (d) if the redemption is by a redemptioner and if the purchaser ((be)) is also a creditor having a lien, by judgment, decree, deed of trust, or mortgage, prior to that of the redemptioner, other than the judgment under which such purchase was made, the redemptioner shall also pay the amount of such lien with like interest: PROVIDED, HOWEVER, That ((whenever there is an execution sale of property pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment, the period of redemption shall be eight months after the said sale)) a purchaser who makes any payment as mentioned in (c) of this subsection shall submit to the sheriff the affidavit required by RCW 6.24.180, and any purchaser who pays any taxes or assessments or has or acquires any such lien as mentioned in (d) of this subsection must file the statement required in section 705 of this 1987 act and provide evidence of the lien as required by RCW 6.24.180.

Sec. 703. Section 6, chapter 329, Laws of 1981 as amended by section 5, chapter 276, Laws of 1984 and RCW 6.24.145 are each amended to read as follows:

(1) If the property is subject to a homestead as provided in ((RCW 6.17.045 or 6.17.050)) chapter 6.12 RCW, the purchaser ((or the purchaser's assignee)), or the redemptioner ((or the redemptioner's assignee)) if the property has been redeemed, shall send a notice, in the form prescribed in subsection (3) of this section, at least forty but not more than sixty days before the expiration of the judgment debtor's redemption period both by regular mail and by certified mail, return receipt requested, ((and by first class mail)) to the judgment debtor or debtors and to each of them separately, if there is more than one judgment debtor, at their last known address or addresses and to 'occupant' at the property address. The ((notice)) party who sends the notice shall file a copy of the notice with an affidavit of mailing with the clerk of the court and deliver or mail a copy to the sheriff.

(2) Failure to comply with this section extends the judgment debtor's redemption period six months. If the redemption period is extended, no further notice need be sent. Time for redemption by redemptioners shall not be extended.

(3) The notice and affidavit of mailing required by subsection (1) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR COUNTY

Plaintiff,	}	CAUSE NO.
vs.		NOTICE OF EXPIRATION OF REDEMPTION PERIOD
Defendant.		

TO: (Judgment Debtor)

THIS IS AN IMPORTANT NOTICE AFFECTING YOUR RIGHT TO RETAIN YOUR PROPERTY.

NOTICE IS HEREBY GIVEN that the period for redemption of the following described real property ('the property') is expiring. The property is situated in the County of State of Washington, to wit:

..... (legal description)
 and commonly known as which was sold by County Sheriff, in County, Washington on the day of 19... under and by virtue of a writ of execution and order of sale issued by the court in the above-entitled action.

THE REDEMPTION PERIOD FOR THE PROPERTY IS MONTHS. THE REDEMPTION PERIOD COMMENCED ON 19... AND WILL EXPIRE AT 4:30 p.m. ON 19...

If you intend to redeem the property described above you must give written notice of your intention to the County Sheriff on or before 19...

Following is an itemized account of the amount required to redeem the property to date:

Item	Amount
Purchase price paid at sale	\$
Interest from date of sale to date of this notice at ... percent per annum	\$
Real estate taxes plus interest	\$
Assessments plus interest	\$
Liens or other costs paid by purchaser or purchaser's successor during redemption period plus interest	\$
Lien of redemptioner	\$
TOTAL REQUIRED TO REDEEM AS OF THE DATE OF THIS NOTICE	\$

You may redeem the property by 4:30 p.m. on or before the ... day of 19... by paying the amount set forth above and such other amounts as may be required by law.

Payment must be in the full amount and in cash, certified check, or cashier's check. Because such other amounts as may be required by law to redeem may include presently unknown expenditures required to operate, preserve, protect, or insure the property, or the amount to comply with state or local laws, or the amounts of prior liens, with interest, held by the purchaser or a redemptioner, it will be necessary for you to contact the County Sheriff at the address stated below prior to the time you tender the redemption amount so that you may be informed exactly how much you will have to pay to redeem the property.

..... SHERIFF-DIRECTOR, COUNTY, WASHINGTON.

By Deputy

Address

..... (City)

Washington 9

Phone (...)

IF YOU FAIL TO REDEEM THE PROPERTY BY 4:30 p.m. ON OR BEFORE THE DAY OF 19... THE DATE UPON WHICH THE REDEMPTION PERIOD WILL EXPIRE, THE PURCHASER OR THE PURCHASER'S ((ASSIGNEE)) SUCCESSOR WILL BE ENTITLED TO POSSESSION OF THE PROPERTY AND MAY BRING AN ACTION TO EVICT YOU FROM POSSESSION OF THE PROPERTY.

DATED THIS ... DAY OF 19...

(Purchaser)
By
(Purchaser's attorney)
Attorneys for

STATE OF WASHINGTON }
 } ss.
COUNTY OF }

The undersigned being first duly sworn on oath states: That on this day affiant deposited in the mails of the United States of America a properly stamped and addressed envelope directed to the judgment debtor at the address stated on the face of this document and to 'occupant' at the property address, both by certified mail, return receipt requested, and by first class mail, all of the mailings containing a copy of the document to which this affidavit is attached.

.....
((SUBSCRIBED)) SIGNED AND SWORN TO BEFORE ME THIS DAY OF
19... ((:)) BY (name of person making statement)

((NOTARY PUBLIC in and for the
State of Washington, residing at:))

.....
Title

My appointment expires 19...

((In the event that the redemption period is extended no further notice need be sent.

The party who sends the notice shall file a copy of the notice with an affidavit of mailing with the clerk of the court and deliver or mail a copy to the sheriff. Failure to comply with this section extends the redemption period for six months.))

Sec. 704, Section 9, chapter 53, Laws of 1899 and RCW 6.24.150 are each amended to read as follows:

(1) If property ((be so)) is redeemed from the purchaser by a redemptioner, as provided in RCW 6.24.140, another redemptioner may, within sixty days after the ((last)) first redemption, ((again)) redeem it from the ((last)) first redemptioner ((by paying the sum paid on such last redemption with interest at the rate of eight percent per annum, and the amount of any taxes or assessment which the last redemptioner may have paid thereon after the redemption by him, with like interest on such amount, and in addition thereto by paying the amount of any liens, by judgment, decree or mortgage, held by said last redemptioner prior to his own, with interest, but the judgment under which the property was sold need not be so paid as a lien)). The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner within sixty days after the last redemption. ((on)) and such sixty-day redemption periods may extend beyond the period prescribed in RCW 6.24.140 for redemption from the purchaser.

(2) The judgment debtor may also redeem from a redemptioner, but in all cases the judgment debtor shall have the entire redemption period prescribed by RCW 6.24.140, but no longer unless the time is extended under RCW 6.24.145 or 6.24.190. If the judgment debtor redeems, the effect of the sale is terminated and the estate of the debtor is restored.

(3) A redemptioner may redeem under this section by paying the sum paid on the last previous redemption with interest ((thereon)) at the rate of eight percent per annum, and the amount of any assessments or taxes which the last previous redemptioner paid on the property after ((the redemption by him)) redeeming, with like interest ((thereon)), and the amount of any liens by judgment, decree, deed of trust, or mortgage, other than the judgment under which the property was sold, held by the last redemptioner, ((previous)) prior to his own, with interest.

~~((if the purchaser or)) A judgment debtor who redeems from a redemptioner under this section must make the same payments as are required to effect a redemption by a redemptioner, including any lien by judgment, decree, deed of trust, or mortgage, other than the judgment under which the property was sold, held by the redemptioner. A redemptioner ((shall pay)) who pays any taxes or assessments, or ((have or acquire)) has or acquires any such lien as herein mentioned. ((he)) must file a statement ((thereof with the auditor of the county where said property is situate before the property shall have been redeemed from him, otherwise the property may be redeemed without paying such tax, assessment or lien. Such statement shall be recorded by such auditor)) as required under section 705 of this 1987 act.~~

NEW SECTION. Sec. 705. A purchaser or redemptioner who pays any taxes or assessments or has or acquires a lien on the property by judgment, decree, deed of trust, or mortgage prior to that of a prospective redemptioner must file a statement thereof, for recording, with the recording officer of the county in which the property is situated before the property has been redeemed from him or her. Otherwise, the property may be redeemed without paying such tax, assessment, or lien, but if actual notice of such payments or liens has been given to the person who redeems, failure to file the statement shall not affect the right to payment from that person absent that person's demonstration of prejudice resulting from the failure to file the statement.

Sec. 706. Section 10, chapter 53, Laws of 1899 as amended by section 2, chapter 196, Laws of 1961 and RCW 6.24.160 are each amended to read as follows:

If no redemption ((be)) is made within the redemption period prescribed by RCW 6.24.140 or within any extension of that period under any other provision of this chapter, the purchaser ((or his assignee)) is entitled to a ((conveyance)) sheriff's deed; or, if so redeemed, whenever sixty days have elapsed((:)) and no other redemption has been made((:)) or notice given operating to extend the period ((of redemption)) for re-redemption, and the time for redemption by the judgment debtor has expired, the last redemptioner ((or his assignee)) is entitled to receive a sheriff's deed((--but in all cases the judgment debtor shall have the entire redemption period prescribed by RCW 6.24.140 from the date of the sale to redeem the property. If the judgment debtor redeem he must make the same payments as are required to effect a redemption by the redemptioner. If the judgment debtor redeem, the effect of the sale is terminated and he is restored to his estate. A certificate of redemption must be filed and recorded in the office of the auditor of the county in which the property is situated, and the auditor must note the record thereof in the margin of the record of the certificate of sale)) as provided in RCW 6.24.220.

Sec. 707. Section 11, chapter 53, Laws of 1899 and RCW 6.24.170 are each amended to read as follows:

When two or more persons apply to the sheriff to redeem at the same time ((he)), the sheriff shall allow the person having the prior lien to redeem first, and so on. The sheriff shall immediately pay the money over to the person from whom the property is redeemed, if ((he attend at the)) that person is present at time of redemption; or if not, at any time thereafter when demanded. When a sheriff ((shall)) wrongfully ((refuse)) refuses to allow any person to redeem, ((his)) the right to redeem shall not be prejudiced ((thereby)) by such refusal, and the sheriff may be required, by order of the court, to allow such redemption.

Sec. 708. Section 12, chapter 53, Laws of 1899 as amended by section 6, chapter 276, Laws of 1984 and RCW 6.24.180 are each amended to read as follows:

((The mode of redeeming shall be as provided in this section.)) (1) The person seeking to redeem shall give the sheriff at least five days' written notice of ((his)) intention to apply to the sheriff for that purpose. It shall be the duty of the sheriff to notify the purchaser or redemptioner, as the case may be, or ((his)) the purchaser's or redemptioner's attorney, of the receipt of such notice, if such person ((be)) is within such county. At the time ((and place)) specified in such notice, the person seeking to redeem may do so by paying to the sheriff the sum required. The sheriff shall give the person redeeming a certificate stating ((therein)) the sum paid on redemption, from whom redeemed, the date thereof and a description of the property redeemed. A certificate of redemption must be filed and recorded in the office of the recording officer of the county in which the property is situated, and the recording officer must note the record thereof in the margin of the record of the certificate of sale.

(2) A person seeking to redeem shall submit to the sheriff the evidence of ((his)) the right ((thereto)) to redeem, as follows:

((+ if he be a)) (a) A lien creditor((:)) shall submit a copy of the docket of the judgment or decree under which ((he claims)) the right to redeem is claimed, certified by the clerk of the court where such judgment or decree is docketed; or ((if he seeks to redeem upon mortgage,)) the holder of a mortgage or deed of trust shall submit the certificate of the record thereof((: also)) together with an affidavit, verified by ((himself)) the holder or agent, showing the amount then actually due thereon.

((+ A)) (b) An assignee shall submit a copy of any assignment necessary to establish ((his)) the claim, verified by the affidavit of ((himself)) the assignee or agent, showing the amount then actually due on the judgment, decree, deed of trust, or mortgage.

(3) If the redemptioner or purchaser has a lien prior to that of the lien creditor seeking to redeem, such redemptioner or purchaser shall submit to the sheriff the same kind of evidence thereof as is required from a person seeking to redeem under subsection (2) of this section, and the amount due thereon, or the same may be disregarded.

(4) ~~((if the))~~ A purchaser ~~((or the purchaser's successor in interest))~~ who has paid a sum on a prior lien or obligation secured by an interest in the property ~~((he or she))~~ shall submit to the sheriff an affidavit, verified by the purchaser ~~((or the purchaser's successor in interest))~~ or an agent, showing the amount paid on the prior lien or obligation, or the prior lien or obligation may be disregarded.

Sec. 709. Section 13, chapter 53, Laws of 1899 and RCW 6.24.190 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section and in RCW 6.24.210, the purchaser, from the time of the sale until the redemption, and the redemptioner from the time of ((his)) the redemption until another redemption, ((except as hereinafter provided:)) is entitled to receive from the tenant in possession the rents of the property sold((:)) or the value of the use and occupation thereof. But when any rents or profits have been received ((by such person or persons thus entitled thereto:)) from the property ((thus sold)) by such purchaser or redemptioner, preceding the redemption thereof from him or her, the amount of such rents and profits, over and above the expenses paid for operating, caring for, protecting and insuring the property, shall be a credit upon the redemption money to be paid((and if the)).

(2) If a redemptioner or other person entitled to ((make such redemption)) redeem, before the expiration of the time allowed for such redemption, files with the sheriff a demand in writing for a written and verified statement of the amounts of ((such)) rents and profits thus received((:)) and expenses paid and incurred, the period for redemption is extended five days after such a sworn statement is given by ((such)) the person ((thus)) receiving such rents and profits, or by his or her agent, to the person making ((such)) the demand, or to the sheriff. It shall be the duty of the sheriff to serve a copy of such demand upon the person receiving such rents and profits, his or her agent or his or her attorney, if ((such)) service can be made in the county where the property is situate. If such person shall, for a period of ten days after such demand has been given to the sheriff, fail or refuse to give such statement, ((such)) the redemptioner or other person entitled to redeem ((from such sale, making such demand:)) who made the demand may bring an action within sixty days after making such demand, but not later, in any court of competent jurisdiction, to compel an accounting and disclosure of such rents, profits and expenses, and until fifteen days from and after the final determination of such action the right of redemption is extended to such redemptioner or other person ((making such demand who shall be)) entitled to redeem who made the demand. If a sworn statement is given by the purchaser or other person receiving such rents and profits, and ((such)) the redemptioner or other person entitled to redeem((:)) who ((makes such)) made the demand, desires to contest the correctness of the ((same)) statement, he or she must first redeem in accordance with such sworn statement, and if he or she desires to bring an action for an accounting thereafter he or she may do so within thirty days after such redemption, but not later((-PROVIDED, That if)).

(3) If such property ((be)) is farming or agricultural property and ((be)) is in possession of any purchaser or any previous redemptioner and is redeemed after the first day of April and before the first day of December, and the purchaser or previous redemptioner or ((his)) the tenant of either has performed any work in preparing such property for crops((:)) or has planted crops, ((he)) such purchaser or previous redemptioner shall ((be entitled to)) have the option to demand reimbursement for such work and labor or ((the right)) to retain possession of such property until the first day of December following, and the new redemptioner shall be entitled to collect the reasonable rental value thereof during such farming year, unless such reasonable rental shall have been collected by such purchaser or previous redemptioner and accounted for to the new redemptioner.

Sec. 710. Section 14, chapter 53, Laws of 1899 and RCW 6.24.200 are each amended to read as follows:

Until the expiration of the time allowed for redemption, the court may restrain the commission of waste on the property. But it is not waste for the person in possession of the property at the time of the sale or entitled to possession afterwards during the period allowed for redemption to continue to use it in the same manner in which it was previously used, or to use it in the ordinary course of husbandry, or to make the necessary repairs of buildings thereon, or to use wood or timber on the property therefor, or for the repairs of fences, or for fuel in his or her family while ((he occupies)) occupying the property.

Sec. 711. Section 15, chapter 53, Laws of 1899 as last amended by section 21, chapter 329, Laws of 1981 and RCW 6.24.210 are each amended to read as follows:

(1) Except as provided in this section and RCW 6.24.190, the purchaser from the day of sale until a resale or redemption, and the redemptioner from the day of ((his)) redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such

case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption(~~(-PROVIDED-That when))~~).

(2) If a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired, the court shall make its decree to that effect and the mortgagor shall have such right(~~(- PROVIDED- FURTHER- That as))~~).

(3) As to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used, at the time of sale, for farming purposes, the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall, if the judgment debtor does not redeem, have a lien upon the crops raised or harvested thereon during said period of redemption, for interest on the purchase price at the rate of six percent per annum during said period of redemption and for taxes becoming delinquent during the period of redemption together with interest thereon(~~(- AND- PROVIDED- FURTHER- That))~~).

(4) In case of any homestead as defined in chapter 6.12 RCW and occupied for that purpose at the time of sale, the judgment debtor shall have the right to retain possession thereof during the period of redemption without accounting for issues or for value of occupation.

Sec. 712. Section 23, chapter 329, Laws of 1981 and RCW 6.24.230 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, during the period of redemption for any property (~~(which))~~ that a person would be entitled to claim as a homestead, any licensed real estate broker within the county in which the property is located may nonexclusively list the property for sale whether or not there is a listing contract. If the property is not redeemed by the judgment debtor and a sheriff's deed is issued under RCW 6.24.220, then the property owner shall accept the highest current qualifying offer upon tender of full cash payment within two banking days after notice of the pending acceptance is received by the offeror. If timely tender is not made, such offer shall no longer be deemed to be current and the opportunity shall pass to the next highest current qualifying offer, if any. Notice of pending acceptance shall be given for the first highest current qualifying offer within five days after delivery of the sheriff's deed under RCW 6.24.220 and for each subsequent highest current qualifying offer within five days after the offer becoming the highest current qualifying offer. An offer is qualifying if the offer is made during the redemption period through a licensed real estate broker listing the property and is at least equal to the sum of: (a) One hundred twenty percent greater than the redemption amount determined under RCW 6.24.140 and (b) the normal commission of the real estate broker or agent handling the offer.

(2) The proceeds shall be divided at the time of closing with: (a) One hundred twenty percent of the redemption amount determined under RCW 6.24.140 paid to the property owner, (b) the real estate broker's or agent's normal commission paid, and (c) any excess paid to the judgment debtor.

(3) Notice, tender, payment, and closing shall be made through the real estate broker or agent handling the offer.

(4) This section shall not apply to mortgage or deed of trust foreclosures under chapter 61.12 or 61.24 RCW.

PART VIII ATTACHMENT

NEW SECTION. Sec. 801. Unless otherwise expressly provided, all the provisions of this chapter governing attachment of personal property apply to proceedings before district courts of this state, but the district courts shall not have power to issue writs of attachment against real property or any interest in real property or against vendors' interests under real estate contracts.

Sec. 802. Section 1, page 39, Laws of 1886 and RCW 7.12.010 are each amended to read as follows:

The plaintiff at the time of commencing an action, or at any time afterward before judgment, may have the property of the defendant, or that of any one or more of several defendants, attached in the manner (~~(hereinafter))~~ prescribed in this chapter, as security for the satisfaction of such judgment as (~~(he))~~ the plaintiff may recover.

Sec. 803. Section 2, page 39, Laws of 1886 as last amended by section 16, chapter 154, Laws of 1973 1st ex. sess. and RCW 7.12.020 are each amended to read as follows:

The writ of attachment (~~(shall))~~ may be issued by (~~(the clerk of))~~ the court in which the action is pending(~~(- but before any such writ of attachment shall issue, the plaintiff, or someone in his behalf, shall make and file with such clerk an affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets), and that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant, and either))~~ on one or more of the following grounds:

- (1) That the defendant is a foreign corporation; or
- (2) That the defendant is not a resident of this state; or

(3) That the defendant conceals himself so that the ordinary process of law cannot be served upon him; or

(4) That the defendant has absconded or absented himself from his usual place of abode in this state, so that the ordinary process of law cannot be served upon him; or

(5) That the defendant has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; or

(6) That the defendant has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of his property, with intent to delay or defraud his creditors; or

(7) That the defendant is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or

(8) That the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought; or

(9) That the damages for which the action is brought are for injuries arising from the commission of some felony, gross misdemeanor, or misdemeanor; or

(10) That the object for which the action is brought is to recover on a contract, express or implied.

Sec. 804. Section 3, page 39, Laws of 1886 and RCW 7.12.030 are each amended to read as follows:

An action may be commenced and the property of a debtor may be attached previous to the time when the debt becomes due, when nothing but time is wanting to fix an absolute indebtedness, and when the complaint and the affidavit allege, in addition to that fact, ((states)) one or more of the following grounds:

(1) That the defendant is about to dispose or has disposed of his property in whole or in part with intent to defraud his creditors; or

(2) That the defendant is about to remove from the state(;) and refuses to make any arrangements for securing the payment of the debt when it falls due, and ((which)) the contemplated removal was not known to the plaintiff at the time the debt was contracted; or

~~(3) ((That the defendant has disposed of his property in whole or in part with intent to defraud his creditors; or~~

~~(4)) That the debt was incurred for property obtained under false pretenses.~~

Sec. 805. Section 4, page 40, Laws of 1886 and RCW 7.12.040 are each amended to read as follows:

If the debt or demand for which the attachment is sued out is not due at the time of the commencement of the action, the defendant is not required to file any pleadings until the maturity of such debt or demand, but ((he)) the defendant may, in his or her discretion, do so, and go to trial as early as the cause is reached. No final judgment shall be rendered in such action until the debt or demand upon which it is based becomes due, unless the defendant consents by filing pleadings or otherwise. However, property of a perishable nature may be sold as provided in RCW 7.12.160.

NEW SECTION. Sec. 806. (1) The plaintiff or someone on plaintiff's behalf shall apply for a writ of attachment by affidavit, alleging that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant and also alleging that affiant has reason to believe and does believe the following, together with specific facts on which affiant's belief in the allegations is based: (a) That the defendant is indebted to the plaintiff (specifying the nature of the claim and the amount of such indebtedness over and above all just credits and offsets), and (b) that one or more of the grounds stated in RCW 7.12.020 for issuance of a writ of attachment exists.

(2) If the action is based on a debt not due, the ground alleged under subsection (1)(b) of this section must be one stated in RCW 7.12.030 for attachment on a debt not due, and affiant shall also allege reason to believe and belief that nothing but time is wanting to fix an absolute indebtedness due from defendant, together with specific facts on which the affiant's belief in the allegations is based.

NEW SECTION. Sec. 807. (1) Except as provided in subsection (2) of this section, the court shall issue a writ of attachment only after prior notice to defendant, given in the manner prescribed in subsections (4) and (5) of this section, with an opportunity for a prior hearing at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists.

(2) Subject to subsection (3) of this section, the court shall issue the writ without prior notice to defendant and an opportunity for a prior hearing only if:

(a)(i) The attachment is to be levied only on real property, or (ii) if it is to be levied on personal property, the ground alleged for issuance of attachment is one appearing in RCW 7.12.020 (5) through (7) or in RCW 7.12.030(1) or, if attachment is necessary for the court to obtain jurisdiction of the action, the ground alleged is one appearing in RCW 7.12.020 (1) through (4); and

(b) The court finds, on the basis of specific facts alleged in the affidavit, after an ex parte hearing, that there is probable cause to believe the allegations of plaintiff's affidavit.

(3) If a writ is issued under subsection (2) of this section without prior notice to defendant, after seizure of property under the writ the defendant shall be entitled to prompt notice of the

seizure and of a right to an early hearing, if requested, at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists. Such notice shall be given in the manner prescribed in subsections (4) and (5) of this section.

(4) When notice and a hearing are required under this section, notice may be given by a show cause order stating the date, time, and place of the hearing. Notice required under this section shall be jurisdictional and, except as provided for published notice in subsection (5) of this section, notice shall be served in the same manner as a summons in a civil action and shall be served together with: (a) Copies of the plaintiff's affidavit and of the writ; (b) if the defendant is an individual, copies of homestead statutes, RCW 6.12.010, 6.12.045, and 6.12.050, if real property is to be attached, or copies of exemption statutes, RCW 6.16.020 and 6.16.090, if personal property is to be attached; and (c) if the plaintiff has proceeded under subsection (2) of this section, a copy of a 'Notice of Right to Hearing' in substantially the following form:

NOTICE OF RIGHT TO HEARING

In a lawsuit against you, a Washington court has issued the Writ of Attachment included with this notice. Under the writ a sheriff or sheriff's deputy has or will put a lien against your real estate or has seized or will seize other property of yours to hold until the court decides the lawsuit.

Delivery of this notice of your rights is required by law.

YOU HAVE THE RIGHT TO A HEARING. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the statements in the enclosed affidavit are true and also that the claim stated in the lawsuit is probably valid, or else your property will be released.

If the defendant is an individual, the following paragraph shall be added to the notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED if it is exempt property as described in the copies of statutes included with this notice and if you claim your exemptions in the way described in the statutes.

(5) If service of notice on the defendant must be effected by publication, only the following notice need be published under the caption of the case:

To Defendant:

A writ of attachment has been issued in the above-captioned case, directed to the Sheriff of County, commanding the Sheriff as follows:

'WHEREAS, . . . {Quoting body of writ of attachment}'

YOU HAVE A RIGHT TO ASK FOR A HEARING. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the ground for attachment alleged in an affidavit filed with the court exists and also that the claim stated in the lawsuit is probably valid, or else the attachment will be discharged.

If the defendant is an individual, the following paragraph shall be added to the published notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED if it is exempt property as described in Washington exemption statutes, including sections 6.12.010, 6.12.045, 6.12.050, 6.16.020 and 6.16.090 of the Revised Code of Washington, in the manner described in those statutes.

Sec. 808, Section 6, page 40, Laws of 1886 as last amended by section 1, chapter 51, Laws of 1957 and RCW 7.12.060 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, before the writ of attachment shall issue, the plaintiff, or someone in (his) the plaintiff's behalf, shall execute and file with the clerk a surety bond or undertaking in the sum in no case less than three (hundred) thousand dollars, in the superior court, nor less than (fifty) five hundred dollars in the (justice) district court, and double the amount for which plaintiff demands judgment, or such other amount as the court shall fix, conditional that the plaintiff will prosecute ((his) the action without delay and will pay all costs that may be adjudged to the defendant, and all damages ((which he) that the defendant may sustain by reason of the writ of attachment or of additional writs issued as permitted under RCW 7.12.100, not exceeding the amount specified in such bond or undertaking, as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out. ((With said bond or undertaking there shall also be filed the affidavit of the sureties, from which it must appear that such sureties are qualified and that they are taken together, worth the sum specified in the bond or undertaking, over and above all debts and liabilities, and property exempt from execution. No person not qualified to become surety as provided by law, shall be qualified to become surety upon a bond or undertaking for an attachment. PRO-
VIDED-That when)

(2) If it is desired to attach real estate only, and such fact is stated in the affidavit for attachment, and the ground of attachment is that the defendant is a foreign corporation or is not a resident of the state, or conceals himself or herself or has absconded or is absent from his or her usual place of abode so that the ordinary process of law cannot be served upon him or her, ((or has absconded or absented himself from his usual place of abode, so that the ordinary process of law cannot be served upon him;)) the writ of attachment shall issue without bond or undertaking by or on behalf of the plaintiff((-AND PROVIDED FURTHER, That when the claim-

~~debt or obligation whether in contract or tort, upon which plaintiff's cause of action is based, shall have been assigned to him, and his);~~

(3) If the plaintiff sues on an assigned claim and the plaintiff's immediate or any other assignor thereof retains or has any interest ((therein)) in the claim, then the plaintiff and every assignor ((of said claim, debt or obligation)) who retains or has any interest therein(:)) shall be jointly and severally liable ((to the defendant)) for all costs that may be adjudged to ((him)) the defendant and for all damages ((which he)) that the defendant may sustain by reason of the attachment, should the same be wrongfully, oppressively or maliciously sued out.

Sec. 809. Section 7, page 40, Laws of 1886 and RCW 7.12.070 are each amended to read as follows:

The defendant may, at any time before judgment, move the court or judge for additional security on the part of the plaintiff, or for security if none was required under RCW 7.12.060, and if, on such motion, the court or judge is satisfied that security or additional security should be required or that the surety in the plaintiff's bond has removed from this state(:) or is not sufficient, the attachment may be vacated, and restitution directed of any property taken under it, unless in a reasonable time, to be fixed by the court or judge, further security is given by the plaintiff in form as provided in RCW 7.12.060.

Sec. 810. Section 8, page 41, Laws of 1886 and RCW 7.12.080 are each amended to read as follows:

In an action on such bond ~~((the plaintiff therein may recover)), if ((he shows)) it is shown that the attachment was wrongfully sued out, ((and that there was no reasonable cause to believe the ground upon which the same was issued to be true;)) the defendant may recover the actual damages sustained and reasonable attorney's fees to be fixed by the court(: and); If it ((be)) is shown that such attachment was sued out maliciously, ((he)) the defendant may recover exemplary damages, ((nor need he)) and the defendant need not wait until the principal suit is determined before suing on the bond.~~

Sec. 811. Section 9, page 41, Laws of 1886 and RCW 7.12.090 are each amended to read as follows:

The writ of attachment shall be directed to the sheriff of any county in which property of the defendant may be, and shall require ((him)) the sheriff to attach and safely keep the property of such defendant within ((his)) the county, to the requisite amount, which shall be stated in conformity with the affidavit. The sheriff shall in all cases attach the amount of property directed, if sufficient property not ((exempt)) exempted from execution be found in ((his)) the county, giving that in which the defendant has a legal and unquestionable title a preference over that in which ((his)) title is doubtful or only equitable, and ((he)) the sheriff shall as nearly as the circumstances of the case will permit, levy upon property fifty percent greater in valuation than the amount that the plaintiff in ((his)) the affidavit claims to be due. When property is seized on attachment, the court may allow to the officer having charge thereof such compensation for ((his)) the trouble and expenses in keeping the same as shall be reasonable and just.

Sec. 812. Section 10, page 41, Laws of 1886 and RCW 7.12.100 are each amended to read as follows:

If a writ of attachment has been issued in a case, other writs of attachment may be issued in the same case from the ((superior)) court(s) to different counties, and several may, at the option of the plaintiff, be issued at the same time, or in succession and subsequently, until sufficient property has been attached; but only those executed shall be taxed in the costs, unless otherwise ordered by the court, and if more property is attached in the aggregate than the plaintiff is entitled to have held, the surplus must be abandoned and the plaintiff pay all costs incurred in relation to such surplus. After the first writ ((shall have)) has issued, it shall not be necessary for the plaintiff to file any further affidavit or bond unless the court otherwise directs, but ((he)) the plaintiff shall be entitled to as many writs as may be necessary to secure the amount claimed.

Sec. 813. Section 11, page 41, Laws of 1886 and RCW 7.12.110 are each amended to read as follows:

The sheriff or other officer shall indorse upon the writ of attachment in ink the day, hour, and minute when the writ first came into the officer's hands. Where there are several attachments against the same defendant, they shall be executed in the order in which they were received by the sheriff.

NEW SECTION. Sec. 814. The sheriff shall levy on property to be attached in the same manner as provided for execution in RCW 7.12.130, section 417 of this 1987 act, and RCW 6.04.120.

Sec. 815. Section 12, page 42, Laws of 1886 and RCW 7.12.120 are each amended to read as follows:

If, after an attachment has been placed in the hands of the sheriff, any property of the defendant is moved from the county, the sheriff may pursue and attach the ((same)) property in an adjoining county(:)) within twenty-four hours after removal.

Sec. 816. Section 21, page 43, Laws of 1886 as amended by section 2, chapter 100, Laws of 1927 and RCW 7.12.200 are each amended to read as follows:

The sheriff shall make a full inventory of the property attached and return the ~~((same))~~ inventory with the writ of attachment within twenty days of receipt of the writ, with a return of the proceedings indorsed on or attached to the writ. If the writ was issued at the same time as the summons, the sheriff shall return the writ with the summons.

Sec. 817. Section 14, page 42, Laws of 1886 and RCW 7.12.140 are each amended to read as follows:

Whenever it appears by the affidavit of the plaintiff that the plaintiff has probable cause to believe that a ground for attachment exists and it appears by the plaintiff's affidavit or by the return of the attachment that no property is known to the plaintiff or officer on which the attachment can be executed, or not enough to satisfy the plaintiff's claim, and it being shown to the court or judge by affidavit that the defendant has property within the state not ((exempt)) exempted, the defendant may be required by such court or judge to attend before the court or judge or referee appointed by the court or judge and give information on oath respecting the ~~((same))~~ property.

Sec. 818. Section 31, page 45, Laws of 1886 as amended by section 1, chapter 131, Laws of 1927 and RCW 7.12.270 are each amended to read as follows:

(1) The defendant may at any time, after ~~((he has appeared))~~ appearing in the action and before ~~((he has given))~~ giving bond ~~((to the effect that he will perform the judgment of the court.))~~ as provided in RCW 7.12.250, apply on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought or to the judge thereof, that the writ of attachment be discharged on the ground that ((the same)) it was improperly or irregularly issued.

(2) If the motion is made on affidavits on the part of the defendant, the plaintiff may oppose the same by affidavits in addition to those on which the attachment was issued or by other evidence, unless otherwise ordered by the court.

(3) If upon application it satisfactorily appears that the writ of attachment was improperly or irregularly issued, it must be discharged.

(4) Whenever an order has been made discharging or releasing an attachment upon real property, a certified copy of such order may be recorded with the recording officer of the county in which the writ of attachment has been recorded.

Sec. 819. Section 29, page 45, Laws of 1886 and RCW 7.12.250 are each amended to read as follows:

If the defendant, at any time before judgment, causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the attachment or after the return thereof by the clerk ~~((to the effect that he will perform)),~~ conditional on the performance of the judgment of the court, the attachment shall be discharged and restitution made of property taken or proceeds thereof. The execution of such bond shall be deemed an appearance of such defendant to the action. The bond shall be part of the record and, if judgment goes against the defendant, the judgment shall be entered against the defendant and the sureties.

Sec. 820. Section 15, page 42, Laws of 1886 as amended by section 9, chapter 9, Laws of 1957 and RCW 7.12.150 are each amended to read as follows:

The court before whom the action is pending may at any time appoint a receiver to take possession of property attached under the provisions of this chapter(;;) and to collect, manage, and control the ~~((same))~~ property and pay over the proceeds according to the nature of the property and the exigency of the case.

NEW SECTION. Sec. 821. (1) If, before or after levy under a writ of attachment, the plaintiff receives notice that the defendant has become a debtor in a bankruptcy case, the plaintiff shall immediately give written notice of that fact to the sheriff.

(2) If, before levying under a writ of attachment, a sheriff receives notice that the defendant has become a debtor in a bankruptcy case, the sheriff shall immediately give written notice of that fact to the plaintiff's attorney of record, if any, otherwise to the plaintiff, and shall not be bound to levy under the writ. If, after levying on property under a writ of attachment, a sheriff receives such notice, the sheriff shall give written notice of the attachment, describing the property seized, to the trustee in the bankruptcy case if there is one, otherwise to the bankruptcy court, with a copy to the plaintiff's attorney of record, if any, otherwise to the plaintiff, and shall transfer the property to the trustee on demand or as the bankruptcy court otherwise directs. If no demand is made on the sheriff for surrender of the property and the sheriff thereafter receives notice of the closing of the bankruptcy case, the sheriff shall give written notice by first class mail to the plaintiff's attorney of record, if any, otherwise to the plaintiff, requiring that the plaintiff release the property or obtain a renewal of the writ from the court, and, if the plaintiff fails to release the property or to apply for a renewal within fourteen days after the mailing of the sheriff's notice, the sheriff may release the property to the defendant.

Sec. 822. Section 16, page 42, Laws of 1886 as amended by section 2, chapter 51, Laws of 1957 and RCW 7.12.160 are each amended to read as follows:

If any property attached be perishable or in danger of serious and immediate waste or decay, the sheriff shall sell the same in the manner in which such property is sold on execution. Whenever it shall be made to appear satisfactorily to the court or judge that the interest of the parties to the action will be subserved by a sale of any attached property, the court or judge

may order such property to be sold in the same manner as like property is sold under execution. Such order shall be made only upon notice to the adverse party or ~~((his))~~ that party's attorney in case such party shall have been personally served with a summons in the action.

Sec. 823. Section 17, page 43, Laws of 1886 and RCW 7.12.170 are each amended to read as follows:

All moneys received by the sheriff under the provisions of this chapter shall be paid to the clerk of the court that issued the writ, to be held to be applied to any judgment that may be recovered in the action, and all other attached property shall be retained by ~~((him))~~ the sheriff to ~~((answer))~~ be applied to any judgment that may be recovered in the action ~~((unless sooner subjected to execution upon another judgment recovered previous to the issuing of the attachment)).~~

Sec. 824. Section 25, page 44, Laws of 1886 as amended by section 4, chapter 51, Laws of 1957 and RCW 7.12.210 are each amended to read as follows:

If judgment ~~((be))~~ is recovered by the plaintiff ~~((the sheriff shall satisfy the same)), it shall be paid out of any proceeds held by the clerk of the court and out of the property ~~((attached by him which has not been delivered to the defendant or claimant as in this chapter provided or subjected to execution on another judgment recovered previous to the issuing of the attachment, if it be))~~ retained by the sheriff if it is sufficient for that purpose as follows:~~

(1) By applying on the execution issued on said judgment the proceeds of all sales of perishable or other property sold ~~((by him)),~~ or so much as shall be necessary to satisfy the judgment.

(2) If any balance remains due ~~((he)),~~ the sheriff shall sell under the execution so much of the personal property ~~((real or personal))~~ attached as may be necessary to satisfy the balance ~~((if enough for that purpose remain in his hands))~~ and, if there is not sufficient personal property to satisfy the balance, the sheriff shall sell so much of any real property attached as is necessary to satisfy the judgment.

Notice of ~~((the))~~ sale shall be given and ~~((the))~~ sale conducted as in other cases of sales on execution.

Sec. 825. Section 26, page 44, Laws of 1886 as amended by section 5, chapter 51, Laws of 1957 and RCW 7.12.220 are each amended to read as follows:

If, after ~~((selling))~~ the proceeds of all the property attached ~~((by him remaining in his hands, and applying the proceeds, deducting his fees:))~~ have been applied to the payment of the judgment, any balance ~~((shall))~~ remains due, the sheriff shall proceed ~~((to collect such balance))~~ as upon an execution in other cases. Whenever the judgment ~~((shall have))~~ has been paid, the sheriff, upon reasonable demand, shall deliver ~~((over))~~ to the defendant the attached property remaining ~~((in his hands))~~ and the clerk shall pay to the defendant any remaining proceeds of the property attached ~~((unapplied))~~ that have not been applied on the judgment.

Sec. 826. Section 27, page 45, Laws of 1886 and RCW 7.12.230 are each amended to read as follows:

If the execution ~~((be))~~ is returned unsatisfied, in whole or in part, the plaintiff may proceed as in other cases upon the return of an execution.

Sec. 827. Section 28, page 45, Laws of 1886 and RCW 7.12.240 are each amended to read as follows:

If the defendant recovers judgment against the plaintiff, all the proceeds of sales and money collected by the sheriff and deposited with the clerk and all the property attached ~~((remaining in))~~ and retained by the sheriff ~~((s hands))~~ shall be delivered to the defendant or ~~((his))~~ the defendant's agent. The order of attachment shall be discharged and the property released therefrom.

Sec. 828. Section 35, page 46, Laws of 1886 and RCW 7.12.310 are each amended to read as follows:

This chapter shall be liberally construed, and the plaintiff, at any time when objection is made thereto, shall be permitted to amend any defect in the complaint, affidavit, bond, writ or other proceeding, and no attachment shall be quashed or dismissed, or the property attached released, if the defect in any of the proceedings has been or can be amended so as to show that a legal cause for the attachment existed at the time it was issued, and the court shall give the plaintiff a reasonable time to perfect such defective proceedings. ~~((The causes for attachment shall not be stated in the alternative:))~~

NEW SECTION. Sec. 829. The following acts or parts of acts are each repealed:

- (1) Section 5, page 40, Laws of 1886 and RCW 7.12.050;
- (2) Section 20, page 43, Laws of 1886, section 3, chapter 51, Laws of 1957 and RCW 7.12.190;
- (3) Section 30, page 45, Laws of 1886 and RCW 7.12.260;
- (4) Section 32, page 45, Laws of 1886 and RCW 7.12.280;
- (5) Section 33, page 45, Laws of 1886 and RCW 7.12.290;
- (6) Section 34, page 45, Laws of 1886 and RCW 7.12.300; and
- (7) Section 37, page 46, Laws of 1886 and RCW 7.12.330.

NEW SECTION. Sec. 830. The following acts or parts of acts are each repealed:

- (1) Section 86, page 238, Laws of 1854, section 85, page 350, Laws of 1873, section 1786, Code of 1881 and RCW 12.24.010;

(2) Section 87, page 238, Laws of 1854, section 86, page 351, Laws of 1873, section 1787, Code of 1881 and RCW 12.24.020;

(3) Section 88, page 238, Laws of 1854, section 87, page 351, Laws of 1873, section 1788, Code of 1881 and RCW 12.24.030;

(4) Section 91, page 238, Laws of 1854, section 90, page 352, Laws of 1873, section 1791, Code of 1881, section 14, chapter 89, Laws of 1957 and RCW 12.24.040;

(5) Section 89, page 238, Laws of 1854, section 88, page 351, Laws of 1873, section 1789, Code of 1881, section 15, chapter 89, Laws of 1957 and RCW 12.24.050;

(6) Section 90, page 238, Laws of 1854, section 89, page 351, Laws of 1873, section 1790, Code of 1881, section 16, chapter 89, Laws of 1957 and RCW 12.24.060;

(7) Section 92, page 239, Laws of 1854, section 91, page 352, Laws of 1873, section 1792, Code of 1881 and RCW 12.24.070;

(8) Section 93, page 239, Laws of 1854, section 92, page 352, Laws of 1873, section 1793, Code of 1881 and RCW 12.24.080;

(9) Section 94, page 239, Laws of 1854, section 93, page 352, Laws of 1873, section 1794, Code of 1881 and RCW 12.24.090;

(10) Section 95, page 240, Laws of 1854, section 94, page 352, Laws of 1873, section 1795, Code of 1881, section 1, chapter 21, Laws of 1984 and RCW 12.24.100;

(11) Section 96, page 240, Laws of 1854, section 95, page 352, Laws of 1873, section 1796, Code of 1881 and RCW 12.24.110;

(12) Section 97, page 240, Laws of 1854, section 96, page 352, Laws of 1873, section 1797, Code of 1881 and RCW 12.24.120;

(13) Section 98, page 240, Laws of 1854, section 97, page 353, Laws of 1873, section 1798, Code of 1881 and RCW 12.24.130;

(14) Section 4, chapter 254, Laws of 1983, section 94, chapter 258, Laws of 1984 and RCW 12.24.135;

(15) Section 99, page 240, Laws of 1854, section 98, page 353, Laws of 1873, section 1799, Code of 1881 and RCW 12.24.140;

(16) Section 100, page 240, Laws of 1854, section 99, page 353, Laws of 1873, section 1800, Code of 1881 and RCW 12.24.150;

(17) Section 101, page 241, Laws of 1854, section 100, page 354, Laws of 1873, section 1801, Code of 1881 and RCW 12.24.160;

(18) Section 102, page 241, Laws of 1854, section 101, page 354, Laws of 1873, section 1802, Code of 1881 and RCW 12.24.170;

(19) Section 103, page 241, Laws of 1854, section 102, page 354, Laws of 1873, section 1803, Code of 1881 and RCW 12.24.180;

(20) Section 106, page 241, Laws of 1854, section 105, page 354, Laws of 1873, section 1806, Code of 1881 and RCW 12.24.190;

(21) Section 107, page 241, Laws of 1854, section 106, page 355, Laws of 1873, section 6, page 202, Laws of 1877, section 1807, Code of 1881 and RCW 12.24.200; and

(22) Section 108, page 242, Laws of 1854, section 89, page 355, Laws of 1863, section 107, page 355, Laws of 1873, section 1808, Code of 1881 and RCW 12.24.210.

PART IX

PREJUDGMENT GARNISHMENT

NEW SECTION, Sec. 901. Except as limited by RCW 7.33.060, relating to the state and other public entities, and RCW 7.33.350, relating to continuing liens on earnings, the plaintiff at the time of commencing an action, or at any time thereafter before judgment in an action, may obtain a prejudgment writ of garnishment from a superior or district court of this state before which the action is pending on the following grounds:

(1) If the writ is directed to other than an employer and for a purpose other than garnishing a defendant's earnings as defined in section 1001 of this act, (a) on the ground that an attachment has been issued in accordance with chapter 7.12 RCW, (b) on the ground that the plaintiff sues on a debt that is due and owing and unpaid, or (c) on one or more of the grounds for issuance of attachment stated in RCW 7.12.020 or 7.12.030; or

(2) If the writ is directed to an employer for the purpose of garnishing earnings of a defendant, on the grounds that the defendant:

(a) Is not a resident of this state, or is about to move from this state; or

(b) Has concealed himself or herself, absconded, or absented himself or herself so that ordinary process of law cannot be served on him or her; or

(c) Has removed or is about to remove any of his or her property from this state, with intent to delay or defraud his or her creditors.

Sec. 902. Section 3, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.030 are each amended to read as follows:

In all cases of garnishment before judgment, before the writ shall issue, the plaintiff shall pay the fee described in RCW 7.33.040 and shall execute and file with the clerk a bond with ((two or more good and)) sufficient sureties, to be approved by the clerk of the court issuing the writ, payable to the defendant in the suit, in double the amount of the debt claimed therein, conditioned that ((he)) the plaintiff will prosecute ((his)) the suit without delay and pay all

damages and costs that may be adjudged against him or her for wrongfully suing out such garnishment((~~PROVIDED: That nothing in this section shall prohibit a credit agency, or other party contemplating multiple garnishments before judgment, from posting one large bond covering more than one garnishment proceeding~~)).

NEW SECTION, Sec. 903. In an action on the bond under RCW 7.33.030, if it is shown that the garnishment was wrongfully sued out, the defendant may recover the actual damages sustained and reasonable attorney's fees to be fixed by the court. If it is shown that such garnishment was sued out maliciously, the defendant may also recover exemplary damages, and the defendant need not wait until the principal suit is determined before suing on the bond by counterclaim in the original action or in a separate action.

Sec. 904. Section 34, chapter 264, Laws of 1969 ex. sess. as amended by section 4, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.340 are each amended to read as follows:

In all actions in which a prejudgment writ of garnishment has been issued by a court and served upon a garnishee, in the event judgment is not entered for the plaintiff on the claim sued upon by plaintiff, and the claim has not voluntarily been settled or otherwise satisfied, the defendant shall have an action for damages against the plaintiff. The defendant's action for damages may be brought by way of a counterclaim in the original action or in a separate action and, in the action the trier of fact, in addition to other actual damages sustained by the defendant, may award (him) the defendant reasonable attorney's fees.

NEW SECTION, Sec. 905. The plaintiff or someone on the plaintiff's behalf shall apply for a prejudgment writ of garnishment by affidavit, alleging that the garnishment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant and also alleging that the affiant has reason to believe and does believe the following, together with specific facts on which the affiant's belief in the allegations is based: (1) That the defendant is indebted to the plaintiff (specifying the nature of the claim and the amount of such indebtedness over and above all just credits and offsets); (2) that one or more of the grounds for prejudgment garnishment established in section 901 of this act exists; (3) that the plaintiff has reason to believe, and does believe, that the garnishee, stating the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or that the garnishee has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law; (4) whether or not the garnishee is the employer of the defendant; and (5) if the action is based on a debt not due, that nothing but time is wanting to fix an absolute indebtedness due from the defendant.

NEW SECTION, Sec. 906. (1) When application is made for a prejudgment writ of garnishment, the court shall issue the writ in substantially the form prescribed in RCW 7.33.050, 7.33.120, and 7.33.110 directing that the garnishee withhold an amount as prescribed in RCW 7.33.090, but, except as provided in subsection (2) of this section, the court shall issue the writ only after prior notice to the defendant, given in the manner prescribed in subsections (4) and (5) of this section, with an opportunity for a prior hearing at which the plaintiff shall establish the probable validity of the plaintiff's claim and that there is probable cause to believe that the alleged ground for garnishment exists.

(2) Subject to subsection (3) of this section, the court shall issue the writ without prior notice to the defendant and without an opportunity for a prior hearing only if:

(a) A ground alleged in the plaintiff's affidavit is: (i) A ground appearing in section 901(2)(c) of this act if the writ is to be directed to an employer for the purpose of garnishing the defendant's earnings; or (ii) a ground appearing in RCW 7.12.020 (5) through (7) or in RCW 7.12.030(1) of the attachment chapter; or (iii) if garnishment is necessary to permit the court to acquire jurisdiction over the action, the ground alleged is one appearing in RCW 7.12.020 (1) through (4) or in section 901(2) (a) or (b) of this act; and

(b) The court finds on the basis of specific facts, after an ex parte hearing, that there is probable cause to believe the allegations of the plaintiff's affidavit.

(3) If a writ is issued under subsection (2) of this section without prior notice to the defendant, after service of the writ on the garnishee, the defendant shall be entitled to prompt notice of the garnishment and a right to an early hearing, if requested, at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for garnishment exists.

(4) When notice and a hearing are required under this section, notice may be given by a show cause order stating the date, time, and place of the hearing. Notice required under this section shall be jurisdictional and, except as provided for published notice in subsection (5) of this section, notice required under this section shall be served in the same manner as a summons in a civil action and shall be served together with (a) copies of plaintiff's affidavit and of the writ, and (b) a copy of the following 'Notice of Right to a Hearing' or, if defendant is an individual, a copy of the claim form and the 'Notice of Garnishment and of Your Rights' prescribed by section 1014 of this act, in which the following notice is substituted for the first paragraph of said Notice:

NOTICE OF RIGHT TO HEARING

The writ of garnishment served with this Notice has been issued by a Washington court and has been or will be served on the garnishee defendant. It will require the garnishee defendant to withhold payment of money that may be due to you and to withhold other property of yours that the garnishee may hold or control until a lawsuit in which you are a defendant has been decided by the court. Service of this notice of your rights is required by law.

YOU HAVE A RIGHT TO A HEARING. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the statements in the enclosed affidavit are true and also that the claim stated in the lawsuit is probably valid, or else the garnishment will be released.

(5) If service of notice on the defendant must be effected by publication, only the following notice need be published under the caption of the case:

To, Defendant:

A writ of prejudgment garnishment has been issued in the above captioned case, directed to as Garnishee Defendant, commanding the Garnishee to withhold amounts due you or to withhold any of your property in the Garnishee's possession or control for application to any judgment that may be entered for plaintiff in the case.

YOU HAVE A RIGHT TO ASK FOR A HEARING. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the ground for garnishment alleged in an affidavit filed with the court exists and also that the claim stated in the lawsuit is probably valid, or else the garnishment will be released.

If the defendant is an individual, the following paragraph shall be added to the published notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE THE GARNISHMENT RELEASED if amounts or property withheld are exempt under federal or state statutes, for example, bank accounts in which benefits such as Aid to Families with Dependent children (AFDC), Supplemental Security Income (SSI), Social Security, United States pension, Unemployment Compensation, or Veterans' benefits have been deposited or certain personal property described in section 6.16.020 of the Revised Code of Washington.

NEW SECTION. Sec. 907. Except as otherwise provided, the provisions of chapter 7.33 RCW governing garnishments apply to prejudgment garnishments.

NEW SECTION. Sec. 908. The following acts or parts of acts are each repealed:

- (1) Section 7, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.070;
- (2) Section 8, chapter 264, Laws of 1969 ex. sess., section 2, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.080;
- (3) Section 10, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.100;
- (4) Section 12, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.120;
- (5) Section 25, chapter 264, Laws of 1969 ex. sess., section 4, chapter 41, Laws of 1983 1st ex. sess. and RCW 7.33.250; and
- (6) Section 9, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.390.

PART X
GARNISHMENT

NEW SECTION. Sec. 1001. (1) As used in this chapter, the term 'earnings' means compensation paid or payable to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(2) As used in this chapter, the term 'disposable earnings' means that part of earnings remaining after the deduction from those earnings of any amounts required by law to be withheld.

Sec. 1002. Section 1, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.010 are each amended to read as follows:

(1) ~~((Except as is provided in subsection (2) of this section;))~~ The clerks of the superior courts and district courts ~~((in the various counties in the))~~ of this state may issue writs of garnishment returnable to their respective courts ~~((in the following cases:~~

~~(a) Where an original attachment has been issued in accordance with the statutes in relation to attachments;~~

~~(b) Where the plaintiff sues for a debt and the plaintiff or someone in his behalf makes affidavit that such debt is just, due and unpaid, and that the garnishment applied for is not sued out to injure either the defendant or the garnishee;~~

~~(c) Where the plaintiff) for the benefit of a judgment creditor who has a judgment wholly or partially unsatisfied in the court from which ((he seeks to have a writ of garnishment issued)) the garnishment is sought.~~

(2) ~~((A writ of garnishment which is not sought in order to satisfy an existing judgment shall not be issued by the clerk of the superior court against any employer for the purpose of garnishing any earnings he owes his employee, unless the plaintiff sues for a debt and the plaintiff believes that the employee:~~

(a) is not a resident of this state, or is about to move from this state; or
 (b) has concealed himself, absconded, or absented himself so that ordinary process of law cannot be served on him; or

(c) has removed or is about to remove any of his property from this state, with intent to defraud or defraud his creditors, and the plaintiff or someone on his behalf files an affidavit stating the specific facts upon which his belief is founded and the court pursuant to an ex parte hearing finds that there is sufficient reason to find the belief true.

(3) As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program) Except as otherwise provided in RCW 7.33.060 and 7.33.350, the superior courts and district courts of this state may issue prejudgment writs of garnishment to a plaintiff at the time of commencement of an action or at any time afterward, subject to the requirements of chapter 6.-- RCW (part IX of this act).

Sec. 1003. Section 2, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.020 are each amended to read as follows:

All ~~((of))~~ the provisions of this chapter ~~((except the provisions of RCW 7.33.030))~~ shall apply to ~~((actions and))~~ proceedings before ~~((courts of limited jurisdiction))~~ district courts of this state. ~~((Where proceedings are in courts of limited jurisdiction, references to the superior court and/or the clerk thereof shall be translated to apply to the appropriate court of limited jurisdiction and/or clerk thereof.))~~

Sec. 1004. Section 6, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.060 are each amended to read as follows:

The state of Washington, all counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment after judgment has been entered in the principal action, but not before, in the superior and ~~((justice))~~ district courts, in the same manner and with the same effect, as provided in the case of other garnishees.

The venue of any such garnishment proceeding shall be the same as for the original action, and the writ shall be issued by the clerk of the court having jurisdiction of such original action.

The writ of garnishment shall be served in the same manner and upon the same officer as is required for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be.

Sec. 1005. Section 19, page 43, Laws of 1886 as amended by section 1, chapter 101, Laws of 1927 and RCW 7.12.180 are each amended to read as follows:

A sheriff ~~((constable or any))~~ or other peace officer ~~((may be garnished for))~~ who holds money of the defendant ~~((in his hands but nothing herein shall be construed as permitting the garnishment of a sheriff, constable or other peace officer))~~ is subject to garnishment, excepting only for money or property taken from a person arrested by such officer, at the time of the arrest. A judgment debtor of the defendant ((may be garnished)) is subject to garnishment when the judgment has not been previously assigned on the record or by writing filed in the office of the clerk ((and by him)) of the court that entered the judgment and minuted by the clerk as an assignment ((on the margin of)) in the execution docket ((and also)). An executor or administrator ~~((may be garnished))~~ is subject to garnishment for money due from the decedent to the defendant.

Sec. 1006. Section 4, chapter 264, Laws of 1969 ex. sess. as last amended by section 3, chapter 193, Laws of 1981 and RCW 7.33.040 are each amended to read as follows:

~~((Before the issuance of the writ of garnishment))~~ The judgment creditor as the plaintiff or someone in ((his)) the judgment creditor's behalf shall ((make application therefor)) apply for a writ of garnishment by affidavit, stating the following facts ((authorizing the issuance of the writ, including): (1) The plaintiff has a judgment wholly or partially unsatisfied in the court from which the writ is sought; (2) the amount alleged to be due ((and that)) under that judgment; (3) the plaintiff has reason to believe, and does believe ((and)) that the garnishee, stating ((his)) the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or ((that)) that ((he)) the garnishee has ((in his)) possession ((;)) or ((under his)) control ((;)) of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law ((;)); and (4) whether or not the garnishee is the employer of the judgment debtor.

The judgment creditor shall pay to the clerk of the superior court the fee provided by RCW 36.18.020, or to the clerk of the ((justice)) district court the fee of two dollars. ((The party applying for this writ shall state in such affidavit whether or not the party who is to be the garnishee is the employer of the defendant.))

Sec. 1007. Section 1, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.050 are each amended to read as follows:

When application for a writ of garnishment is made by a judgment creditor and the ((foregoing requisites)) requirements of RCW 7.33.040 have been complied with, the clerk shall docket the case in the names of the ((plaintiff)) judgment creditor as plaintiff, the judgment debtor as defendant, and ((of)) the garnishee as garnishee defendant, and shall immediately

issue and deliver a writ of garnishment(;) to the judgment creditor in ((such)) the form ((as provided)) prescribed in RCW 7.33.110, directed to the garnishee, commanding ((him)) the garnishee to answer said writ on forms served with the writ and complying with RCW 7.33.150 within twenty days after the service of the writ upon ((him)) the garnishee.

The writ of garnishment shall be dated and attested as in the form prescribed in RCW 7.33.110. The name and office address of the plaintiff's attorney shall be indorsed thereon or, in case the plaintiff has no attorney, the name and address of the plaintiff shall be indorsed thereon. The address of the clerk's office shall appear at the bottom of the writ.

NEW SECTION, Sec. 1008. A writ of garnishment directed to a bank, banking association, mutual savings bank, savings and loan association, or credit union that maintains branch offices may identify a particular branch or the financial institution as the garnishee defendant, and the statement required by RCW 7.33.130(2) may be incorporated in the writ or served separately. Service shall be as required by RCW 7.33.130 except that, if the financial institution is named as garnishee defendant, service shall be on the head office or on any other office designated by the financial institution for receipt of service of process. If the branch is named as garnishee defendant, service shall be as required by RCW 7.33.130 and shall be effective only to attach the accounts, credits, or other personal property of the defendant in the particular branch to which the writ is directed and on which service is made.

Sec. 1009, Section 9, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.090 are each amended to read as follows:

The writ of garnishment shall set forth in the first paragraph the amount ((which)) that garnishee is required to hold, which shall be an amount determined as follows: (1) The amount of ((~~the~~)) the judgment remaining unsatisfied or ((~~the~~)) if before judgment, the amount prayed for in the complaint; (2) plus interest to the date of garnishment ((at the rate specified in the contractual document or the statutory rate, if there be no contractual document)), as provided in RCW 4.56.110; (3) plus whichever shall be greater of (a) fifty dollars ((~~or~~)), (b) statutory costs, or (c) ten percent of (i) the amount of the judgment remaining unsatisfied or (ii) the amount prayed for in the complaint. The court may, by order, set a higher amount to be held upon a showing of good cause by plaintiff(;~~set a higher amount~~).

Sec. 1010, Section 11, chapter 264, Laws of 1969 ex. sess. as amended by section 4, chapter 193, Laws of 1981 and RCW 7.33.110 are each amended to read as follows:

((~~Said~~)) The writ shall be substantially in the following form: PROVIDED, That if the writ is issued under a court order or judgment for child support, the following statement shall appear conspicuously in the caption: 'This garnishment is based on a judgment or court order for child support'; AND PROVIDED FURTHER, That if the garnishment is for a continuing lien, the form shall be modified as provided in RCW 7.33.360:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

.....	Plaintiff,	No.
.....	vs.	
.....	Defendant	WRIT OF
.....		GARNISHMENT
.....	Garnishee Defendant	
THE STATE OF WASHINGTON TO:		Garnishee Defendant

AND TO: Defendant

The above-named plaintiff ((claims)) has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount ((of dollars should)) to be held to satisfy that indebtedness ((and has applied for a writ of garnishment against you)) is \$, consisting of:

Balance on Judgment or Amount of Claim	\$
Interest under Judgment from to	\$
Allowed Costs and Attorneys' Fees	\$
Estimated Garnishment Costs:	
Service Fees	\$
Certified Mail	\$
Attorney's Fee	\$ 50.00
Answer Fee or Fees	\$
Other	\$

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court or by this writ, not to pay any debt, whether wages subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any

sale or transfer of any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

~~((You are hereby commanded))~~ **YOU ARE FURTHER COMMANDED** to answer this writ by filing in the attached form according to the instructions ~~((thereon, and you must))~~ in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or ~~((his))~~ **the plaintiff's attorney**, and one copy to the defendant ~~((within twenty days after the service of the writ upon you)),~~ in the envelopes provided.

If, at the time this writ was served, you ~~((owe))~~ **owed** the defendant any wages, salary, commission, bonus, or other compensation for personal services or any periodic payments pursuant to a pension or retirement program, ~~((then you shall do as follows:~~

(1) For each week of such wages, salary or other compensation for personal services you owe the defendant, deduct twenty-five percent of the disposable earnings of defendant, or the amount by which his disposable earnings exceed dollars for each week, which ever shall be less.

(2) The total amount deducted above is subject to garnishment, and all other sums shall be paid to the defendant on the day you would customarily pay him such wages, salary or other compensation.

(3) Do not make any deduction if the defendant's wages, salary or other compensation does not exceed dollars for each week of such wages, salary or other compensation you owe the defendant. This weekly amount is exempt by law from garnishment and must be paid to the defendant.

Unless directed by the court, do not pay any debt, whether wages subject to this garnishment or any other debt, owed the defendant when this writ was served, or deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control when this writ was served, any such payment, delivery, sale or transfer is void as to so much of the debt, property or shares as are necessary to satisfy plaintiff's claim and costs for this writ with interest) **the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or \$ for each week of compensation or other periodic payment due, to be calculated as provided in the answer. However, if this writ carries a statement in the heading that 'This garnishment is based on a judgment or court order for child support,' the basic exempt amount is forty percent of disposable earnings.**

~~((In the event that))~~ If you owe ~~((to))~~ **the defendant** a debt payable in money ~~((and subject to this garnishment))~~ in excess of the amount set forth in the first paragraph of this ~~((garnishment))~~ writ, hold only the amount set forth in ~~((said))~~ **the first paragraph** ~~((of this garnishment))~~ and release all additional funds or property to defendant.

YOUR FAILURE TO ANSWER THIS WRIT AS COMMANDED WILL RESULT IN A JUDGMENT BEING ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTERESTS AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT((YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR THE DEFENDANT'S CLAIMED DEBT TO THE PLAINTIFF.

NOTICE TO DEFENDANT: THE LAW MAY PROTECT CERTAIN TYPES AND AMOUNTS OF YOUR INCOME AND PROPERTY FROM GARNISHMENT. TO CLAIM SUCH EXEMPTIONS, YOU MUST FILE A SWORN STATEMENT WITH THE COURT WITHIN TWENTY DAYS AFTER THE GARNISHEE ANSWERS THIS WRIT).

Witness, the Honorable Judge of the Superior Court, and the seal thereof, this day of, 19...

(Seal)

.....
Attorney for
Plaintiff (or
Plaintiff,
if no attorney)

.....
Clerk of
Superior
Court

.....
Address

.....
By

.....
Address

Sec. 1011, Section 13, chapter 264, Laws of 1969 ex. sess. as last amended by section 5, chapter 193, Laws of 1981 and RCW 7.33.130 are each amended to read as follows:

(1) Service of the writ of garnishment on the garnishee is invalid unless ~~((there))~~ **the writ is served** ~~((therewith (+)))~~ **together with:** (a) Four answer forms as ~~((provided))~~ **prescribed** in RCW 7.33.150 ~~((together with));~~ (b) **three** stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if ~~((he))~~ **the plaintiff** has

no attorney), and the defendant; and ~~((2))~~ (c) cash(;) or a check made payable to the garnishee in the amount of ten dollars.

(2) The writ of garnishment ~~((may))~~ shall be mailed to the garnishee by certified mail, return receipt requested, addressed in the same manner as a summons in a civil action, and will be binding upon the garnishee on the ~~((second-business))~~ day ~~((following the time as))~~ set forth on the return receipt. In the alternative, the writ ((may also)) shall be served by the sheriff of the county in which the garnishee lives or has its place of business or ((it may be served)) by any ((citizen of the state of Washington eighteen years of age or over and not a party to the action in which it is issued)) person qualified to serve process in the same manner as a summons in ((am)) a civil action is served: PROVIDED, HOWEVER, That ((where the)) a writ ((is)) directed to a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, as garnishee, ~~((the writ must be directed to and service thereof must be made by certified mail, return receipt requested, to, or by leaving a copy of the writ with))~~ shall be served by mail directed to, or by service on, the manager or ~~((any))~~ other officer or cashier or assistant cashier of such bank or association at ~~((the))~~ its office or branch ~~((thereof at which the account evidencing such indebtedness of the defendant is carried or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant in every case where))~~ that allegedly carries an account for defendant or allegedly holds or controls property belonging to the defendant and, in addition, there shall be served with the writ, as part of the service, a statement in writing signed by the plaintiff or plaintiff's attorney, stating (a) the defendant's place of residence and business, occupation, trade, or profession, or (b) the defendant's account number, if such information is not incorporated in the writ. If the statement is not served with the writ and such information is not included in the writ, the service shall be deemed incomplete and the garnishee shall not be held liable for funds owing to the defendant that it fails to discover.

(3) If a writ of garnishment is served by ~~((an officer, such officer))~~ a sheriff, ~~the sheriff shall ((make his))~~ file with the clerk of the court that issued the writ a signed return ~~((thereon))~~ showing the time, place, and manner of service and that the writ was accompanied by answer forms ~~((and)),~~ addressed envelopes, and cash or a check as required by this section, and noting thereon ~~((his))~~ fees for making ~~((such))~~ the service ~~((and shall sign his name to such return in case such)),~~ if service is made by any person other than ~~((an officer))~~ a sheriff, such person shall file a signed return including the same information and shall also attach to the ~~((original writ his))~~ return an affidavit showing ~~((his))~~ qualifications to make such service ~~((and that the writ was accompanied by answer forms and addressed envelopes and cash deposit or a check as required by this section, and the time, place and manner of making service, and shall endorse thereon the legal fees therefor)).~~ If a writ of garnishment is served by mail, the person making the mailing shall file a signed return showing the time, place, and manner of mailing and that the writ was accompanied by answer forms, addressed envelopes, and cash or a check as required by this section and shall attach to the return a copy of the return receipt.

Sec. 1012. Section 14, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.140 are each amended to read as follows:

(1) From and after the service of ~~((such))~~ a writ of garnishment, it shall not be lawful, except as provided in this chapter or as directed by the court, for the garnishee to pay any debt owing to the defendant at the time of such service, or to deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects belonging to the defendant in the garnishee's possession or under ~~((his))~~ the garnishee's control at the time of such service; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, personal property or effects ~~((shares or interest))~~ as may be necessary to satisfy the plaintiff's demand ~~((PROVIDED, HOWEVER, That in case the garnishee is a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, service must be made as provided for in RCW 7.33.130, and shall only be effective to attach the accounts, credits, or other personal property of the defendant in that particular branch upon which service is made and to which the writ is directed: PROVIDED, FURTHER, That)).~~

(2) This section shall have no effect as to any portion of a debt ~~((which))~~ that is exempt from garnishment ~~((AND PROVIDED, FURTHER, That)).~~

(3) The garnishee shall incur no liability for releasing funds or property in excess of the amount stated in the writ of garnishment ~~((where))~~ if the garnishee ~~((shall))~~ continues to hold an amount equal to the amount stated in the writ of garnishment.

Sec. 1013. Section 32, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.320 are each amended to read as follows:

~~((In any case where a writ of garnishment has issued, the party at whose instance the writ was issued shall))~~ (1) When a writ is issued under a judgment, on or before the date of service of the writ on the garnishee, the judgment creditor shall mail or ~~((may))~~ cause to be mailed to the judgment debtor, by certified mail, addressed to the last known post office of the judgment debtor, (a) a copy of the writ and a copy of the judgment ~~((if any, or the complaint, if brought before judgment, to the defendant or judgment debtor in said cause at his last known post office address;))~~ or, if it is a district court judgment, a copy of the judgment creditor's affidavit

submitted in application for the writ, and (b) if the judgment debtor is an individual, the notice and claim form prescribed in section 1014 of this 1987 act. In the alternative, ((a copy of the writ shall be served upon the defendant or judgment debtor)) on or before the day of the service of the writ on the garnishee or within two days thereafter, the stated documents shall be served on the judgment debtor in the same manner as is required for personal service of summons upon a party to an action ((on or before the date of the service of said writ on the garnishee defendant or within two days thereafter)).

((This)) (2) The requirements of this section shall not be jurisdictional, but(;) (a) no disbursement order or judgment against the garnishee defendant shall be entered unless there is on file the return of service or mailing required by subsection (3) of this section, and (b) if the ((copy-is)) copies of the writ and judgment or affidavit, and the notice and claim form if the defendant is an individual, are not mailed or served as herein provided, or if any irregularity ((shall)) appears with respect to the mailing or service, the court, in its discretion, on motion of the ((defendant-or)) judgment debtor promptly made and supported by affidavit showing that ((he)) the judgment debtor has suffered substantial injury ((to)) from the plaintiff's failure to mail or otherwise to serve such ((copy)) copies, may set aside the ((said)) garnishment and award to ((said defendant-or)) the judgment debtor an amount equal to the damages suffered ((by plaintiff's)) because of such failure.

(3) If the service on the judgment debtor is made by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the copy of the writ was accompanied by a copy of a judgment or affidavit, and by a notice and claim form if required by this section, and shall note thereon fees for making such service. If service is made by any person other than a sheriff, such person shall file a signed return including the same information and shall also attach to the return an affidavit showing qualifications to make such service. If service on the judgment debtor is made by mail, the person making the mailing shall file a signed return including the same information as required for return on service and, in addition, showing the address of the mailing and attaching the return receipt or the mailing should it be returned to the sender as undeliverable.

NEW SECTION. Sec. 1014. (1) The notice required by RCW 7.33.320(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

A Writ of Garnishment issued by a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be forty percent of wages due you, but if you are supporting a spouse or dependent child, you are entitled to claim an additional ten percent as exempt.

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or a United States pension, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.16.020, a Washington statute that exempts up to five hundred dollars of property of your choice (including up to one hundred dollars in cash or in a bank account) and certain property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2) The claim form required by RCW 7.33.320(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

(Caption to be filled in by judgment creditor or plaintiff before mailing.)

Name of Court

Plaintiff, vs. Defendant, No. EXEMPTION CLAIM

Garnishee Defendant

INSTRUCTIONS:

- 1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines.
2. Make two copies of the completed form. Deliver the original form by first class mail or in person to the clerk of the court...

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

- () The account contains payments from:
() AFDC, SSI, or other public assistance. I receive \$ monthly.
() Social Security. I receive \$ monthly.
() Veterans' Benefits. I receive \$ monthly.
() U.S. Government Pension. I receive \$ monthly.
() Unemployment Compensation. I receive \$ monthly.
() Child support. I receive \$ monthly.
() Other. Explain

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

- () No money other than from above payments are in the account.
() Moneys in addition to the above payments have been deposited in the account. Explain

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

- () I claim maximum exemption.
() I am supporting another child or other children.
() I am supporting a husband or a wife.

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

() Name and address of employer who is paying the benefits:

OTHER PROPERTY:

() Describe property

(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Print: Your name If married, name of husband/wife
Your signature Signature of husband or wife
Address Address (if different from yours)
Telephone number Telephone number (if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited

in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

Sec. 1015. Section 28, chapter 264, Laws of 1969 ex. sess. as last amended by section 6, chapter 193, Laws of 1981 and RCW 7.33.280 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, if the garnishee is an employer owing the defendant (~~wages, salary, or other compensation for personal services~~) earnings, then for each week of such (~~wages, salary, or other compensation~~) earnings, an amount shall be exempt from garnishment which is the greatest of the following:

- (a) ~~Forty times the state hourly minimum wage; or~~
- (b) ~~Seventy-five percent of the disposable earnings of the defendant; or~~
- (c) ~~Such amount as may be exempt under federal law.~~

~~(2) Such exemption)~~ Thirty times the federal minimum hourly wage prescribed by section 206(a)(1) of Title 29 of the United States Code in effect at the time the earnings are payable; or

~~(b) Seventy-five percent of the disposable earnings of the defendant.~~

(2) In the case of a garnishment based on a judgment or other court order for child support, other than a mandatory wage assignment order, the exemption shall be fifty percent of the disposable earnings of the defendant if the individual is supporting a spouse or dependent child (other than a spouse or child on whose behalf the garnishment is brought), or forty percent of the disposable earnings of the defendant if the individual is not supporting such a spouse or dependent child.

(3) The exemptions stated in this section shall apply whether such earnings are paid, or are to be paid, weekly, monthly, or at other intervals, and whether ((there be) earnings are due the defendant ((earnings)) for one week, a portion thereof, or for a longer period.

~~((3) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld. PROVIDED: That amount deducted from an employee's compensation as contributions toward a participating pension or retirement program established pursuant to a collective bargaining agreement shall not be considered a part of disposable earnings.))~~

(4) Unless directed otherwise by the court, the garnishee shall determine and deduct ((the amount)) exempt amounts under this section as directed in the writ of garnishment and answer, and shall pay ((this)) these amounts to the defendant.

~~((4) The exemptions under this section shall not apply in the case of a garnishment for child support if (a) the garnishment is based on a judgment or other court order; (b) the amount stated on the writ does not exceed the amount of two months support payments; and (c) the following language is conspicuously added to the writ of garnishment: "This garnishment is based on a judgment or court order for child support. Hold all funds you owe the defendant up to the amount stated above without regard to any statutory exemption.")~~

(5) No money due or earned as earnings as defined in ((RCW 7.33.010(3))) section 1001 of this 1987 act shall be exempt from garnishment under the provisions of RCW 6.16.020, as now or hereafter amended.

NEW SECTION. Sec. 1016. (1) A defendant may claim exemptions from garnishment in the manner specified by the statute that creates the exemption or by delivering to or mailing by first class mail to the clerk of the court out of which the writ was issued a declaration in substantially the following form or in the form set forth in section 1014 of this act and mailing a copy of the form by first class mail to the plaintiff or plaintiff's attorney at the address shown on the writ of garnishment, all not later than twenty-eight days after the date stated on the writ.

(NAME OF COURT)

.....	No.
Plaintiff	CLAIM OF EXEMPTION
.....	
Defendant	
.....	
Garnishee	

I/We claim the following described property or money as exempt from execution:
I/We believe the property is exempt because:

.....
Print name	Print name of spouse, if married
.....
Signature	Signature
.....
Address	Address
.....
Telephone number	Telephone number
.....

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be mailed to the defendant by first class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together with notice of date, time, and place of a hearing on the objection, which hearing the plaintiff must cause to be noted for a hearing date not later than fourteen days after the receipt of the claim. After a hearing on an objection to an exemption claim, the court shall award costs to the prevailing party and may also award an attorney's fee to the prevailing party if the court concludes that the exemption claim or the objection to the claim was not made in good faith.

(3) If the plaintiff elects not to object to the claim of exemption, the plaintiff shall, not later than ten days after receipt of the claim, obtain from the court and deliver to the garnishee an order directing the garnishee to release such part of the debt, property, or effects as is covered by the exemption claim. If the plaintiff fails to obtain and deliver the order as required or otherwise to effect release of the exempt funds or property, the defendant shall be entitled to recover fifty dollars from the plaintiff, in addition to actual damages suffered by the defendant from the failure to release the exempt property.

Sec. 1017. Section 16, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.160 are each amended to read as follows:

No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to a writ of ((wage)) garnishment directed to the employer: PROVIDED, HOWEVER, That this provision shall not apply if garnishments on three or more separate indebtednesses are served upon the employer within any period of twelve consecutive months.

Sec. 1018. Section 17, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.170 are each amended to read as follows:

If the defendant in the principal action causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the writ of garnishment, or after the return of said writ, by the clerk of the court out of which ((said)) the writ was issued, ((to the effect)) conditioned that ((he) the defendant will perform the judgment of the court, the writ of garnishment shall, upon the filing of said bond with the clerk, be immediately discharged, and all proceedings ((had thereunder)) under the writ shall be vacated: PROVIDED, That the garnishee shall not be thereby deprived from recovering any costs in said proceeding, to which ((he) the garnishee would otherwise be entitled under ((RCW 7.33.010 through 7.33.050 and 7.33.090 through 7.33.340)) this chapter. The bond shall be part of the record and, if judgment is against the defendant, it shall be entered against defendant and the sureties.

Sec. 1019. Section 15, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.150 are each amended to read as follows:

The answer of the garnishee shall be signed by ((him) the garnishee or ((his) attorney or if the garnishee is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original delivered, either personally or by mail, to the clerk of the ((superior)) court that issued the writ, one copy to the plaintiff or ((his) the plaintiff's attorney, and one copy to the defendant. The answer shall be made on ((forms)) a form substantially as appears in this section, served on the garnishee with the writ, ((substantially as follows:)) with exempt amounts for relevant pay periods filled in by the plaintiff before service of the answer forms, except that, if the garnishment is for a continuing lien, the answer form shall be as prescribed in RCW 7.33.360.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

NO.

Plaintiff

vs.

ANSWER
TO WRIT OF
GARNISHMENT

Defendant

Garnishee Defendant

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$ (On the reverse side of this answer form, or on an attached page, give an explanation of the dollar amount stated, or give reasons why there is uncertainty about your answer.)

If the above amount or any part of it is for personal earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a pension or retirement program); Garnishee has deducted from this amount \$ which is the exemption to which the defendant is entitled(;

On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2)), leaving \$ that garnishee holds under the writ. The exempt amount is calculated as follows:

Total compensation due defendant \$

LESS deductions for social security and withholding taxes and any other deduction required by law \$
 (list separately and identify) \$
Disposable wages \$

If the title of this writ indicates that this is a garnishment under a child support judgment, enter forty percent of disposable wages: \$ This amount is exempt and must be paid to the defendant at the regular pay time.

If this is not a garnishment for child support, enter seventy-five percent of disposable wages: \$ From the listing in the following paragraph, choose the amount for the relevant pay period and enter that amount: \$ (If amounts for more than one pay period are due, multiply the preceding amount by the number of pay periods and/or fraction of pay period for which amounts are due and enter that amount: \$) The greater of the amounts entered in this paragraph is the exempt amount and must be paid to the defendant at the regular pay time.

Amounts for different pay periods: Weekly \$; Biweekly \$; Semi-monthly \$; Monthly \$

List all of the personal property or effects of defendant in the garnishee's possession or control when the writ was served. (Use the reverse side of this answer form or attach a schedule if necessary.)

An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Garnishee Defendant Date

Signature of person answering for garnishee Connection with garnishee

Address of Garnishee

Sec. 1020. Section 19, chapter 264, Laws of 1969 ex. sess. as amended by section 10, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.190 are each amended to read as follows:

((Should)) If the garnishee fails to ((make)) answer ((to)) the writ within the time prescribed ((therein)) in the writ, ((It shall be lawful for the court, on or)) after the time to answer ((such)) the writ has expired(;) and after required returns have been filed, showing service on the garnishee and service on or mailing to the defendant, it shall be lawful for the court to render judgment by default against such garnishee, in accordance with rules relating to entry of default judgments, for the full amount claimed by the plaintiff against the defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of ((such)) the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as prescribed in RCW 7.33.090; PROVIDED, That upon motion by the garnishee at any time prior to issuance of a writ of execution under such judgment, ((such)) the judgment against the garnishee shall be reduced to the amount of any nonexempt funds or property which was actually in the possession of the garnishee at the time the writ was served, plus the cumulative amount of the non-exempt earnings subject to the lien provided for in RCW 7.33.370, or the sum of one hundred dollars, whichever is more, but in no event to exceed the full amount claimed by the plaintiff or the amount of the unpaid judgment against the principal defendant plus all accruing interest and costs and attorney's fees as prescribed in RCW 7.33.090, and in addition the plaintiff shall be entitled to a reasonable attorney's fee for the plaintiff's response to the garnishee's motion to reduce said judgment against the garnishee under this proviso and the court may allow additional attorney's fees for other actions taken because of the garnishee's failure to answer.

Sec. 1021. Section 24, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.240 are each amended to read as follows:

If the garnishee files an answer, either the plaintiff ((should)) or the defendant, if not ((be)) satisfied with the answer of the garnishee ((he)), may controvert within twenty days after the filing of the answer, by filing an affidavit in writing signed by ((him)) the controverting party or attorney or agent, stating that ((he)) the affiant has good reason to believe and does believe that the answer of the garnishee is incorrect, stating in what particulars ((he)) the affiant believes the same is incorrect. Copies of the affidavit shall be served on or mailed by first class mail to the garnishee at the address indicated on the answer or, if no address is indicated, at the address to or at which the writ was mailed or served, and to the other party, at the address shown on the writ if the defendant controverts, or at the address to or at which the copy of the writ of garnishment was mailed or served on the defendant if the plaintiff controverts, unless otherwise directed in writing by the defendant or defendant's attorney.

Sec. 1022. Section 26, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.260 are each amended to read as follows:

If the answer of the garnishee is controverted, as provided in RCW 7.33.240 (~~and 7.33.250; an issue shall be formed, under the direction of the court, and tried as other cases: PROVIDED; HOWEVER~~), the garnishee may respond by affidavit of the garnishee, the garnishee's attorney or agent, within twenty days of the filing of the controverting affidavit, with copies served on or mailed by first class mail to the plaintiff at the address shown on the writ and to the defendant as provided in RCW 7.33.240. Upon the expiration of the time for garnishee's response, the matter may be noted by any party for hearing before a commissioner or presiding judge for a determination whether an issue is presented that requires a trial. If a trial is required, it shall be noted as in other cases, but no pleadings shall be necessary on such issue other than the affidavit of the plaintiff, the answer of the garnishee and the reply of the plaintiff or defendant controverting such answer, unless otherwise ordered by the court.

Sec. 1023. Section 29, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.290 are each amended to read as follows:

Where the answer is controverted, the costs of the proceeding, including a reasonable compensation for attorney's fees, shall (~~abide the issue of such contest~~) be awarded to the prevailing party: PROVIDED, That no costs or attorney's fees in such contest shall be taxable to the defendant in the event of a controversion (~~on the part of~~) by the plaintiff.

Sec. 1024. Section 18, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.180 are each amended to read as follows:

(~~Should~~) If it appears from the answer of the garnishee that (~~he~~) the garnishee was not indebted to the defendant when the writ of garnishment was served (~~on him~~), and that (~~he had~~) the garnishee did not (~~in his~~) have possession or (~~under his~~) control of any personal property or effects of the defendant, and (~~should~~) if an affidavit controverting the answer of the garnishee is not (~~be controverted~~) filed within twenty days of the filing of the answer, as (~~hereinafter~~) provided in this chapter, the garnishee shall stand discharged without further action by the court or the garnishee and shall have no further liability.

Sec. 1025. Section 20, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.200 are each amended to read as follows:

(~~Should~~) (1) If it appears from the answer of the garnishee or (~~should~~) if it (~~be~~) is otherwise made to appear (~~as hereinafter provided~~) that the garnishee was indebted to the defendant in any amount, not exempt, when the writ of garnishment was served, and if the required return showing service on or mailing to the defendant is on file, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount (~~shall~~) exceeds the amount of the plaintiff's claim or (~~demand~~) judgment against the defendant with accruing interest and costs and attorney's fees as prescribed in RCW 7.33.090, in which case it shall be for the amount of such claim or (~~demand~~) judgment, with said interest (~~and~~), costs (~~as PROVIDED; HOWEVER~~), and fees.

(2) If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the hearing or trial (~~hereinafter provided for~~) on controversion or by stipulation of the parties that the garnishee is indebted to the principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, and if the required return showing service on or mailing to the defendant is on file, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date when such payment is to be made to be specified in (~~said~~) the order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee (~~shall pay said~~) pays the sum at the time specified in (~~said~~) the order, (~~said~~) the payment shall operate as a discharge, otherwise judgment shall be entered against (~~him~~) the garnishee for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in (~~like~~) the same manner as other judgments entered against garnishees as provided (~~for~~) in (~~RCW 7.33.010 through 7.33.050, and 7.33.090 through 7.33.340~~) this chapter: PROVIDED (FURTHER), That if judgment (~~shall be~~) is rendered in favor of the principal defendant, or if any judgment rendered against (~~him be~~) the principal defendant is satisfied prior to the date of payment specified in (~~said~~) an order of payment entered under this subsection, the garnishee shall not be required to make the payment (~~hereinbefore provided for~~), nor shall any judgment in such case be entered against (~~him~~) the garnishee.

Sec. 1026. Section 21, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.210 are each amended to read as follows:

Execution may be issued on the judgment against the garnishee (~~herein provided for~~) in (~~like~~) the same manner as upon any other judgment. The amount made upon any such execution shall be paid by the officer executing (~~the same~~) to the clerk of the (~~superior~~) court from which (~~such~~) the execution was issued; and, in cases where judgment has been rendered against the defendant, the amount made on the execution shall be applied to the satisfaction of the judgment, interest and costs against the defendant. In case judgment has not been rendered against the defendant at the time execution issued against the garnishee is returned, any amount made on (~~said~~) the execution shall be paid to the clerk of the court from which (~~such~~) the execution issued, who shall retain the same until judgment (~~be~~) is

rendered in the action between the plaintiff and defendant. In case judgment ~~((be))~~ is rendered ~~((therein))~~ in favor of the plaintiff, the amount made on the execution against the garnishee shall be applied to the satisfaction of such judgment and the surplus, if any ~~((there be))~~, shall be paid to the defendant. In case judgment ~~((be))~~ is rendered ~~((in such action))~~ in favor of the defendant, the amount made on ~~((said))~~ the execution against the garnishee shall be paid to the defendant.

Sec. 1027. Section 22, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.220 are each amended to read as follows:

~~((Should))~~ If it appears from the garnishee's answer or otherwise that the garnishee had ~~((in his))~~ possession or ~~((under his))~~ control, when the writ was served, of any personal property or effects of the defendant liable to execution, and if the required return showing service on or mailing to the defendant is on file, the court shall render a decree requiring the garnishee to deliver up to the sheriff on demand, and after making arrangements with the sheriff as to time and place of delivery, such personal property or effects or so much of them as may be necessary to satisfy the plaintiff's claim. ~~((in cases where))~~ If a judgment has been rendered in favor of the plaintiff against the defendant, such personal property or effects may be sold in ~~((like))~~ the same manner as any other property is sold upon an execution issued on said judgment. ~~((in cases where))~~ If judgment has not been rendered in the principal action, the sheriff shall retain ~~((said))~~ possession of the personal property or effects ~~((in his possession))~~ until the rendition of judgment therein, and ~~((in case))~~, if judgment is thereafter rendered in ~~((said principal action))~~ favor of the plaintiff, said ~~((goods))~~ personal property or effects, or sufficient of them to satisfy such judgment, may be sold in ~~((like))~~ the same manner as other property is sold on execution, by virtue of an execution ~~((issuing))~~ issued on ~~((said))~~ the judgment in the principal action. ~~((in case))~~ If judgment ~~((shall be))~~ is rendered in ~~((said))~~ the action against the plaintiff and in favor of the defendant, such effects and personal property shall be ~~((by the sheriff))~~ returned to the defendant by the sheriff. PROVIDED, HOWEVER, That ~~((in cases where))~~ if such effects or personal property are of a perishable nature, or the interests of the parties will be subserved by making a sale thereof before judgment, the court may order a sale thereof by the sheriff in ~~((like))~~ the same manner as sales upon execution are made, and the proceeds of such sale shall be paid to the clerk of the ~~((superior))~~ court that issued the writ, and ~~((like))~~ the same disposition shall be made of ~~((such))~~ the proceeds at the termination of the action as would have been made of ~~((such))~~ the personal property or effects under the provisions of this section in case ~~((such))~~ the sale had not been made.

Sec. 1028. Section 23, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.230 are each amended to read as follows:

~~((Should))~~ If the garnishee, adjudged to have effects or personal property of the defendant in ~~((his))~~ possession or under ~~((his))~~ control as provided in RCW 7.33.220, fails or refuses to deliver them to the sheriff on such demand, the officer shall immediately make return of such failure or refusal, whereupon, on motion of the plaintiff, the garnishee shall be cited to show cause why he or she should not be ~~((attached for))~~ found in contempt of court for such failure or refusal, and should the garnishee fail to show some good and sufficient excuse for such failure and refusal, he or she shall be fined for such contempt and imprisoned until he or she shall deliver such personal property or effects.

Sec. 1029. Section 33, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.330 are each amended to read as follows:

~~((Where))~~ (1) If the garnishee in ~~((his))~~ the answer states that ~~((he))~~ the garnishee at the time of the service of the writ was indebted to or had possession or control of personal property or effects ~~((in his possession or under his control at the time of the service of the writ of garnishment upon him))~~ belonging to a person ~~((of the same or similar))~~ with a name the same as or similar to the name ~~((he))~~ of the defendant, and stating the place of business or residence of said person, and that ~~((he))~~ the garnishee does not know whether or not such person is the same person as the defendant, and prays the court to determine whether or not the person ~~((to whom he was indebted or whose personal property or effects he had in his possession))~~ is the same person as the defendant, the court, before rendering judgment against the garnishee defendant as hereinbefore provided, shall conduct a hearing to take proof as to the identity of said persons ~~((and if he should find therefrom that they are not one and the same individual, the garnishee shall be discharged and shall have and recover his costs against the plaintiff; and if he should find that said persons are one and the same individuals, he shall make a similar judgment as to the payment of the money or the delivery of personal property and effects and as to costs of the garnishee as is hereinbefore provided, where the garnishee is held upon his answer))~~.

(2) Before ~~((any such))~~ the hearing on the question of identity ~~((is had))~~, the plaintiff shall cause the court to issue a citation directed to the person ~~((to whom the garnishee answers he was indebted or whose personal property or effects the garnishee has answered he had in his possession or under his control))~~ identified in the garnishee's answer, commanding ~~((him))~~ that person to appear before the court from which ~~((it))~~ the citation is issued within ten days after the service of the same ~~((upon him))~~, and to answer on oath whether or not he or she is the same person as the defendant in said action. ~~((Said))~~ The citation shall be dated and attested in

~~((like))~~ the same manner as a writ of garnishment and be delivered to the plaintiff or ~~((his))~~ the plaintiff's attorney and shall be served in the same manner as a summons in ~~((an))~~ a civil action is served.

(3) If the court finds after hearing that the persons are not the same, the garnishee shall be discharged and shall recover costs against the plaintiff. If the court finds that the persons are the same, it shall make the same kind of judgment as in other cases in which the garnishee is held upon the garnishee's answer, including provision for garnishee's costs.

(4) If ~~((upon))~~ the court finds after the hearing ~~((in this section provided for, the court shall find))~~ that the defendant or judgment debtor is the same person as the person ~~((to whom the garnishee defendant was indebted, or whose personal property or effects said garnishee defendant had in possession or under control))~~ identified in the garnishee's answer, it shall be sufficient answer to any claim of said person against the garnishee founded on any indebtedness of ~~((such))~~ the garnishee or on the possession or control by ~~((said person))~~ the garnishee of any personal property or effects for the garnishee to show that ~~((such))~~ the indebtedness was paid or ~~((such))~~ the personal property or effects were delivered under the judgment of the court in accordance with the provisions in this chapter.

Sec. 1030. Section 30, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.300 are each amended to read as follows:

It shall be a sufficient answer to any claim of the defendant against the garnishee founded on any indebtedness of ~~((such))~~ the garnishee or on the possession ~~((by him))~~ or control by the garnishee of any personal property or effects, for the garnishee to show that such indebtedness was paid or such personal property or effects were delivered ~~((or such shares of stock or other interest in such corporation were sold))~~ under the judgment of the court in accordance with ~~((the provisions of RCW 7.33.010 through 7.33.050, and 7.33.090 through 7.33.340))~~ this chapter.

Sec. 1031. Section 27, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.270 are each amended to read as follows:

In all cases where it shall appear from the answer of the garnishee that ~~((he))~~ the garnishee was indebted to the defendant when the writ of garnishment was served ~~((and)),~~ no controversy is pending, there has been no discharge or judgment against the garnishee entered, and one year ~~((shall have))~~ has passed since the filing of the answer of the garnishee, the court, after ten days' notice in writing to the plaintiff, shall enter an order dismissing the writ of garnishment and discharging the garnishee: PROVIDED, That this provision shall have no effect ~~((when))~~ if the cause of action between plaintiff and defendant ~~((shall be))~~ is pending on the trial calendar, or ~~((upon the filing of))~~ if any party files an affidavit ~~((by any party))~~ that the action is still pending.

Sec. 1032. Section 5, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.350 are each amended to read as follows:

A ~~((plaintiff or a))~~ judgment creditor may obtain a continuing lien on ~~((wages))~~ earnings by a garnishment pursuant to RCW 7.33.360 ~~((through)),~~ 7.33.370, 7.33.380, and 7.33.390.

Sec. 1033. Section 6, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.360 are each amended to read as follows:

(1) Service of ~~((the))~~ a writ for a continuing lien shall comply fully with RCW 7.33.130 ~~((and; in addition (1) plaintiff shall mark the caption of the writ 'continuing lien'; and (2) all answer forms served on employer shall be substantially as follows:~~

(1) Where garnishee is an employer:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

..... Plaintiff, vs.	NO.
..... Defendant,	ANSWER TO WRIT OF GARNISHMENT (EMPLOYER FORM)
..... Garnishee.	

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$..... for the last pay period. Garnishee has deducted from this amount \$..... which is the exemption to which the defendant is entitled.

On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2) List all of the personal property or effects or funds, other than wages, of defendant in the garnishee's possession or control when the writ was served. GARNISHEE WILL CONTINUE TO HOLD THE NONEMPT PORTION OF THE DEFENDANT'S EARNINGS AS THEY ACCRUE THROUGH THE LAST PAYROLL PERIOD ENDING ON OR BEFORE THIRTY DAYS FROM THE EFFECTIVE DATE OF THE WRIT (DATE OF SERVICE OR DATE PREVIOUSLY SERVED WRIT OR WRITS TERMINATES), OR UNTIL THE SUM HELD EQUALS THE

AMOUNT STATED IN THE WRIT OF GARNISHMENT OR UNTIL THE EMPLOYMENT RELATIONSHIP TERMINATES WHICHEVER SHALL COME FIRST.

Garnishee (is) (is not) presently holding the nonexempt portion of defendant's wages, salary or other compensations under a previous writ which will terminate not later than 19..... An attorney may answer for the garnishee.

Under penalty of (of) perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Garnishee _____ Date _____

Signature of person _____ Connection with
answering for garnishee _____
garnishee))

(2) The caption of the writ shall be marked 'CONTINUING LIEN ON EARNINGS' and the following additional paragraph shall be included in the writ form prescribed in RCW 7.33.110:

'THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT.'

(3) The answer forms served on an employer shall include in the caption, 'ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS,' and the following paragraph shall be added as the first paragraph of the answer form prescribed in RCW 7.33.150:

'If you are withholding the defendant's nonexempt wages under a previously served writ for a continuing lien, answer only this portion of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later.'

ANSWER: I am presently holding the defendant's nonexempt earnings under a previous writ served on that will terminate not later than 19.....

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer the following portion of this form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings.'

(4) In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien.

Sec. 1034. Section 7, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.370 are each amended to read as follows:

(1) (In the case of a garnishment of earnings.) Where the garnishee's answer to a garnishment for a continuing lien reflects that the defendant is employed by ((him)) the garnishee, the judgment or balance due thereon as reflected on the writ of garnishment ((:)) shall become a lien on earnings due at the time of ((service of)) the effective date of the writ, as defined in this subsection, to the extent that they are not exempt from garnishment, and such lien shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of the employer's payroll period ending ((immediately prior to thirty)) on or before sixty days after the effective date of the writ ((as hereafter defined)), whichever occurs first, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated ((or)) or if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed. The 'effective date' of a writ is the date of service of the writ if there is no previously served writ; otherwise, it is the date of termination of a previously served writ or writs.

(2) At the time of the expected termination of the lien, the plaintiff shall mail to the garnishee cash or a check made payable to the garnishee in the amount of ten dollars, three additional stamped envelopes addressed as provided in RCW 7.33.130, and four additional copies of the answer form ((and three additional stamped envelopes addressed as provided in RCW 7.33.130:)) conspicuously marked at the top: 'ANSWER THE SECOND PART OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF WAGES WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT.'

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, in the form as provided in (~~RCW 7.33.366~~) subsection (2) of this section, stating the total amount held subject to the garnishment.

Sec. 1035. Section 8, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.380 are each amended to read as follows:

A lien obtained under RCW 7.33.370 shall have priority over any subsequent garnishment lien or wage assignment(~~(-Any writ of garnishment served upon an employer pursuant to RCW 7.33.360 while a lien imposed by a previous writ is still in effect, shall be answered by employer with a statement that he is holding no funds and with a further statement stating when all previous liens are expected to terminate. Such subsequent writ shall have full effect for thirty days from the termination of all prior liens, or until this is otherwise terminated under RCW 7.33.370. PROVIDED:))~~ except that ((a subsequent)) service of a writ shall not be effective to create a continuing lien with such priority if a writ in the same ((cause of action)) case is pending at the time of the service of ((garnishment)) the new writ.

PART XI

MISCELLANEOUS PROVISIONS

Sec. 1101. Section 121, chapter 299, Laws of 1961 as amended by section 701, chapter 258, Laws of 1984 and RCW 3.66.100 are each amended to read as follows:

(1) Every district judge having authority to hear a particular case may issue criminal process in and to any place in the state.

(2) Notwithstanding any provision in the (~~justice court~~) civil rules to the contrary, every district judge having authority to hear a particular case may issue civil process, including writs of execution, attachment, garnishment, and replevin, in and to any place in the state.

Sec. 1102. Section 23, page 337, Laws of 1873 as last amended by section 11, chapter 292, Laws of 1971 ex. sess. and RCW 12.04.050 are each amended to read as follows:

All process issued by (~~justices of the peace shall run in the name of the state of Washington, be dated the day issued and signed by the justice granting the same.~~) district court judges of the state and all executions and writs of attachment or of replevin shall be served by ((the sheriff or some constable of the county in which the justice resides)) a sheriff or a deputy, but a summons or notice and complaint may be served by any citizen of the state of Washington over the age of eighteen years and not a party to the action.

Sec. 1103. Section 1, chapter 60, Laws of 1929 as last amended by section 5, chapter 45, Laws of 1983 1st ex. sess. and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as (~~he~~) the judgment debtor may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state(~~:~~) and any judgment of the supreme court, court of appeals, ((or) superior court, or district court of this state((-and any judgment of any justice of the peace rendered in this state)), and every such judgment shall be a lien thereupon to commence as ((hereinafter)) provided in RCW 4.56.200 and to run for a period of not to exceed ten years from the day on which such judgment was (~~rendered~~) entered. As used in this chapter, real estate shall not include the vendor's interest under a real estate contract for judgments rendered after August 23, 1983. If a judgment debtor owns real estate, subject to execution, jointly or in common with any other person, the judgment shall be a lien on the interest of the defendant only.

Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

NEW SECTION. Sec. 1104. The amendment of RCW 4.56.190 by this act applies only to judgments entered after the effective date of this act.

Sec. 1105. Section 234, page 173, Laws of 1854 as last amended by section 1, chapter 34, Laws of 1967 ex. sess. and RCW 4.64.060 are each amended to read as follows:

Every county clerk shall keep in (~~his~~) the clerk's office a record, to be called the execution docket, which shall be a public record and open during the usual business hours to all persons desirous of inspecting it.

Sec. 1106. Section 5, chapter 60, Laws of 1929 as amended by section 1, chapter 22, Laws of 1935 and RCW 4.64.070 are each amended to read as follows:

(~~It shall be the duty of the county~~) The clerk ((to)) shall keep a proper record index to the execution docket, both direct and inverse, of ((any and)) all judgments, abstracts and transcripts of judgments in ((his) the clerk's) office((-and all renewals thereof, and such)). The index shall refer to each party against whom the judgment is rendered or whose property is affected (~~thereby~~) by it, and shall, together with the (~~records of judgments~~) execution docket, be open to public inspection during regular office hours.

Sec. 1107. Section 307, page 75, Laws of 1869 as last amended by section 6, chapter 128, Laws of 1984 and RCW 4.64.030 are each amended to read as follows:

(~~All judgments shall be entered by~~) The clerk shall enter all judgments in the execution docket, subject to the direction of the court((-in the execution docket.)) and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action.

(~~At the end~~) On the first page of each judgment which provides for the payment of money, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the

date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment. If the attorney fees and costs are not included in the judgment, they shall be summarized in the cost bill when filed. This information is included in the judgment to assist the county clerk in his or her record-keeping function.

Sec. 1108. Section 237, page 174, Laws of 1854 as last amended by section 6, chapter 7, Laws of 1957 and RCW 4.64.080 are each amended to read as follows:

~~((He))~~ When entering a judgment in the execution docket, the clerk shall leave space on the same page, if practicable, ~~((with each case:))~~ in which ~~((he))~~ the clerk shall enter, in the order in which they occur, all the proceedings subsequent to the judgment in ~~((said))~~ the case until its final satisfaction, including ~~((the time))~~ when and to what county ~~((the))~~ an execution is issued, ~~((and))~~ when returned, and the return or the substance thereof. When the execution is levied on personal property which is returned unsold, the entry shall be: 'levied (noting the date) on property not sold.' When any sheriff shall furnish the clerk with a copy of any levy upon real estate on any judgment the minutes of which are entered in ~~((his))~~ the execution docket, the entry shall be: 'levied upon real estate,' noting the date. When any execution issued to any other county is returned levied upon real estate in such county, the entry in the docket shall be: 'levied on real estate of in county,' noting the date, county, and defendants whose estate is levied upon ~~((and))~~. When ~~((the))~~ any money is paid, ~~((or any part thereof:))~~ the amount and time when paid shall be entered ~~((also:))~~. When a judgment is appealed, modified, discharged, or in any manner satisfied, the facts in respect thereto shall be entered. The parties interested may also assign or discharge such judgment on such execution docket. When the judgment is fully satisfied in any way, the clerk shall write the word 'satisfied,' in large letters across the face of the ~~((entry))~~ record of such judgment in the execution docket.

Sec. 1109. Section 2, chapter 65, Laws of 1921 as amended by section 1, chapter 176, Laws of 1927 and RCW 4.64.020 are each amended to read as follows:

(1) The clerk on the return of a verdict shall forthwith enter ~~((the same))~~ it in the execution docket, specifying the amount ~~((thereof, and))~~, the names of the parties to the action, and the names of the party or parties against whom the verdict is rendered; such entry shall be indexed in the record index and shall conform as near as may be to entries of judgments required to be made in ~~((such))~~ the execution docket.

(2) Beginning at eight o'clock a.m. the day after the entry of ~~((such))~~ a verdict as herein provided, ~~((the same))~~ it shall be notice to all the world of the rendition thereof, and any person subsequently acquiring title to or a lien upon the real property of the party or parties against whom the verdict is returned shall be deemed to have acquired such title or lien with notice, and such title or lien shall be subject and inferior to any judgment afterwards entered on the verdict.

Sec. 1110. Section 3, chapter 65, Laws of 1921 as amended by section 5, chapter 76, Laws of 1984 and RCW 4.64.100 are each amended to read as follows:

The clerk shall, on request and at the expense of the party in whose favor the verdict is rendered, or ~~((his))~~ the party's attorney, prepare an abstract of such verdict in substantially the same form as an abstract of a judgment and transmit such abstract to the clerk of any court in any county in the state as directed, and shall make a note on the execution docket of the name of the county to which each of such abstracts is sent. The clerk receiving such abstract shall, on payment of ~~((a fee of fifty cents therefor))~~ the statutory fee, enter and index ~~((the same))~~ it in the execution docket in the same manner as an abstract of judgment. ~~((On))~~ The entry ~~((thereof the same))~~ shall have the same effect in such county as in the county where the verdict was rendered.

Whenever the verdict, or any judgment rendered thereon, shall cease to be a lien in the county where rendered, the clerk of the court shall on request of anyone, and the payment of the cost and expense thereof, certify that the lien ~~((thereof))~~ has ceased, and transmit such certificate to the clerk of any court to which an abstract was forwarded, and ~~((such))~~ the clerk receiving the certificate, on payment of ~~((a fee of fifty cents therefor))~~ the statutory fee, shall enter ~~((the same))~~ it in the execution docket, and then ~~((and thereupon))~~ the lien of such verdict or judgment shall cease. Nothing in this section or RCW 4.64.020 shall be construed as authorizing the issuance of an execution by a clerk in any other county than that in which the judgment is rendered.

Sec. 1111. Section 4, chapter 60, Laws of 1929 and RCW 4.64.120 are each amended to read as follows:

It shall be the duty of the county clerk to enter in ~~((his))~~ the execution docket any duly certified transcript of a judgment of a ~~((justice of the peace))~~ district court of this state and any duly certified abstract of any judgment of any court mentioned in RCW 4.56.200, filed in ~~((his))~~ the county clerk's office, and to index the same in the same manner as judgments originally rendered in the superior court for the county of which he or she is clerk.

Sec. 1112. Section 9, chapter 7, Laws of 1957 and RCW 4.64.110 are each amended to read as follows:

A transcript of the district court docket ~~((of a justice of the peace))~~ shall contain an exact copy of the district court judgment from the ~~((justice's))~~ docket.

Sec. 1113. Section 8, chapter 7, Laws of 1957 and RCW 4.64.090 are each amended to read as follows:

The abstract of a judgment shall contain (1) the name of the party, or parties, in whose favor the judgment was rendered; (2) the name of the party, or parties, against whom the judgment was rendered; (3) the date of the rendition of the judgment; (4) the amount for which the judgment was rendered, and in the following manner, viz: Principal \$; interest \$; costs \$; total \$

NEW SECTION, Sec. 1114. A new section is added to chapter 6.32 RCW to read as follows:

If it appears from the examination or testimony taken in the special proceedings authorized by this chapter that the judgment debtor owns an interest in a partnership, the judge who granted the order or warrant or to whom it is returnable may in his or her discretion, upon such notice to other partners as the judge deems just, and to the extent permitted by Title 25 RCW, (1) enter an order charging the partnership interest with payment of the judgment, directing that all or any part of distributions or other amounts becoming due to the judgment debtor, other than earnings as defined in section 1001 of this act, be paid to a receiver if one has been appointed, otherwise to the clerk of the court that entered the judgment, for application to payment of the judgment in the same manner as proceeds from sale on execution and, in aid of the charging order, the court may make such other orders as a case requires, or (2) enter an order directing sale of the partnership interest in the same manner as personal property is sold on execution.

Sec. 1115. Section 25, chapter 133, Laws of 1893 and RCW 6.32.250 are each amended to read as follows:

This chapter does not authorize the seizure of, or other interference with, (1) any property which is expressly exempt by law from levy and sale by virtue of an execution, attachment, or garnishment; or (2) any money, thing in action or other property held in trust for a judgment debtor where the trust has been created by, or the fund so held in trust has proceeded from, a person other than the judgment debtor; or (3) the earnings of the judgment debtor for ~~((his))~~ personal services ~~((rendered within sixty days next before the institution of the special proceeding, where it is made to appear by his oath or otherwise that those earnings are necessary for the use of a family wholly or partly supported by his labor))~~ to the extent they would be exempt against garnishment of the employer under RCW 7.33.280.

Sec. 1116. Section 11.52.010, chapter 145, Laws of 1965 as last amended by section 17, chapter 260, Laws of 1984 and RCW 11.52.010 are each amended to read as follows:

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of ~~((twenty-five))~~ thirty thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property so set off, exclusive of debts arising out of a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

Sec. 1117. Section 410, page 207, Laws of 1854 as last amended by section 1, chapter 125, Laws of 1935 and RCW 61.12.060 are each amended to read as follows:

In rendering judgment of foreclosure, the court shall order the mortgaged premises, or so much thereof as may be necessary, to be sold to satisfy the mortgage and costs of the action. The payment of the mortgage debt, with interest and costs, at any time before sale, shall satisfy the judgment. ~~((The court, in ordering the sale, may in its discretion, take judicial notice of economic conditions, and after a proper hearing, fix a minimum or upset price to which the mortgaged premises must be bid or sold before confirmation of the sale.))~~

If the property that is to be sold is subject to a homestead exemption under chapter 6.12 RCW, the court may, upon application for the confirmation of a sale, ((if it has not theretofore fixed an upset price)) conduct a hearing, establish the value of the property, and, as a condition to confirmation, require that the fair value of the property be credited upon the foreclosure judgment. ((If an upset price has been established, the plaintiff may be required to credit this amount upon the judgment as a condition to confirmation.)) If the fair value as found by the court, when applied to the mortgage debt, discharges it, no deficiency judgment shall be granted.

Sec. 1118. Section 35A.20.150, chapter 119, Laws of 1967 ex. sess. as amended by section 58, chapter 3, Laws of 1983 and RCW 35A.21.195 are each amended to read as follows:

A code city may exercise the power to bring an action or special proceeding at law as authorized by Title 4 RCW, chapters 7.24, 7.25, and 7.33 RCW (sections 1001 through 1035 of this

1987 act), and shall be subject to actions and process of law in accordance with procedures prescribed by law and rules of court.

Sec. 1119. Section 4, chapter 85, Laws of 1977 ex. sess. as last amended by section 403, chapter 305, Laws of 1986 and RCW 51.24.060 are each amended to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, any recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for compensation and benefits paid:

(i) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the worker or beneficiary to the extent of the benefits paid or payable under this title: PROVIDED, That the department or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(ii) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person;

(f) If the employer or a co-employee are determined under RCW 4.22.070 to be at fault, (c) and (e) of this subsection do not apply and benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person.

(2) The recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation and benefits to which the injured worker or beneficiary may be entitled.

(5) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(6) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer of the fact and amount of such recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(7) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by department order, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the director or the director's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then

proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(8) The director, or the director's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 7.33 RCW (sections 1001 through 1035 of this 1987 act) to which the wage earner may be entitled.

Sec. 1120. Section 35, chapter 43, Laws of 1972 ex. sess. as amended by section 11, chapter 9, Laws of 1986 and RCW 51.48.150 are each amended to read as follows:

The director or the director's designee is hereby authorized to issue to any person, firm, corporation, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind whatsoever when he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, property which is or shall become due, owing, or belonging to any employer upon whom a notice of assessment has been served by the department for payments due to the state fund. The effect of a notice and order to withhold and deliver shall be continuous from the date such notice and order to withhold and deliver is first made until the liability out of which such notice and order to withhold and deliver arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order to withhold and deliver when the liability out of which the notice and order to withhold and deliver arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order to withhold and deliver was made that such notice and order to withhold and deliver has been released.

The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any duly authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation or any agency of the state upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with a notice and order to withhold and deliver, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's duly authorized representative upon service of the notice to withhold and deliver which will be held in trust by the director for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review, or in the alternative such party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. Should any party served and named in the notice to withhold and deliver fail to make answer to such notice and order to withhold and deliver, within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against the party named in the notice to withhold and deliver for the full amount claimed by the director in the notice to withhold and deliver together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, then the employer shall be entitled to assert in the answer to all exemptions provided for by chapter 7.33 RCW (sections 1001 through 1035 of this 1987 act) to which the wage earner may be entitled.

Sec. 1121. Section 84.64.080, chapter 15, Laws of 1961 as last amended by section 5, chapter 322, Laws of 1981 and RCW Laws of 1981 and RCW 84.64.080 are each amended to read as follows:

The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interest and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax list or assessment rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application for judgment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. Said order shall be signed by the judge of the superior court and attested by the clerk thereof, and a certified copy of said order, together with the list of the property therein ordered sold, shall be delivered to the county treasurer, and shall be full and sufficient authority for him or her to proceed to sell said property for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed to sell the property as provided in this chapter to the highest and best bidder for cash. All sales shall be made at such place on county property as the county legislative authority may direct on Friday between the hours of 9 o'clock in the morning and 9 o'clock in the evening, as the county legislative authority may direct, and shall continue from day to day (Saturdays and Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time, and place where such sale is to take place for ten days successively by posting notice thereof in three public places in the county, one of which shall be in the office of said treasurer. The notice shall be substantially in the following form:

TAX JUDGMENT SALE

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of in the state of Washington, and an order of sale duly issued by said court, entered the day of, in proceedings for foreclosure of tax liens upon real property, as per provisions of law, I shall on the day of, at o'clock a.m., at in the city of, and county of, state of Washington, sell the following described lands or lots, to the highest and best bidder for cash, to satisfy the full amount of taxes, interest and costs adjudged to be due thereon as follows, to wit: (Description of property.)

In witness whereof, I have hereunto affixed my hand and seal this day of

.....
Treasurer of county.

((No county officer or employee shall directly or indirectly be a purchaser of such property at such sale.))

The treasurer may include in one notice any number of separate tracts or lots.

If any buildings or improvements are upon an area encompassing more than one tract or lot, the same must be advertised and sold as a single unit.

If the highest amount bid for any such separate unit tract or lot is in excess of the entire amount of the taxes and interest due upon the whole property included in the certificate of delinquency, the excess shall be refunded, on application therefor, to the record owner of the property. In the event no claim for the said excess is received by the county treasurer within three years after the date of the sale he or she shall at expiration of the three year period deposit such excess in the current expense fund of the county. The county treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the

county treasurer, under the official seal of his or her office, shall be recorded in the same manner as other conveyances of real property, and shall vest in the grantee, his or her heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

State of Washington }
 County of } ss.

This indenture, made this day of, between, as treasurer of county, state of Washington, party of the first part, and party of the second part:

Witnesseth, that, whereas, at a public sale of real property held on the day of, pursuant to a real property tax judgment entered in the superior court in the county of on the day of in proceedings to foreclose tax liens upon real property and an order of sale duly issued by said court, duly purchased in compliance with the laws of the state of Washington, the following described real property, to wit: (Here place description of real property conveyed) and that said has complied with the laws of the state of Washington necessary to entitle (him, or her or them) to a deed for said real property.

Now, therefore, know ye, that, I county treasurer of said county of state of Washington, in consideration of the premises and by virtue of the statutes of the state of Washington, in such cases provided, do hereby grant and convey unto his or her heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this day of, A.D.

 County Treasurer.

Sec. 1122. Section 1, chapter 22, Laws of 1935 and RCW 4.56.090 are each amended to read as follows:

When any judgment has been assigned, the assignment (~~((may))~~ shall be filed in the office of the county clerk in the county where the judgment (~~((is recorded))~~ was rendered, and a certified copy shall be recorded with the recording officer of the county in which the judgment was rendered, which assignment includes the recording number of the judgment, and a certified copy thereof may be (~~((filed))~~ recorded in any county (~~((where an abstract))~~ in which a memorandum of such judgment has been (~~((filed))~~ recorded, and from the time of such (~~((filing))~~ recording shall be notice of such assignment: PROVIDED, That such assignment of a judgment or such certified copy thereof, may not be filed or recorded unless it is properly acknowledged by the person executing the assignment before an officer qualified by law to take acknowledgment of deeds.

Sec. 1123. Section 6, chapter 60, Laws of 1929 as amended by section 1, chapter 28, Laws of 1983 and RCW 4.56.100 are each amended to read as follows:

When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his attorney of record in such action or his assignee acknowledged as deeds are acknowledged. Every full satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such full satisfaction by him (~~((may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged))~~ or a certified copy of such full satisfaction, which includes the recording number of the judgment, shall be recorded with the recording officer of the county in which the judgment was rendered. Upon the recording of the certificate or certified copy of full satisfaction, the lien of the judgment shall be discharged. A certified copy of either the recorded certificate or recorded certified copy of full satisfaction may be recorded with the recording officer of the county in which any memorandum of the judgment referred to in RCW 4.56.200 (1) and (2) or assignment thereof has been recorded, and from the time of such recording in the county in which the judgment was rendered shall be notice of such full satisfaction.

Sec. 1124. Section 2, chapter 60, Laws of 1929 as amended by section 17, chapter 81, Laws of 1971 and RCW 4.56.200 are each amended to read as follows:

The lien of judgments upon the real estate of the judgment debtor shall commence as follows:

- (1) (~~((Judgments of the district court of the United States rendered in the county in which the real estate of the judgment debtor is situated, and judgments of the superior court for the county in which the real estate of the judgment debtor is situated, from the time of the entry thereof;~~

~~(2)) Judgments of the district court of the United States rendered in any county ((in this state other than that in which the real estate of the judgment debtor to be affected is situated)) of this state, judgments of the supreme court of this state, judgments of the court of appeals of this state, and judgments of the superior court for any county ((other than that in which the real estate of the judgment debtor to be affected is situated, from the time of the filing of a duly certified abstract of such)) of this state, upon the recording of a memorandum of the judgment with the ((county clerk)) recording officer of the county in which the real estate of the judgment debtor to be affected is situated, as provided in this ((act)) chapter.~~

~~((3)) (2) Judgments ((of a justice of peace rendered in the county in which the real estate of the judgment debtor is situated;)) of any district court in this state from the time of the filing of a duly certified transcript of the docket of the ((justice of the peace)) district court with the county clerk of the county in which such judgment was rendered, and upon such filing said judgment shall become to all intents and purposes a judgment of the superior court for said county((; and~~

~~(4) Judgments of a justice of the peace rendered in any other county in this state than that in which the real estate of the judgment debtor to be affected is situated, a transcript of the docket of which has been filed with the county clerk of the county where such judgment was rendered, from the time of filing, with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, of a duly certified abstract of the record of said judgment in the office of the county clerk of the county in which the certified transcript of the docket of said judgment of said justice of the peace was originally filed)) and the recording with the recording officer of any county in the state in which the real estate of the judgment debtor is situated of a memorandum of the transcription of judgment which was filed with the clerk of the county in which the judgment was rendered.~~

~~(3) The memorandum referred to in subsections (1) and (2) of this section shall clearly designate: The judgment debtor, judgment creditor, and the name of the judgment creditor's attorney; the amount of the judgment, the court of jurisdiction, and county in which the judgment was rendered; and, as to a judgment referred to under subsection (2) of this section, the superior court of the county in which the transcription was filed and name of the court in which the judgment was rendered, cause number, and warrant number if a state tax warrant is involved. For any judgment that also includes taxable costs and attorney fees, the total of such costs and fees shall be designated in the memorandum or, if the taxable costs and attorneys' fees are not known at the time the memorandum or a certified copy thereof is recorded, then the following statement shall appear in upper case type on the memorandum or certified copy: 'TAXABLE COSTS AND ATTORNEYS' FEES ARE IN ADDITION TO THE AMOUNT OF THIS JUDGMENT'. The memorandum shall be executed and acknowledged by the judgment creditor or his or her attorney and shall be valid for all purposes if in substantial compliance with the foregoing requirement.~~

~~NEW SECTION. Sec. 1125. Sections 1122 through 1124 of this act apply to all judgments rendered after the effective date of this act.~~

~~Sec. 1126. Section 1, chapter 100, Laws of 1925 ex. sess. as last amended by section 2, chapter 154, Laws of 1981 and RCW 63.32.010 are each amended to read as follows:~~

~~Whenever any personal property shall come into the possession of the police authorities of any city in connection with the official performance of their duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of sixty days from the time said property came into the possession of the police department, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said city may:~~

~~(1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;~~

~~(2) Retain the property for the use of the police department subject to giving notice in the manner prescribed in RCW 63.32.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the chief of police, the property consists of firearms or other items specifically usable in law enforcement work: PROVIDED, That at the end of each calendar year during which there has been such a retention, the police department shall provide the city's mayor or council and retain for public inspection a list of such retained items and an estimation of each item's replacement value;~~

~~(3) Destroy an item of personal property at the discretion of the chief of police if the chief of police determines that the following circumstances have occurred:~~

~~(a) ((The item has been in the possession of the police department for a period of at least one year from the time of first possession by the department)) The property has no substantial commercial value, or, in the judgment of the chief of police, the probable cost of sale exceeds the value of the property;~~

~~(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in ((RCW 63.32.020)) this section: ((and))~~

(c) The chief of police has determined that the item is unsafe and unable to be made safe for use by any member of the general public; ~~((or))~~

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.32.020, may be offered by the chief of police to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section; or

(5) If the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the chief of police, in a manner that is illegal, such item may be destroyed.

Sec. 1127. Section 2, chapter 100, Laws of 1925 ex. sess. and RCW 63.32.020 are each amended to read as follows:

Before said personal property shall be sold, ~~((if the name and address of the owner thereof be known, at least ten days' notice of such sale shall be given him either personally or by leaving a written notice at his residence or place of doing business with some person of suitable age and discretion then resident or employed therein; or if the name or residence of the owner be not known;))~~ a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in the official newspaper of said city at least ten days prior to the date fixed for said sale. The notice shall be signed by the chief or other head of the police department of such city. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the chief or other head of the police department shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder.

Sec. 1128. Section 1, chapter 104, Laws of 1961 as last amended by section 3, chapter 154, Laws of 1981 and RCW 63.40.010 are each amended to read as follows:

Whenever any personal property, other than vehicles governed by chapter 46.52 RCW, shall come into the possession of the sheriff of any county in connection with the official performance of his duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of sixty days from the time said property came into the possession of the sheriff's office, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said county sheriff may:

(1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the sheriff's office subject to giving notice in the manner prescribed in RCW 63.40.020 and the right of the owner, or his or her legal representative, to reclaim the property within one year after the receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the county sheriff, the property consists of firearms or other items specifically usable in law enforcement work; PROVIDED, That at the end of each calendar year during which there has been such a retention, the sheriff shall provide the county's executive or legislative authority and retain for public inspection a list of such retained items and an estimation of each item's replacement value;

(3) Destroy an item of personal property at the discretion of the county sheriff if the county sheriff determines that the following circumstances have occurred:

(a) ((The item has been in the possession of the sheriff's office for a period of at least one year from the time of first possession by the office)) The property has no substantial commercial value, or, in the judgment of the county sheriff, the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in ((RCW 63.40.020)) this section; ((and))

(c) The county sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public; ((or))

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.40.020, may be offered by the county sheriff to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section; or

(5) If the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the discretion of the county sheriff, in a manner that is illegal, such item may be destroyed.

Sec. 1129. Section 2, chapter 104, Laws of 1961 and RCW 63.40.020 are each amended to read as follows:

Before said personal property shall be sold, ~~((if the name and address of the owner thereof be known, at least ten days' notice of such sale shall be given him either personally or by leaving a written notice at his residence or place of doing business with some person of suitable age and discretion then resident or employed therein; or if the name or residence of the owner be not known;))~~ a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in an official newspaper in said county at least ten days prior to the date fixed for said sale. The notice shall be signed by the

sheriff or his deputy. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the sheriff or his deputy shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder.

Sec. 1130. Section 4, chapter 314, Laws of 1986 and RCW 60.04.115 are each amended to read as follows:

Any owner of real property subject to a recorded claim of lien under RCW 60.04.060, or the contractor or subcontractor who disputes the correctness or validity of the claim of lien may record, either before or after the commencement of an action to enforce the claim of lien, in the office of the county recorder or auditor in the county where the claim of lien was recorded, a bond issued by an insurance company authorized to issue surety bonds in the state, that is ~~((acceptable to the lien claimant))~~ contained in the latest federal department of the treasury list of surety companies acceptable on federal bonds published in the federal register and either: (1) is authorized to issue bonds on United States government projects in an underwriting limitation equal to or greater than five hundred thousand dollars; or (2) has had its loss reserves actuarially certified within the previous year as reasonably sufficient by an independent actuary; and contains a description of the claim of lien and real property involved, and in an amount equal to the greater of five thousand dollars or two and one-half times the amount of the claim of lien if it is twenty thousand dollars or less, and in an amount equal to ~~((the greater of thirty thousand dollars or))~~ two times the amount of claim of lien if it is in excess of twenty thousand dollars. If the claim of lien affects more than one parcel of real property and is segregated to each parcel, the bond may be segregated the same as in the claim of lien. A separate bond shall be required for each claim of lien. The condition of the bond shall be to guarantee the payment of the judgment entered in any action to recover the amount claimed in a claim of lien, or on the claim asserted in the claim of lien. The effect of recording a bond shall be to release the real property described in the claim of lien from the lien and any action brought to recover the amount claimed. Unless otherwise prohibited by law, if no action is filed to recover on a claim of lien within the time specified in RCW 60.04.100 the surety shall be discharged from liability under the bond. If such an action is timely filed, then on payment of any judgment entered in the action or on payment of the full amount of the bond to the holder of the judgment, whichever is less, the surety shall be discharged from liability under the bond.

NEW SECTION. Sec. 1131. Section 233, page 173, Laws of 1854, section 321, page 65, Laws of 1877, section 306, Code of 1881, section 3, chapter 38, Laws of 1891 and RCW 4.64.040 are each repealed.

NEW SECTION. Sec. 1132. Parts I through X of this act shall each constitute a new chapter in Title 6 RCW, and the sections amended in each part of this act shall be recodified in the order they appear in this act. The code reviser shall correct all statutory references to these sections to reflect this recodification."

On page 1, beginning on line 1 of the title, after "judgments," strike the remainder of the title and insert "amending RCW 6.12.010, 6.12.020, 6.12.050, 6.12.045, 6.12.120, 6.12.110, 6.12.090, 6.12.100, 6.12.105, 6.12.140, 6.12.150, 6.12.170, 6.12.180, 6.12.190, 6.12.220, 6.12.230, 6.12.250, 6.12.260, 6.12.270, 6.12.280, 6.12.300, 6.12.310, 6.12.320, 6.12.330, 6.16.020, 6.16.030, 6.16.050, 6.16.070, 6.16.080, 6.16.090, 6.04.010, 6.04.070, 6.04.020, 6.04.030, 6.04.140, 6.04.060, 6.04.035, 6.04.040, 6.04.050, 6.04.100, 7.12.130, 6.04.120, 6.04.130, 6.20.010, 6.20.020, 6.20.030, 6.20.050, 6.24.010, 6.24.015, 6.24.020, 6.24.050, 6.24.030, 6.24.060, 6.24.090, 6.24.100, 6.24.220, 6.24.110, 6.24.130, 6.24.140, 6.24.145, 6.24.150, 6.24.160, 6.24.170, 6.24.180, 6.24.190, 6.24.200, 6.24.210, 6.24.230, 7.12.010, 7.12.020, 7.12.030, 7.12.040, 7.12.060, 7.12.070, 7.12.080, 7.12.090, 7.12.100, 7.12.110, 7.12.120, 7.12.200, 7.12.140, 7.12.270, 7.12.250, 7.12.150, 7.12.160, 7.12.170, 7.12.210, 7.12.220, 7.12.230, 7.12.240, 7.12.310, 7.33.030, 7.33.340, 7.33.010, 7.33.020, 7.33.060, 7.12.180, 7.33.040, 7.33.050, 7.33.090, 7.33.110, 7.33.130, 7.33.140, 7.33.320, 7.33.280, 7.33.160, 7.33.170, 7.33.150, 7.33.190, 7.33.240, 7.33.260, 7.33.290, 7.33.180, 7.33.200, 7.33.210, 7.33.220, 7.33.230, 7.33.330, 7.33.300, 7.33.270, 7.33.350, 7.33.360, 7.33.370, 7.33.380, 3.66.100, 12.04.050, 4.56.190, 4.64.060, 4.64.070, 4.64.030, 4.64.080, 4.64.020, 4.64.100, 4.64.120, 4.64.110, 4.64.090, 6.32.250, 11.52.010, 61.12.060, 35A.21.195, 51.24.060, 51.48.150, 84.64.080, 4.56.090, 4.56.100, 4.56.200, 63.32.010, 63.32.020, 63.40.010, 63.40.020, and 60.04.115; adding a new section to chapter 6.32 RCW; adding new chapters to Title 6 RCW; creating new sections; recodifying sections; and repealing RCW: 6.12.070, 6.12.080, 6.12.160, 6.12.200, 6.12.210, 6.12.240, 6.16.010, 6.16.040, 6.04.080, 6.04.090, 6.04.095, 6.04.110, 6.04.150, 6.20.040, 6.24.070, 6.24.080, 6.24.120, 7.12.050, 7.12.190, 7.12.260, 7.12.280, 7.12.290, 7.12.300, 7.12.330, 12.24.010, 12.24.020, 12.24.030, 12.24.040, 12.24.050, 12.24.060, 12.24.070, 12.24.080, 12.24.090, 12.24.100, 12.24.110, 12.24.120, 12.24.130, 12.24.135, 12.24.140, 12.24.150, 12.24.160, 12.24.170, 12.24.180, 12.24.190, 12.24.200, 12.24.210, 7.33.070, 7.33.080, 7.33.100, 7.33.120, 7.33.250, 7.33.390, and 4.64.040."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 927 and ask the Senate for a conference thereon.

POINT OF ORDER

Mr. Padden: I would request the Speaker to make a ruling on scope and object of this amendment.

The Speaker: The Speaker will take the matter under advisement.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5463 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Braddock, the House refused to recede from its amendments to Engrossed Senate Bill NO. 5463 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Braddock, Sprengle and Betzoff as conferees on Engrossed Senate Bill No. 5463.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5814 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Ms. Nutley, the House refused to recede from its amendments to Substitute Senate Bill NO. 5814 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Nutley, Todd and J. Williams as conferees on Substitute Senate Bill No. 5814.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Wang, the House refused to recede from its amendments to Engrossed Second Substitute Senate Bill NO. 5441 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Wang, Sayan and Patrick as conferees on Engrossed Second Substitute Senate Bill No. 5441.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1158 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a class S license to qualified duty free exporters authorizing such exporters to sell beer and wine to vessels for consumption outside the state of Washington.

(2) To qualify for a license under subsection (1) of this section, the exporter shall have:

(a) An importer's basic permit issued by the United States bureau of alcohol, tobacco, and firearms and a customs house license in conjunction with a common carriers bond;

(b) A customs bonded warehouse, or be able to operate from a foreign trade zone; and

(c) A notarized signed statement from the purchaser stating that the product is for consumption outside the state of Washington.

(3) The license for qualified duty free exporters shall authorize the duty free exporter to purchase from a brewery, winery, beer wholesaler, wine wholesaler, beer importer, or wine importer licensed by the state of Washington.

(4) Beer and/or wine sold and delivered in this state to duty free exporters for use under this section shall be considered exported from the state.

(5) The fee for this license shall be one hundred dollars per annum.

(6) The board may by rule, establish procedures for the sale, in accordance with normal commercial practices, of nonliquor products as defined in RCW 82.08.0293 by persons licensed under this chapter.

Sec. 2. Section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 5, chapter 78, Laws of 1984 and RCW 66.04.010 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) 'Alcohol' is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term 'alcohol' does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) 'Beer' means any malt beverage or malt liquor as these terms are defined in this chapter.

(3) 'Brewer' means any person engaged in the business of manufacturing beer and malt liquor.

(4) 'Board' means the liquor control board, constituted under this title.

(5) 'Club' means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(6) 'Consume' includes the putting of liquor to any use, whether by drinking or otherwise.

(7) 'Dentist' means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(8) 'Distiller' means a person engaged in the business of distilling spirits.

(9) 'Druggist' means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(10) 'Drug store' means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) 'Employee' means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) 'Fund' means 'liquor revolving fund.'

(13) 'Hotel' means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(14) 'Imprisonment' means confinement in the county jail.

(15) 'Liquor' includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(16) 'Manufacturer' means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(17) 'Malt beverage' or 'malt liquor' means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as 'strong beer.'

(18) 'Package' means any container or receptacle used for holding liquor.

(19) 'Permit' means a permit for the purchase of liquor under this title.

(20) 'Person' means an individual, copartnership, association, or corporation.

(21) 'Physician' means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(22) 'Prescription' means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(23) 'Public place' includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(24) 'Regulations' means regulations made by the board under the powers conferred by this title.

(25) 'Restaurant' means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(26) 'Sale' and 'sell' include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

(27) 'Soda fountain' means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(28) 'Spirits' means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

(29) 'Store' means a state liquor store established under this title.

(30) 'Tavern' means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(31) 'Vendor' means a person employed by the board as a store manager under this title.

(32) 'Winery' means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(33) 'Domestic winery' means a place where wines are manufactured or produced within the state of Washington.

(34) 'Wine' means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing less than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as 'table wine,' and any beverage containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as 'fortified wine.' However, 'fortified wine' shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain fourteen percent or more alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation 'table wine' or 'fortified wine.'

(35) 'Beer wholesaler' means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(36) 'Wine wholesaler' means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 3. Section 23-R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 42, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.370 are each amended to read as follows:

(1) There shall be a wine retailer's license to be designated as class F license to sell, subject to subsection (2) of this section, table and fortified wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores; PROVIDED, Such licensee shall pay to the state liquor stores for wines purchased from such stores the current retail price; fee seventy-five dollars per annum; PROVIDED, FURTHER, That a holder of a class A or class B license shall be entitled to the privileges permitted in this section by paying an annual fee of twenty-five dollars for each store.

(2) In counties with a population over three hundred thousand, the board shall issue a restricted class F license, authorizing the licensee to sell only table wine, if the board finds upon issuance or renewal of the license that the sale of fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing fortified wine at the establishment; and

(c) Whether the sale of fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of fortified wine by the licensee would be against the public interest is on those persons objecting.

(3) Licensees under this section whose business is primarily the sale of wine at retail may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion.

NEW SECTION. Sec. 4. A new section is added to chapter 66.16 RCW to read as follows:

No state liquor store in a county with a population over three hundred thousand may sell fortified wine if the board finds that the sale would be against the public interest based on the factors in RCW 66.24.370. The burden of establishing that the sale would be against the public interest is on those persons objecting.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.04.010 and 66.24.370; adding a new section to chapter 66.16 RCW; adding a new section to chapter 66.24 RCW; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House refused to concur in the Senate amendments to Substitute House Bill No. 1158 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Wang, Cole and Walker as conferees on Substitute House Bill No. 1158.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5838 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Wang, the House refused to recede from its amendments to Engrossed Substitute Senate Bill NO. 5838 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Wang, Cole and Patrick as conferees on Engrossed Substitute Senate Bill No. 5838.

The Speaker declared the House to be at ease until 6:00 p.m.

EVENING SESSION

The House was called to order by the Speaker.

MOTION FOR RECONSIDERATION

Mr. Ebersole, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the motion to refuse to recede from the House amendments to Engrossed Senate Bill No. 5463, and ask the Senate for a conference thereon, carried.

The motion to reconsider the vote was carried.

MOTION

On motion of Mr. McMullen, further consideration of Engrossed Senate Bill No. 5463 was deferred.

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, modifying provisions relating to the department of agriculture, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Hansen, Barr, Bauer; Representatives Rayburn, Grant, Nealey.

MOTION

On motion of Ms. Rayburn, the House adopted the report of the Conference Committee on Engrossed Substitute House Bill No. 353 and granted the committee the powers of Free Conference.

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 902, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 21, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 902, exempting city and town fire and police chiefs from civil service provisions, have had the same under consideration, and we report that we are unable

to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Halsan, Zimmerman, Garrett; Representatives Haugen, Cooper, L. Smith.

MOTION

On motion of Ms. Haugen, the House adopted the report of the Conference Committee on Substitute House Bill No. 902 and granted the committee the powers of Free Conference.

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1049, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1049, authorizing either breath or blood tests for alcoholic content, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Vognild, Newhouse, Talmadge; Representatives Armstrong, Heavey, Padden.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Conference Committee on House Bill No. 1049 and granted the committee the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 22, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, requiring advertising by contractors to carry the contractor's registration number, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Smitherman, Bluechel; Representatives Wang, Cole, Patrick.

MOTION

On motion of Mr. Wang, the House adopted the report of the Conference Committee on Engrossed Substitute Senate Bill No. 5024 and granted the committee the powers of Free Conference.

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The Senate refuses to recede from its amendments to SUBSTITUTE HOUSE BILL NO. 170, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Owen, Pullen and Stratton, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. K. Wilson, the House insisted on its position and again asked the Senate to recede from their amendments.

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The Senate refuses to recede from its amendments to HOUSE BILL NO. 64, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Moore, Pullen and Bender, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Lux, the House insisted on its position and again asked the Senate to recede from their amendments.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: In accordance with your earlier ruling on scope for the amendments on this bill and under Rule 12(C), my point of inquiry is this motion in order at this time?

The Speaker: The Speaker will take this under advisement. Representative Brough.

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

REPORTS OF STANDING COMMITTEES

April 21, 1987

HB 327 Prime Sponsor, Representative Bristow: Adopting the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Grant, Hine, Holland, Locke, Madsen, McMullen, Niemi, Peery, Rust, Sayan, H. Sommers, Sprenkle and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, McLean, Nealey and Taylor.

Voting nay: Representatives Fuhrman, McLean, Nealey, Schoon, Taylor, B. Williams and Winsley.

Absent: Representative L. Smith.

April 21, 1987

HB 621 Prime Sponsor, Representative Bristow: Authorizing state general obligation bonds for capital projects. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Grant, Hine, Holland, Locke, Madsen, McMullen, Nealey, Niemi, Peery, Rust, Sayan, H. Sommers, Sprenkle and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, McLean and Taylor.

Voting nay: Representatives Fuhrman, McLean, Schoon, Taylor, B. Williams and Winsley.

Absent: Representative L. Smith.

MOTION

On motion of Mr. McMullen, the rules were suspended and the bills were placed on the calendar for second reading.

SECOND READING

HOUSE BILL NO. 327, by Representatives Bristow, Holland, Grimm, Locke and P. King; by request of Governor Gardner

Adopting the capital budget.

The bill was read the second time. On motion of Mr. Bristow, Substitute House Bill No. 327 was substituted for House Bill No. 327 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 327 was read the second time.

Mr. Locke moved adoption of the following amendment by Representatives Wineberry, Bristow, Hargrove, Vekich, Schoon, Moyer, Brekke, Leonard, Belcher, Valle, Wang, Cole, Fisher, Ebersole, Locke, Todd and D. Sommers:

On page 6, after line 38, insert: "The appropriation in this section is subject to the following conditions and limitations: (1) Up to one million five hundred thousand dollars may be used for grants of state funds to local governments which qualify as 'entitlement communities' under the federal law authorizing community development block grants, which shall not require the commitment of additional federal funds by the entitlement community.

Additional grants may be provided to entitlement communities subject to the matching requirement in RCW 43.168.100.

To the extent permitted under federal law, the development loan committee shall require local entitlement communities to transfer repayments of principal and interest to the Washington state development loan fund."

Representatives Locke, Vekich, Schoon and Silver spoke in favor of the amendment, and it was adopted.

Ms. Nutley moved adoption of the following amendment by Representatives Nutley, J. Williams, Leonard and Locke:

On page 8, after line 37, insert the following:

"NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Washington housing trust fund

The appropriation in this section is subject to the following conditions and limitations:

(1) No expenditures from this appropriation may be made before July 1, 1988.

(2) No expenditures from this appropriation may be made until the department has completed the state-wide housing data study and the legislature has reviewed the results.

(3) The appropriation shall be used solely for capital costs associated with the purposes of the housing trust fund under RCW 43.185.050. These moneys shall be used for loans or grants for capital projects state-wide that will provide housing for persons or families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of the moneys used for loans or grants shall go to projects located in rural areas.

(4) The department shall to the maximum extent feasible use the appropriation to leverage other funds for capital costs associated with the purposes of the housing trust fund under chapter 43.185 RCW.

St Bldg Constr Acct	Reappropriation		Appropriation
	Project	Estimated	2,000,000
Costs		Costs	Estimated
Through		7/1/89 and	Total
6/30/87		Thereafter	Costs
			2,000,000"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Nutley and J. Williams spoke in favor of the amendment, and it was adopted.

Mr. Schoon moved adoption of the following amendment:

On page 15, after line 6, strike all of section 142

On page 65, after line 29, strike all of section 626

On page 40, line 27 strike "133,382,000" and insert "144,758,000"

On page 40, line 34 strike "134,337,000" and insert "145,713,000"

On page 40, line 39 strike "134,337,000" and insert "145,713,000"

Representatives Schoon and Betrozoff spoke in favor of the amendment, and Mr. Ebersole opposed it.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Schoon to Substitute House Bill No. 327, and the amendment was not adopted by the following vote: Yeas, 37; nays, 61.

Voting yea: Representatives Amondson, Ballard, Barnes, Beck, Berozoff, Brooks, Brough, Bumgarner, Chandler, Cooper, Doty, Ferguson, Fuhrman, Hankins, Holland, King P. Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S - 37.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Mr. Holland moved adoption of the following amendment:

On page 15, after line 20, insert: "The appropriation in this section is subject to the following condition and limitation: The department shall employ an architect from within the state of Washington to design the facility."

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

Ms. Silver moved adoption of the following amendment:

On page 15, after line 17, strike all of section 143.
Renumber remaining sections.

Ms. Silver spoke in favor of the amendment, and Ms. Belcher opposed it.

The amendment was not adopted.

The Speaker called on Mr. O'Brien to preside.

Ms. Belcher moved adoption of the following amendment by Representatives Belcher and Unsoeld:

On page 16, following line 26 insert:

"(3) The department shall develop recommendations for the disposition of the old Thurston county courthouse.

(4) The department shall make recommendations for a permanent state museum."

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

Mr. R. King moved adoption of the following amendment by Representatives R. King, Scott, Miller, K. Wilson, Cole and Brough:

On page 16, after line 33, insert a new section as follows:

***NEW SECTION, Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
Multipurpose child care center: Everett

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation		Appropriation 66,000
	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs	66,000

The appropriation in this section is subject to the following conditions and limitations: The amount of funds provided in this section shall be spent solely to contract for architectural services to provide schematic design and construction documents for a model multipurpose child care center in the city of Everett in accordance with the findings and recommendations of the department of general administration feasibility study for state employee child care dated October, 1986."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Mr. R. King spoke in favor of the amendment, and Mr. Bristow opposed it.

POINT OF INQUIRY

Mr. R. King yielded to question by Mr. Schoon.

Mr. Schoon: The \$66,000 is to provide schematic design and construction documents for a model multipurpose child care center. Do you have any idea what the total cost would be for construction?

Mr. R. King: Somewhere between \$400,000 and \$600,000 depending on what you want to do. It would be on two floors, both of which would be on ground level. That's one thing—the site is such that the upper area of it can go up the street, and then you have the lower area.

The amendment was not adopted.

Ms. Silver moved adoption of the following amendments:

On page 31, line 4, strike "1,634,000" and insert "2,134,000"

On page 31, line 9, strike "3,059,000" and insert "3,559,000"

Representatives Silver and Taylor spoke in favor of the amendment, and Mr. Bristow opposed it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Silver to Substitute House Bill No. 327, and the amendments were not adopted by the following vote: Yeas, 43; nays, 55.

Voting yea: Representatives Allen, Amondson, Ballard, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Cooper, Day, Dellwo, Doty, Ferguson, Fuhrman, Hankins, Heavey, Holland, Lewis, May, McLean, Meyers, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rasmussen, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley - 43.

Voting nay: Representatives Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 55.

Mr. B. Williams moved adoption of the following amendment:

On page 57, after line 37, strike all of section 575

On page 66, after line 17, strike all of section 629

On page 40, line 27 strike "133,382,000" and insert "147,014,000"

On page 40, line 34 strike "134,337,000" and insert "147,969,000"

On page 40, line 39 strike "134,337,000" and insert "147,969,000"

Representatives B. Williams, L. Smith, Miller and Taylor spoke in favor of the amendment, and Representatives Belcher and Unsoeld opposed it.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative B. Williams to Substitute House Bill No. 327, and the amendment was not adopted by the following vote: Yeas, 45; nays, 53.

Voting yea: Representatives Ballard, Barnes, Baugher, Beck, Betzoff, Braddock, Brooks, Brough, Bumgarner, Chandler, Cooper, Crane, Doty, Ferguson, Fuhrman, Hankins, Haugen, Heavey, Holland, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sprenkle, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 45.

Voting nay: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Belcher, Brekke, Bristow, Cantwell, Cole, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 53.

On motion of Mr. Grimm, the following amendment was adopted:

On page 72, line 21 reduce the LIRA Waste Facility 1980 account appropriation by \$675,000

Mr. Ebersole moved adoption of the following amendment:

On page 87, after line 46, insert the following:

"NEW SECTION, Sec. 765. FOR THE STATE PARKS AND RECREATION COMMISSION
Seattle Mariners: Purchase

ORA	Project Costs Through 6/30/87 -0-	Reappropriation		Appropriation
		Estimated Costs 7/1/87 and Thereafter -0-	Estimated Costs Total Costs	49,500,000
				49,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Forty-nine million, five hundred thousand is provided solely for the purchase of the Seattle Mariners baseball team.

(2) King county shall transfer title for the Kingdome sports facility to the state as part of the purchase agreement."

Representatives Ebersole, Vekich and Taylor spoke in favor of the amendment.

Representative Kremen demanded an oral roll call vote, and the demand was not sustained.

The amendment was not adopted.

Ms. Rayburn moved adoption of the following amendment by Representatives Rayburn and Baugher:

On page 88, after line 37, insert a new section to read as follows:

"NEW SECTION, Sec. 768. FOR THE DEPARTMENT OF TRADE AND ECONOMIC
DEVELOPMENT

Washington state agricultural trade complex at Yakima (88-3-004)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is contingent on financial or in-kind contributions of at least \$6,500,000 being provided from nonstate sources. If engrossed substitute senate bill number 6064 is not enacted by the legislature by June 30, 1987, the value of the required local match shall be reduced to \$3,500,000.

St Bldg Constr Acct	Project Costs Through 6/30/87	Reappropriation		Appropriation
		Estimated Costs 7/1/89 and Thereafter 12,000,000	Estimated Total Costs	6,500,000
				25,000,000*

Ms. Doty moved adoption of the following amendment by Representatives Doty and Lewis to the Rayburn amendment:

On page 1 of the amendment, strike everything after line 4 and insert the following:

On page 88, after line 37, insert the following:

"NEW SECTION, Sec. 768. FOR THE DEPARTMENT OF TRADE AND ECONOMIC
DEVELOPMENT

Washington state agricultural trade complex at Yakima (88-3-004)

St Bldg Constr Acct	Project Costs Through 6/30/87	Reappropriation		Appropriation
		Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs	6,500,000
				6,500,000*

Ms. Doty spoke in favor of the amendment to the amendment, and Mr. Bristow opposed it.

Representative Appelwick demanded an electric roll call vote, and the demand was sustained.

Representatives Lewis and Taylor spoke in favor of the amendment to the amendment, and Representatives Grimm and H. Sommers opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Doty and others to the Rayburn amendment to Substitute House Bill No. 327, and the amendment to the amendment was not adopted by the following vote: Yeas, 32; nays, 66.

Voting yea: Representatives Allen, Amondson, Ballard, Baugher, Beck, Betzoff, Brough, Chandler, Day, Dellwo, Doty, Ferguson, Hankins, Holland, Jesernig, Lewis, Locke, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Rayburn, Schoon, Smith C, Taylor, Walker, Williams B, Williams J, Wilson S - 32.

Voting nay: Representatives Appelwick, Armstrong, Barnes, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Cole, Cooper, Crane, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, King P, King R, Kremen, Leonard, Lux, Madsen, McMullen, Meyers, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 66.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the adoption of the amendment by Representatives Rayburn and Baugher.

Representatives Rayburn and Baugher spoke in favor of the amendment.

Representative Appelwick demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Rayburn and Baugher to Substitute House Bill No. 327, and the amendment was adopted by the following vote: Yeas, 79; nays, 19.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Basich, Baugher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Gallagher, Grant, Grimm, Hankins, Hargrove, Hine, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Allen, Amondson, Barnes, Beck, Belcher, Braddock, Cole, Cooper, Fisher, Fuhrman, Haugen, Heavey, Holm, Lux, Niemi, Sanders, Smith L, Sommers H, Wilson K - 19.

Ms. Rayburn moved adoption of the following amendment by Representatives Rayburn and Baugher:

On page 111, after line 38, insert the following:

*NEW SECTION. Sec. 891. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation development (89-2-007)

Res Mgmt Cost Acct Project Costs Through 6/30/87	Reappropriation	Appropriation 150,000
	Estimated Costs 7/1/89 and Thereafter 800,000	Estimated Total Costs 950,000*

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

The bill was ordered engrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Bristow spoke in favor of the bill, and Representative B. Williams opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 327, and the bill passed the House by the following vote: Yeas, 67; nays, 31.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty,

Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Barnes, Beck, Betzoff, Brooks, Bumgarner, Chandler, Ferguson, Fuhrman, Heavey, Holland, Lux, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Williams B, Williams J, Winsley - 31.

Engrossed Substitute House Bill No. 327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 621, by Representatives Bristow, Silver, Locke, Holland, Grimm, L. Smith, Basich and P. King; by request of Governor Gardner

Authorizing state general obligation bonds for capital projects.

The bill was read the second time. On motion of Mr. Bristow, Substitute House Bill No. 621 was substituted for House Bill No. 621 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 621 was read the second time.

MOTION

On motion of Mr. McMullen, further consideration of Substitute House Bill No. 621 was deferred and it was ordered that it hold its place on the second reading calendar.

MOTION FOR RECONSIDERATION

Mr. D. Sommers, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the motion to concur in the Senate amendments to Engrossed House Bill No. 432 failed.

Ms. Niemi spoke against the motion to reconsider.

ROLL CALL

The Clerk called the roll on the motion that the House reconsider the vote by which motion to concur in the Senate amendments to Engrossed House Bill No. 432 failed, and the motion was not carried by the following vote: Yeas, 48; nays, 50.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Crane, Day, Doty, Ferguson, Fuhrman, Gallagher, Hankins, Hargrove, Holland, Lewis, Lux, May, McLean, Miller, Moyer, Nealey, O'Brien, Padden, Patrick, Peery, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walk, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 48.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Dellwo, Ebersole, Fisch, Fisher, Grant, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 50.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the second reading of Substitute House Bill No. 621.

Mr. Bristow moved adoption of the following amendments:

On page 1, line 7, strike "eighty-five million seven" and insert "ninety-four million five"

On page 2, line 5, strike "eighty-five million five" and insert "ninety-one million three"

On page 2, line 19, strike "thirty-nine million eight hundred thousand" and insert "fifty million"

Mr. Bristow spoke in favor of the amendments, and they were adopted.

The bill was ordered engrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives B. Williams and L. Smith spoke against passage of the bill, and Mr. Bristow spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 621, and the bill passed the House by the following vote: Yeas, 64; nays, 34.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Ballard, Barnes, Beck, Betrozoff, Brooks, Bumgarner, Chandler, Cooper, Ferguson, Fuhrman, Heavey, Holland, Lux, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 34.

Engrossed Substitute House Bill No. 621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I was unable to be in attendance and vote on April 21, 1987, due to illness.

SALLY W. WALKER, 28th District.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:00 a.m., Thursday, April 23, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED—SECOND DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 23, 1987

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Belcher, Braddock, Bumgarner, Cantwell, Day, Fuhrman, Grant, Haugen, Lewis, Locke, Todd, Vekich and Wineberry. Representatives Cantwell, Vekich and Wineberry were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrea Norquist and Jayson Felber. Prayer was offered by Father Frederick McLaughlan, Minister of the Episcopal Church of the Ascension of Seattle.

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

MESSAGES FROM THE GOVERNOR

April 22, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 22, 1987, Governor Gardner approved the following House bill entitled:

SUBSTITUTE HOUSE BILL NO. 1004: Relating to reauthorizing the chiropractic disciplinary board.

Sincerely,
Terry Sebring, Counsel.

April 22, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 22, 1987, Governor Gardner approved the following House bills entitled:

SUBSTITUTE HOUSE BILL NO. 42: Relating to arrest;

HOUSE BILL NOT. 44: Relating to the collection of property taxes on mobile homes;

SUBSTITUTE HOUSE BILL NO. 55: Relating to the sustainable harvest of timber from state-owned lands;

SUBSTITUTE HOUSE BILL NO. 60: Relating to processor liens for commercial fishermen;

HOUSE BILL NO. 66: Relating to the business and occupation taxation of the manufacture of barley into pearl barley;

HOUSE BILL NO. 96: Relating to the extension and collection of taxes when the valuation of highly valued property is the subject of an appeal;

HOUSE BILL NO. 142: Relating to presuit discovery;

HOUSE BILL NO. 187: Relating to industrial insurance appeals;

HOUSE BILL NO. 205: Relating to the assessment of motor vehicle transportation companies for property tax purposes;

HOUSE BILL NO. 235: Relating to prescription drugs;

SECOND SUBSTITUTE HOUSE BILL NO. 257: Relating to fellowships for graduate students;

SUBSTITUTE HOUSE BILL NO. 298: Relating to local government;
 HOUSE BILL NO. 406: Relating to retirement service credit for members of committees, boards, and commissions;
 SUBSTITUTE HOUSE BILL NO. 424: Relating to service credit of school district employees;
 SUBSTITUTE HOUSE BILL NO. 489: Relating to probate;
 SUBSTITUTE HOUSE BILL NO. 508: Relating to credit card fraud;
 HOUSE BILL NO. 545: Relating to correcting the double amendment to RCW 35.92.070;
 SUBSTITUTE HOUSE BILL NO. 563: Relating to professional licensing;
 SUBSTITUTE HOUSE BILL NO. 585: Relating to motor vehicle registration requirements;
 SUBSTITUTE HOUSE BILL NO. 697: Relating to the long-term care ombudsman program;
 HOUSE BILL NO. 827: Relating to pupil transportation contracts;
 HOUSE BILL NO. 1067: Relating to actuarially equivalent options for public retirement allowances;
 HOUSE BILL NO. 1180: Relating to residency requirements for students who have attended Washington high schools recently.

Sincerely,
 Terry Sebring, Counsel.

MESSAGES FROM THE SENATE

April 17, 1987

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1087,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

April 22, 1987

Mr. Speaker:

The Senate has concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5217,

SUBSTITUTE SENATE BILL NO. 5219,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5225,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5801,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5850,

Bill Gleason, Assistant Secretary.

SENATE AMENDMENT TO HOUSE BILL

April 17, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1228 with the following amendment:

On page 16, line 32, after "RCW," insert "These rules shall recognize that many persons are dependent on both alcohol and drugs; they shall prohibit the stacking of benefits and shall require that benefits for chemical dependency be equivalent to benefits previously required for alcoholism."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendment to House Bill No. 1228.

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

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1228 as amended by the Senate.

Mr. Armstrong spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1228 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; absent, 11; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Betrozoff, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 84.

Absent: Representatives Basich, Belcher, Braddock, Bumgarner, Day, Fuhrman, Grant, Haugen, Lewis, Locke, Todd - 11.

Excused: Representatives Cantwell, Vekich, Wineberry - 3.

House Bill No. 1228 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Belcher, Braddock, Bumgarner, Day, Fuhrman, Grant, Haugen and Locke appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 17, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 274 with the following amendment:

On page 11, beginning on line 24, after "(1)" strike the remainder of the subsection and insert:

"The department is authorized to recover the cost of medical care provided to a recipient who was sixty-five years or older, upon the recipient's death except:

(a) Where there is a surviving spouse; or

(b) Where there is a surviving child under 21 years of age or blind or disabled as defined in the state plan under Title XIX of the social security act; or

(c) To the extent of the first fifty thousand dollars of the estate value at the time of death, where there are surviving children other than as defined above, and not to exceed thirty-five percent of the remainder."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Brekke moved that the House do concur in the Senate amendment to Substitute House Bill No. 274.

Representatives Brekke and Winsley spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 274 as amended by the Senate.

Ms. Brekke spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 274 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; nays, 7; absent, 3; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle,

Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 85.

Voicing nay: Representatives Crane, Day, Fisch, Grant, Hargrove, Jesernig, Sayan - 7.

Absent: Representatives Basich, Lewis, Todd - 3.

Excused: Representatives Cantwell, Vekich, Wineberry - 3.

Substitute House Bill No. 274 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 10 with the following amendments:

On page 2, after line 32, insert the following:

"NEW SECTION, Sec. 2. There is hereby appropriated to the department of retirement systems the sum of thirty-one thousand dollars from the retirement systems expense fund for the biennium ending June 30, 1989, solely for the purpose of administering section 1 of this act."

On page 1, line 2 of the title, after "system;" strike "and" and after "RCW 41.40.403" insert " and making an appropriation"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Locke, the House refused to concur in the Senate amendments to House Bill No. 10 and asked the Senate to recede therefrom.

Representatives Lewis and Todd appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 47 with the following amendments:

On page 10, following line 28, insert the following:

"Sec. 2. Section 4, chapter 257, Laws of 1971 ex. sess. as last amended by section 21, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.046 are each amended to read as follows:

By July 31, 1971, the retirement board shall adopt minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act. In adopting such standards the retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer or fire fighter receives membership coverage unless and until he has actually met minimum medical and health standards: PROVIDED, That an elected sheriff or an appointed chief of police ((or)), fire chief, or director of public safety shall not be required to meet the age standard. The retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer."

On page 1, line 3 of the title, after "41.26.030" insert "and 41.26.046"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 47.

Mr. Locke spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 47 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 47 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Sommers D. Sommers H. Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B. Williams J. Wilson K. Wilson S. Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Basich - 1.

Excused: Representatives Cantwell, Vekich, Wineberry - 3.

Engrossed Substitute House Bill No. 47 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 440 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 317, Laws of 1986 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) (a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(b) A member holding elective office in a town or city who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official of a town or city. A member who receives more than ten thousand dollars per year in compensation for his or her elective service is not eligible for the option provided by this subsection (3)(b):

(c) A person who was eligible to establish membership under (a) of this subsection prior to October 1, 1977, is entitled to pay the required member contributions, not later than June 30, 1988, from the time of initial eligibility for membership to the present, with such interest as determined by the director; and membership shall be granted in the system as if the person were first employed and held membership prior to October 1, 1977:

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) 'Members' of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire

to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Sec. 2. Section 10, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.690 are each amended to read as follows:

No retiree under the provisions of RCW 41.40.610 through 41.40.740 shall be eligible to receive such retiree's monthly retirement allowance if such retiree is performing service for any nonfederal public employer in this state. A retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.120(3)(b) is not subject to this section if the retiree's only employment is as an elective official of a city or town.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department."

On page 1, beginning on line 2 of the title, after "town," strike the remainder of the title and insert "and amending RCW 41.40.120 and 41.40.690."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Substitute House Bill No. 440.

Mr. Locke spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 440 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 440 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsold, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Basich - 1.

Excused: Representatives Cantwell, Vekich, Wineberry - 3.

Substitute House Bill No. 440 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. Wineberry appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 586 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. CHILDREN'S PILOT PROJECT. The legislature finds that the protection and positive development of children is paramount to the successful functioning and future of this state.

(1) The purpose of this act is to prevent child abuse and neglect and to promote the delivery of cost-effective child and family services through the establishment of a pilot project in order to guide the state in establishing a comprehensive system of children and family services state-wide by 1990. The department of social and health services shall implement the pilot project.

(2) The goals of the pilot project are:

(a) To demonstrate delivery of a continuum of services for children and families that will maximize problem prevention, early problem intervention and resolution, and family independence while maintaining the physical safety and emotional well-being of the child;

(b) To demonstrate the use of outcome measures to determine the cost-effectiveness of service components and the system as a whole;

(c) To demonstrate that services can be designed to be appropriate, accessible, and sensitive to the needs of all populations within the community, including minority cultures and ethnic groups;

(d) To eliminate fiscal and process barriers where possible in order to increase efficiency in providing services;

(e) To encourage the conceptual development of a continuum of services model to meet the needs of children and families and to maximize and coordinate available federal, state, and local resources;

(f) To involve local communities, schools, private entities, and other state agencies, including the division of mental health of the department of social and health services, in the future assessment and planning of services in an open and formal way; and

(g) To enhance the provision of quality services through a system of workload management.

(3) The pilot project shall be conducted in the following service areas: The Kent children's service office, the Spokane children's service office, and the Chehalis children's service office.

NEW SECTION, Sec. 2. CONTINUUM OF SERVICES. (1) A continuum of services shall consist of the following services: Intake, early intervention, service needs assessment, crisis intervention, family support, intensive family support, foster care, group care, reunification, permanency planning, and adoption support.

(2) The pilot project shall assure broad-based community participation by involving local agencies and professionals in initial and continued planning and by funding contracts and other agreements for services from private and community agencies. Prior to the implementation of local contracts and other agreements, the department shall submit the community participation component of the pilot project implementation plan to a community-based children's services advisory group for review and comment. The advisory group may have been created for the purpose of providing ongoing consultation to the pilot program, or it may be an existing community group which consents to provide ongoing consultation throughout the term of the pilot project. Included shall be the contracting with existing services in the community, such as visiting nurses and other home-based services to provide early preventive and intervention services.

(3) In order to provide services in a continuum: (a) Clients shall enter the system at the least intrusive and most cost-effective level of service appropriate to the needs of the client; (b) client service needs shall be frequently assessed to assure that services continue to be at the least intrusive level appropriate to meet the needs of the client; and (c) guidelines for assessment shall be written and consistently applied throughout the project to assure that service levels may only be skipped under these specific guidelines.

(4) The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer community-based services to persons who are determined not to require further state intervention.

NEW SECTION, Sec. 3. INFORMATION MANAGEMENT SYSTEM. (1) In order to demonstrate the use of outcome measures, the department of social and health services shall:

(a) Implement at the earliest possible date a management information system for monitoring both baseline and outcome data for this project;

(b) Define and quantify outcomes and determine measurement methods before beginning the descriptive phase of planning;

(c) Collect baseline data as determined by desired outcome measures to include at least the following:

(i) The number of children and families requesting services and a categorization of the problems presented;

(ii) The number of children and families receiving services at each level of service and categorization of the problems presented;

(iii) The number of children and families not receiving services at each level because of service unavailability;

(iv) The average length of stay in each level of foster care;

(v) The average length of stay in each level of group care;

(vi) Documentation of services provided prior to placement;

(vii) If services were not provided prior to placement, documentation of the reason therefor;

(viii) Documentation of services provided during or after placement to assist with reunification.

(ix) If reunification services were not provided during or after placement, documentation of the reason therefor; and

(x) Systematic input from public and private service providers, schools, law enforcement, parents, and children regarding current system functioning;

(d) Set goals, outcomes, and objectives regarding the desired effect of the pilot project as a whole and its individual components; and

(e) Monitor individual service providers and the entire system for progress in meeting goals and objectives.

(2) Information collected under this section shall be maintained for the duration of the pilot project.

(3) The department shall report to the senate and house judiciary committees, the senate and house ways and means committees, the senate human services and corrections committee, and the house social services committee regarding the cost of implementing the management information system prior to implementation.

(4) The department shall adopt rules prescribing standards for the operation of services provided as part of the pilot projects and such other rules as may be necessary for the administration of sections 1 through 6 of this act.

NEW SECTION. Sec. 4. PILOT PROJECT IMPLEMENTATION. (1) The pilot project shall commence on January 1, 1988, and shall terminate December 31, 1989. The department of social and health services shall provide a detailed implementation plan to the legislature by October 15, 1987, for review and approval by the joint select committee on children and families. During the planning and implementation phases of the pilot project, the department shall report monthly to the joint select committee on its progress.

(2) The department's implementation plan shall include alternative management models for the pilot project providing for administration of the pilot projects by (a) the local administrator for the courts, (b) the department, (c) a community-based organization, or (d) any combination of these entities.

(3) The implementation plan shall also include a community participation component which describes all contracts and agreements with local agencies and professionals, including the name of the consulting community advisory group required in accordance with section 2(2) of this act.

(4) The implementation plan shall also include criteria and methodology for collecting data necessary for the evaluation in accordance with section 5 of this act.

(5) For purposes of providing services for the pilot projects, the department is authorized to combine funding categories in order to provide for efficient case management to meet the actual needs of children and families.

(6) The department's implementation plan shall also include a proposal for a mechanism establishing a decision-making process when services needed by children and families extend beyond those services available from the division of children and family services.

NEW SECTION. Sec. 5. PILOT PROJECT EVALUATION. A final evaluation of the pilot projects shall be conducted by an independent agency under a contract with the legislative budget committee, in consultation with the joint select committee on children and family services. The independent contract agency shall participate in the development of criteria and methods for collecting data necessary for the evaluation, as required by section 4 (4) of this act. The evaluation shall include a comparison of pilot outcomes to the performance of children and family services in comparable areas of the state not served by the pilot project. A report containing the final evaluation analysis shall be given to the joint select committee on children and family services by October 1, 1989.

NEW SECTION. Sec. 6. JOINT SELECT COMMITTEE ON CHILDREN. (1) There is established a joint select committee on children and family services to be composed of twelve legislators, three appointed by each caucus of the senate and house of representatives, and four lay members, to be appointed by the governor. The chair of the committee shall rotate annually among the legislative members of the majority parties in the senate and house of representatives. A senate member of the committee shall be the first chair.

(2) The committee shall have the following functions:

(a) To provide oversight in the planning, implementation, and evaluation of the pilot project;

(b) To develop a long-term children's services strategy for the development of an effective, comprehensive coordinated children's services delivery system that will meet the needs of children in the state. The objective of the strategy shall be to (i) define existing service needs of children in Washington state, utilizing existing studies and data sources where appropriate, (ii) identify the kinds of services needed by children and families to meet a minimum standard and level of physical and mental health and safety, (iii) identify the current level of services available and gaps or overlapping services, and (iv) make recommendations to implement an effective comprehensive service delivery system. The joint select committee shall submit an initial strategy to the appropriate committees of the legislature by October 1, 1988;

(c) In formulating the long-term children's services strategy, the joint select committee shall seek input from providers with expertise in children's mental health, health care including

prenatal care, adolescent drug and alcohol treatment, education including early childhood education, nonprofit funding sources, child abuse and neglect, child care, dependency, delinquency and the juvenile justice system, family support services, and representatives from minority communities including the migrant worker community, the black community, the native American community, and the Asian community. The committee shall also consult with the governor, the director of revenue, the office of financial management, the director of community development, the superintendent of public instruction, and the secretary of the department of social and health services;

(d) To consult with the Washington council for the prevention of child abuse and neglect regarding the creation of a state-wide data-base clearinghouse. The committee shall report to the appropriate legislative committees regarding the need for and feasibility of a state-wide clearinghouse. If the committee recommends the creation of a clearinghouse, the report shall include alternative designs for a data-base clearinghouse, estimated costs related to both the startup and maintenance of a clearinghouse, potential housing sites for the clearinghouse and placements for terminal links, and funding sources for the clearinghouse;

(3) The strategy under subsection (2)(b) of this section shall include consideration of:

(a) The evaluation findings of the pilot project regarding maximizing the use of effective existing services and programs through the management and coordination among service providers;

(b) The identification of ways to reduce overlapping services and to fill in service gaps through shared service provisions;

(c) Methods to increase the effectiveness, participation, and communication among city, county, state, private nonprofit, and private for profit funding sources in defining and funding the service delivery system; and

(d) The identification and recommendation of state funding priorities for prevention and early intervention activities to meet the needs of children and families;

(4) A final report outlining the long-term children's services strategy and recommendations shall be submitted to the appropriate committees of the legislature by January 1990.

NEW SECTION. Sec. 7. PILOT PROJECT EXPIRATION. Sections 1 through 6 of this act shall expire December 31, 1989.

NEW SECTION. Sec. 8. CHILDREN'S SERVICES WORKERS—HIRING AND TRAINING. Caseworkers employed in children services shall meet minimum standards established by the department of social and health services. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

NEW SECTION. Sec. 9. CHILDREN'S SERVICES STAFF TRAINING ACADEMY. The department of social and health services, in conjunction with other appropriate consultants, shall develop a plan for implementation of a children's services staff training academy. The plan shall make provision for completion of a course of training within the first three months of employment and before workers are assigned to case management duties without direct supervision. Provisions for advanced and ongoing training shall be included in the plan. The department of social and health services shall submit a plan to the legislature by November 1, 1987. The report shall include the estimated cost of funding the academy.

NEW SECTION. Sec. 10. CASEWORKER SUPPORT. The department of social and health services shall, within funds appropriated for this purpose, hire twenty-one full-time equivalent clerical staff to support child protective services caseworkers in fulfilling their responsibilities. The department shall provide child protective services caseworkers with dictation machines and word processing and personal computer equipment that will increase productivity by reducing the time spent processing paperwork.

NEW SECTION. Sec. 11. FOSTER CARE. The department shall, within funds appropriated for this purpose, provide foster parent training as an ongoing part of the foster care program. The department shall contract for a variety of support services to foster parents to reduce isolation and stress, and to increase skills and confidence.

NEW SECTION. Sec. 12. MULTIDISCIPLINARY TEAMS. The department shall establish and maintain one or more multidisciplinary teams in each state region of the division of children and family services. The team shall consist of at least four persons, selected by the department, from professions which provide services to abused and neglected children and/or the parents of such children. The teams shall be available for consultation on all cases where a risk exists of serious harm to the child and where there is dispute over whether out-of-home placement is appropriate.

NEW SECTION. Sec. 13. THERAPEUTIC DAY CARE AND TREATMENT. The department shall, within funds appropriated for this purpose, provide therapeutic day care and day treatment to children who have been abused or neglected and meet program eligibility criteria.

NEW SECTION. Sec. 14. COUNSELING REFERRALS. The department of social and health services shall inform victims of child abuse and neglect and their families of the availability of state-supported counseling through the crime victims' compensation program, community

mental health centers, domestic violence and sexual assault programs, and other related programs. The department shall assist victims with referrals to these services.

NEW SECTION, Sec. 15. EARLY INTERVENTION SERVICES. The department of social and health services shall, within funds appropriated for this purpose, contract for forty-five full-time equivalent public health nurses and an equivalent number of homemakers as defined in RCW 74.08.530 to provide prevention and early intervention services and assist in the investigation of low-risk child abuse and neglect referrals.

NEW SECTION, Sec. 16. FINANCIAL DETERMINATION. The department of social and health services shall, within funds appropriated for this purpose, establish a Title IV B and E of the social security act eligibility determination program. The program shall ensure that every child in foster care eligible for federal financial participation is correctly identified.

NEW SECTION, Sec. 17. ADDITIONAL ATTORNEYS. The department of social and health services shall, within funds appropriated for this purpose, provide six additional full-time equivalent assistant attorneys general to provide legal services for child protective services cases.

Sec. 18. Section 8, chapter 49, Laws of 1970 ex. sess. as amended by section 21, chapter 443, Laws of 1985 and RCW 9.69.100 are each amended to read as follows:

(1) ~~((Whoever, having witnessed))~~ A person who witnesses the actual commission of:

~~(a) A violent offense as defined in RCW 9.94A.030((17)) or preparations for the commission of such an offense((-or the actual commission of a felony sexual offense or an attempted felony sexual offense, does not as soon as reasonably possible notify the prosecuting attorney, or law enforcement, medical assistance, or other public officials of the state of Washington having jurisdiction over the matter, shall be guilty of a gross misdemeanor. PROVIDED, That nothing in this section shall be so construed to affect existing privileged relationships as provided by law. PROVIDED FURTHER, That the duty to notify a person or agency specified in this subsection shall be met if a person notifies or attempts to provide such notice by telephone or any other means, as soon as reasonably possible.~~

~~(2) For the purposes of this section, 'felony sexual offense' means a sexual offense constituting a class B felony under chapter 9.68A, 9A.44, or 9A.64 RCW);~~

~~(b) A sexual offense against a child or an attempt to commit such a sexual offense; or~~

~~(c) An assault of a child that appears reasonably likely to cause substantial bodily harm to the child,~~

~~shall as soon as reasonably possible notify the prosecuting attorney, law enforcement, medical assistance, or other public officials,~~

~~(2) This section shall not be construed to affect privileged relationships as provided by law.~~

~~(3) The duty to notify a person or agency under this section is met if a person notifies or attempts to provide such notice by telephone or any other means as soon as reasonably possible.~~

~~(4) Failure to report as required by subsection (1) of this section is a gross misdemeanor. However, a person is not required to report under this section where that person has a reasonable belief that making such a report would place that person or another family or household member in danger of immediate physical harm.~~

NEW SECTION, Sec. 19. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION, Sec. 20. Sections 8, 10 through 14, and 19 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION, Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 22. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "amending RCW 9.69.100; adding a new chapter to Title 74 RCW; creating new sections; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Engrossed Second Substitute House Bill No. 586.

Mr. Locke spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 586 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 586 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Basich - 1.

Excused: Representatives Cantwell, Vekich - 2.

Engrossed Second Substitute House Bill No. 586 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 739 with the following amendments:

On page 10, beginning on line 17, strike all material down to and including "act." on line 21

On page 1, line 5 of the title, after "39.86.904;" strike "making an appropriation;" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Substitute House Bill No. 739.

Mr. Locke spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 739 as amended by the Senate.

Representative Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 739 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Basich - 1.

Excused: Representatives Cantwell, Vekich - 2.

Substitute House Bill No. 739 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1987

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 813 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) There is established the governor's commission on children, referred to in this chapter as the commission, to be composed of eight legislators, two appointed by each caucus of the senate and house of representatives, and seven lay members, to be appointed by the governor. The chair of the commission shall rotate annually among the legislative members of the majority parties in the senate and house of representatives. The first chair shall be elected by a majority vote of the commission.

(2) The commission shall have the following functions:

(a) To develop a long-term children's services strategy for the development of an effective, comprehensive coordinated children's services delivery system that will meet the needs of children in the state. The objective of the strategy shall be to (i) define existing service needs of children in Washington state, utilizing existing studies and data sources where appropriate, (ii) identify the kinds of services needed by children and families to meet a minimum standard and level of physical and mental health and safety, (iii) identify the current level of services available and gaps or overlapping services, and (iv) make recommendations to implement an effective comprehensive service delivery system. The commission shall submit an initial strategy to the appropriate committees of the legislature by October 1, 1988;

(b) In formulating the long-term children's services strategy, the commission shall seek input from providers with expertise in children's mental health, health care including prenatal care, adolescent drug and alcohol treatment, education including early childhood education, nonprofit funding sources, child abuse and neglect, child care, dependency, delinquency and the juvenile justice system, family support services, and representatives from minority communities including the migrant worker community, the black community, the native American community, and the Asian community. The commission shall also consult with the governor, the director of revenue, the office of financial management, the director of community development, the superintendent of public instruction, and the secretary of the department of social and health services;

(c) To consult with the Washington council for the prevention of child abuse and neglect regarding the creation of a state-wide data-base clearinghouse. The commission shall report to the appropriate legislative committees regarding the need for and feasibility of a state-wide clearinghouse. If the commission recommends the creation of a clearinghouse, the report shall include alternative designs for a data-base clearinghouse, estimated costs related to both the startup and maintenance of a clearinghouse, potential housing sites for the clearinghouse and placements for terminal links, and funding sources for the clearinghouse;

(3) The strategy under subsection (2)(a) of this section shall include consideration of:

(a) The identification of ways to reduce overlapping services and to fill in service gaps through shared service provisions;

(b) Methods to increase the effectiveness, participation, and communication among city, county, state, private nonprofit, and private for profit funding sources in defining and funding the service delivery system; and

(c) The identification and recommendation of state funding priorities for prevention and early intervention activities to meet the needs of children and families;

(4) A final report outlining the long-term children's services strategy and recommendations shall be submitted to the appropriate committees of the legislature by January 10, 1989.

NEW SECTION. Sec. 2. The commission shall be dissolved and this chapter shall expire on January 30, 1989, unless significant need for its continuation is demonstrated and the legislature acts to extend its operation.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 1 of the title, after "children," strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; providing an expiration date; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Second Substitute House Bill No. 813.

Mr. Locke spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 813 as amended by the Senate.

Mr. B. Williams spoke against final passage of the bill, and Ms. Leonard spoke in favor of it. Mr. B. Williams again opposed the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 813 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; nays, 8; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Brekke, Brough, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Braddock, Bristow, Brooks, Bumgarner, Fuhrman, Nealey, Padden, Williams B - 8.

Absent: Representative Basich - 1.

Excused: Representatives Cantwell, Vekich - 2.

Second Substitute House Bill No. 813 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 18, chapter 177, Laws of 1980 as last amended by section 1, chapter 361, Laws of 1985 and RCW 74.46.180 are each amended to read as follows:

(1) The state shall make payment of any underpayments within thirty days after the date the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded. In computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings: PROVIDED, That not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center: PROVIDED FURTHER, That there shall be no shifting out of nursing services, and savings in food shall be shifted only to cover deficits in the nursing services cost center.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective audited allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect, except that no savings may be retained if reported costs in the property cost center and the administration and operations cost center exceed audited allowable costs by ten cents or more per patient day. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by RCW 74.46.530 shall be retained by the contractor. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by

the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 2. Section 43, chapter 177, Laws of 1980 as amended by section 19, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.430 are each amended to read as follows:

(1) The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

(2) As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of RCW 74.46.780.

(3) Until the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers shall be established based upon a minimum facility occupancy level of eighty-five percent.

(4) On and after the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers and the return on investment allowance shall be established based upon a minimum facility occupancy level of eighty-five percent.

(5) All contractors shall be required to adjust and maintain wages for all employees to a minimum hourly wage established by the legislature in the biennial appropriations act, if the legislature appropriates moneys to fund prospectively the portion of the minimum wage attributable to services to Medicaid patients. Prospective rate revisions to fund any minimum wage increases shall be made only on the dates authorized in the appropriation act. A portion of this legislative appropriation shall be used to enhance nonadministrative wages and benefits above the moneys necessary to fund the minimum wage specified in this section. The department in considering reimbursement for legislatively authorized wage enhancements will take into consideration facility wage history over the past three cost report periods.

Sec. 3. Section 46, chapter 177, Laws of 1980 as last amended by section 15, chapter 361, Laws of 1985 and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations ((of more than ten percent)) in the distribution of patient classifications or changes in patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department. Rates shall be adjusted by the amount of legislatively authorized enhancements in accordance with RCW 74.46.430(5) and 74.46.470(2). Rates may also be adjusted to cover costs associated with placing a nursing home in receivership which costs are not covered by the rate of the former contractor, including: Compensation of the receiver, reasonable expenses of receivership and transition of control, and costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found. Rates shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification. Rates shall be adjusted for capitalized improvements done under section 8 of this 1987 act.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, 1983, such contractor's prospective rate effective July 1, 1983, will be determined utilizing the contractor's desk-reviewed allowable costs for calendar year 1982.

(4) All prospective reimbursement rates for 1984 and thereafter shall be determined utilizing the prior year's desk-reviewed cost reports.

Sec. 4. Section 47, chapter 177, Laws of 1980 as amended by section 22, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.470 are each amended to read as follows:

(1) A contractor's reimbursement rates for medical care recipients will be determined utilizing desk-reviewed cost report data within the following cost centers:

((+)) (a) Nursing services;

~~((2))~~ (b) Food;

~~((3))~~ (c) Administration and operations; and

~~((4))~~ (d) Property.

(2) There shall be an enhancement cost center established to reimburse contractors for specific legislatively authorized enhancements for nonadministrative wages and benefits to ensure that such enhancements are used exclusively for the legislatively authorized purposes. For purposes of settlement, funds appropriated to this cost center shall only be used for expenditures for which the legislative authorization is granted. Such funds may be used only in the following circumstances:

(a) The contractor has increased expenditures for which legislative authorization is granted to at least the highest level paid in any of the last three cost years, plus, beginning July 1, 1987, any percentage inflation adjustment granted each year under RCW 74.46.495; and

(b) All funds shifted from the enhancement cost center are shown to have been expended for legislatively authorized enhancements.

(3) If the contractor does not spend the amount appropriated to this cost center in the legislatively authorized manner, then the amounts not appropriately spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160.

(4) For purposes of this section, 'nonadministrative wages and benefits' means wages and payroll taxes paid with respect to, and the employer share of the cost of benefits provided to, employees in job classes specified in an appropriation, which may not include administrators, assistant administrators, or administrators in training.

(5) Amounts expended in the enhancement cost center in excess of the minimum wage established under RCW 74.46.430 are subject to all provisions contained in this chapter.

Sec. 5. Section 24, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.481 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of 'related care' which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may chose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

(9) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

(10) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) Increases in acuity levels of contractors' residents;

(b) Staffing patterns for similar facilities;

(c) Physical plant of contractor; and

(d) Survey, inspection of care, and department consultation results.

Sec. 6, Section 2, chapter 177, Laws of 1980 as last amended by section 16, chapter 361, Laws of 1985 and RCW 74.46.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Accrual method of accounting' means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) 'Ancillary care' means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) 'Appraisal' means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) 'Arm's-length transaction' means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) 'Assets' means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) 'Bad debts' means amounts considered to be uncollectable from accounts and notes receivable.

(7) 'Beds' means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) 'Beneficial owner' means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement;

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) 'Capitalization' means the recording of an expenditure as an asset.

(10) 'Contractor' means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) 'Department' means the department of social and health services (DSHS) and its employees.

(12) 'Depreciation' means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) 'Direct care supplies' means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) 'Entity' means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) 'Equity' means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) 'Facility' means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) 'Fair market value' means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) 'Financial statements' means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) 'Generally accepted accounting principles' means accounting principles approved by the financial accounting standards board (FASB).

- (20) 'Generally accepted auditing standards' means auditing standards approved by the American institute of certified public accountants (AICPA).
- (21) 'Goodwill' means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.
- (22) 'Historical cost' means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.
- (23) 'Imprest fund' means a fund which is regularly replenished in exactly the amount expended from it.
- (24) 'Joint facility costs' means any costs which represent resources which benefit more than one facility, or one facility and any other entity.
- (25) 'Lease agreement' means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.
- (26) 'Medical care program' means medical assistance provided under RCW 74.09.500 or authorized state medical care services.
- (27) 'Medical care recipient' or 'recipient' means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.
- (28) 'Net book value' means the historical cost of an asset less accumulated depreciation.
- (29) 'Net invested funds' means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.
- (30) 'Operating lease' means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.
- (31) 'Owner' means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.
- (32) 'Ownership interest' means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.
- (33) 'Patient day' or 'client day' means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.
- (34) 'Professionally designated real estate appraiser' means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.
- (35) 'Qualified therapist' means:
- (a) An activities specialist who has specialized education, training, or experience as specified by the department;
 - (b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;
 - (c) A mental health professional as defined by chapter 71.05 RCW;
 - (d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;
 - (e) A social worker who is a graduate of a school of social work;
 - (f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;
 - (g) A physical therapist as defined by chapter 18.74 RCW; and
 - (h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.
- (36) 'Questioned costs' means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.
- (37) 'Records' means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(38) 'Related organization' means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) 'Common ownership' exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) 'Control' exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(39) 'Restricted fund' means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(40) 'Secretary' means the secretary of the department of social and health services.

(41) 'Title XIX' or 'Medicaid' means the 1965 amendments to the social security act, P.L. 89-07, as amended.

(42) 'Physical plant capital improvement' means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

Sec. 7, Section 3, chapter 114, Laws of 1979 as amended by section 6, chapter 284, Laws of 1985 and RCW 18.52A.030 are each amended to read as follows:

(1) Any nursing assistant employed by a nursing home, who has satisfactorily completed a nursing assistant training program under this chapter, shall, upon application, be issued a certificate of completion.

(2) All nursing assistants employed by a nursing home shall be required to show evidence of satisfactory completion of a nursing assistant training program, or that they are enrolled in and are progressing satisfactorily towards completion of a training program under standards promulgated by the board, which program must be completed within six months of employment. A nursing home may employ a person not currently enrolled if the employer within twenty days enrolls the person in an approved training program; PROVIDED, That a nursing home shall not assign an assistant to provide resident care until the assistant has demonstrated skills necessary to perform assigned duties and responsibilities competently. All persons enrolled in a training program must satisfactorily complete the program within six months from the date of initial employment.

(3) All nursing assistants who, on June 7, 1979, are employed in nursing homes shall be given the opportunity to obtain a certificate of completion by passing a written and/or practical examination developed by the board and conducted by a school or nursing home, or by providing evidence of sufficient practical experience. The board shall adopt rules specifying the amount of practical experience to be required for the issuance of a certificate under this section.

(4) Compliance with this section shall be a condition of licensure of nursing homes under chapter 18.51 RCW. Beginning January 1, 1986, compliance with this section shall be a condition of licensure of hospitals licensed under chapter 70.41 RCW with a wing certified to provide nursing home care under Title XVIII or Title XIX of the social security act. Any health provider of skilled nursing facility care or intermediate care facility care shall meet the requirements of this section.

NEW SECTION. Sec. 8. A new section is added to chapter 74.46 RCW to read as follows:

(1) The department, in consultation with interested parties, shall adopt rules to establish criteria the department will use in reviewing any request by a contractor for a prospective rate adjustment for a physical plant capital improvement. The rules shall also specify the time periods for submission and review of proposed physical plant capital improvements. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) The remaining functional life of the facility and the length of time since the facility's last significant improvement;

(b) The amount and scope of renovation or remodel to the facility and whether the facility will be able to serve better the needs of its residents;

(c) Whether the proposed improvement improves the quality of the living conditions of the residents;

(d) Whether the proposed improvement might eliminate life safety, building code, or construction standard waivers;

(e) The percentage of public-pay residents in the facility.

(2) Rate adjustments under this section may be provided only if funds are appropriated for this purpose.

NEW SECTION. Sec. 9. The legislature finds that the closure of a nursing home can have devastating effects on residents and, under certain circumstances, courts should consider placing nursing homes in receivership. As receivership has long existed as a remedy to preserve assets subject to litigation and to reorganize troubled affairs, the legislature finds that receivership is to be used to correct problems associated with either the disregard of residents' health, safety, or welfare or with the possible closure of the nursing home for any reason.

NEW SECTION. Sec. 10. A petition to establish a receivership shall allege that one or more of the following conditions exist and that the current operator has demonstrated an inability or unwillingness to take actions necessary to correct the conditions alleged:

(1) The facility is operating without a license;

(2) The facility has not given the department prior written notice of its intent to close and has not made arrangements within thirty days before closure for the orderly transfer of its residents: PROVIDED, That if the facility has given the department prior written notice but the department has not acted with all deliberate speed to transfer the facility's residents, this shall bar the filing of a petition under this section;

(3) An emergency exists that specifically demonstrates an immediate and serious threat of harm to the health, security, or welfare of the facility's residents, including, but not limited to, abandonment of the facility by the owner;

(4) A condition exists in the facility in violation of a licensing statute or regulation that specifically demonstrates an immediate and serious threat of harm to the health, safety, or welfare of the residents of the facility;

(5) The facility demonstrates a pattern and practice of violating chapter 18.51 or 74.42 RCW, or other statutes or regulations adopted by the department designed to safeguard the health, security, or welfare of residents such that the facility has demonstrated a repeated inability to maintain minimum patient care standards; or

(6) The facility demonstrates a pattern or practice of violating a condition level as defined by the federal government under the authority of Title XIX of the social security act.

The department may file a petition in the superior court in the county in which the nursing home is located or in the superior court of Thurston county. The current or former operator or licensee and the owner of the nursing home, if different than the operator or licensee, shall be made a party to the action. The court shall grant the petition if it finds, by a preponderance of the evidence, that one or more of the conditions listed in subsections (1) through (6) of this section exists and, subject to section 11 of this act, that the current operator is unable or unwilling to take actions necessary to correct the conditions.

NEW SECTION. Sec. 11. It shall be a defense to the petition to establish a receivership that the conditions alleged do not in fact exist. It shall not be a defense to the petition to allege that the respondent did not possess knowledge of the alleged condition or could not have been reasonably expected to know about the alleged condition. In a petition that alleges that the health, safety, or welfare of the residents of the facility is at issue, it shall not be a defense to the petition that the respondent had not been afforded a reasonable opportunity to correct the alleged condition.

NEW SECTION. Sec. 12. A petition for receivership shall include the name of the candidate for receiver. The department shall maintain a list of qualified persons to act as receivers, however, no person may be considered to be qualified to be a receiver who:

- (1) Is the owner, licensee, or administrator of the facility;
- (2) Is affiliated with the facility;
- (3) Has a financial interest in the facility; or
- (4) Has owned or operated a nursing home that has been ordered into receivership.

If a receiver is appointed, he or she may be drawn from the list but need not be, but an appointee shall have experience in providing long-term health care and a history of satisfactory operation of a nursing home. Preference may be granted to persons expressing an interest in permanent operation of the facility.

NEW SECTION. Sec. 13. Upon receipt of a petition for receivership, the court shall hear the matter within fourteen days. Temporary relief may be obtained under chapter 7.40 RCW and other applicable laws. In all actions arising under sections 10 through 22 of this act, the posting of a certified copy of the summons and petition in a conspicuous place in the nursing home shall constitute service of those documents upon the respondent.

In considering the petition, the court shall consider the following factors, among others:

- (1) The history of the provider, including any prior history of deficiencies and corrective action taken; and
- (2) Whether the circumstances alleged in the petition occurred for reasons that were beyond the control of the facility's current or former operator, licensee, or owner.

NEW SECTION. Sec. 14. Upon agreement of the candidate for receiver to the terms of the receivership and any special instructions of the court, the court may appoint that person as receiver of the nursing home if the court determines it is likely that a permanent operator will be found or conditions will be corrected without undue risk of harm to the patients. Appointment of a receiver may be in lieu of or in addition to temporary removal of some or all of the patients in the interests of their health, security, or welfare. A receiver shall be appointed for a term not to exceed six months, but a term may be extended for good cause shown.

NEW SECTION. Sec. 15. The receivership shall terminate:

- (1) At the end of the appointed term;
- (2) When all residents have been transferred and the facility closed;
- (3) When all deficiencies have been eliminated and the facility has been sold or returned to its former owner: PROVIDED, That when a rehabilitated facility is returned to its former owner, the court may impose conditions to assure the continued compliance with chapters 18.51 and 74.42 RCW, and other applicable laws and regulations; or
- (4) Upon possession and control of the nursing home by a licensed replacement operator.

NEW SECTION. Sec. 16. The receiver shall render to the court an accounting of acts performed and expenditures made during the receivership. Nothing in this section relieves a court-appointed receiver from the responsibility of making all reports and certifications to the department required by law and regulation relating to the receiver's operation of the nursing home, the care of its residents, and participation in the medicaid program, if any.

NEW SECTION. Sec. 17. If a receiver is appointed, the court shall set reasonable compensation for the receiver to be paid from operating revenues of the nursing home. The receiver shall be liable in his or her personal capacity only for negligent acts, intentional acts, or a breach of a fiduciary duty to either the residents of the facility or the current or former licensee or owner of the facility.

The department may revise the nursing home's medicaid reimbursement rate, consistent with reimbursement principles in chapter 74.46 RCW and rules adopted under that chapter. If revision is necessary to cover the receiver's compensation and other reasonable costs associated with the receivership and transition of control. Rate revision may also be granted if necessary to cover start-up costs and costs of repairs, replacements, and additional staff needed for patient health, security, or welfare. The property return on investment components of the medicaid rate shall be established for the receiver consistent with reimbursement principles in chapter 74.46 RCW. The department may also expedite the issuance of necessary licenses, contracts, and certifications, temporary or otherwise, necessary to carry out the purposes of receivership.

NEW SECTION. Sec. 18. Upon appointment of a receiver, the current or former licensee or operator and managing agent, if any, shall be divested of possession and control of the nursing home in favor of the receiver who shall have full responsibility and authority to continue operation of the home and the care of the residents. The receiver may perform all acts reasonably necessary to carry out the purposes of receivership, including, but not limited to:

- (1) Protecting the health, security, and welfare of the residents;
- (2) Remedying violations of state and federal law and regulations governing the operation of the home;
- (3) Hiring, directing, managing, and discharging all consultants and employees for just cause; discharging the administrator of the nursing home; recognizing collective bargaining agreements; and settling labor disputes;
- (4) Receiving and expending in a prudent manner all revenues and financial resources of the home; and
- (5) Making all repairs and replacements needed for patient health, security, and welfare: PROVIDED, That expenditures for repairs or replacements in excess of five thousand dollars shall require approval of the court which shall expedite approval or disapproval for such expenditure.

Upon order of the court, a receiver may not be required to honor leases, mortgages, secured transactions, or contracts if the rent, price, or rate of interest was not a reasonable rent, price, or rate of interest at the time the contract was entered into or if a material provision of the contract is unreasonable.

NEW SECTION. Sec. 19. Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars. The receiver shall file with the court an accounting for any money expended. Any emergency or transitional expenditure shall be recovered from revenue generated by the facility which revenue is not obligated to the operation of the facility. If such funds are not fully recovered at the termination of the receivership, an action to recover such sums may be filed by the department against the former licensee or owner. In lieu of filing an action, the department may file a lien on the facility or on the proceeds of the sale of the facility. Such a lien shall take priority over all other liens except for liens for wages to employees. The owner of the facility shall be entitled to the proceeds of the facility or the sale of the facility to the extent that these exceed the liabilities of the facility, including liabilities to the state, receiver, employees, and contractors, at the termination of the receivership.

Revenues relating to services provided by the current or former licensee, operator, or owner and available operating funds belonging to such licensee, operator, or owner shall be under the control of the receiver. The receiver shall consult the court in cases of extraordinary or questionable debts incurred prior to his or her appointment and shall not have the power to close the home or sell any assets of the home without prior court approval.

Priority shall be given to debts and expenditures directly related to providing care and meeting the needs of patients. Any payment made to the receiver shall discharge the obligation of the payor to the owner of the facility.

NEW SECTION. Sec. 20. If the nursing home is providing care to recipients of state medical assistance, the receiver shall become the medicaid contractor for the duration of the receivership period and shall assume all reporting and other responsibilities required by applicable laws and regulations. The receiver shall be responsible for the refund of medicaid rate payments in excess of costs during the period of the receivership.

NEW SECTION. Sec. 21. No seizure, foreclosure, or interference with nursing home revenues, supplies, real property, improvements, or equipment may be allowed for the duration of the receivership without prior court approval.

NEW SECTION. Sec. 22. At least sixty days before the effective date of any change of ownership, change of operating entity, or change of management of a nursing home, the current operating entity shall notify separately and in writing, each resident of the home or the resident's guardian of the proposed change. The notice shall include the identity of the proposed new owner, operating entity, or managing entity and the names, addresses, and telephone numbers of departmental personnel to whom comments regarding the change may be directed. If the proposed new owner, operating entity, or managing entity is a corporation, the notice shall include the names of all officers and the registered agent in the state of Washington. If the proposed new owner, operating entity, or managing entity is a partnership, the notice shall include the names of all general partners. This section shall apply regardless of whether the current operating entity holds a medicare provider contract with the department and whether the operating entity intends to enter such a contract.

Sec. 23. Section 7, chapter 117, Laws of 1951 as last amended by section 18, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.060 are each amended to read as follows:

(1) The department is authorized to deny, suspend, or revoke a license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed ~~((one))~~ three thousand dollars per violation in any case in which it finds that the applicant, or licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

~~((1))~~ (a) Failed or refused to comply with the requirements of this chapter or of chapter 74.42 RCW, or the standards, rules and regulations established ~~((hereunder))~~ under them; or

~~((2))~~ (b) ~~Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled)~~ Operated a nursing home without a license or under a revoked or suspended license; or

~~((3))~~ (c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or

~~((4))~~ (d) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained on any portion of the premises of the nursing home; or

~~((5))~~ (e) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter or of chapter 74.42 RCW; or

~~((6))~~ (f) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of chapter 74.42 RCW or the standards, rules, and regulations ~~((promulgated hereunder))~~ adopted under them; or

~~((7))~~ (g) Failed to report patient abuse or neglect in violation of chapter 70.124 RCW; or

~~((8))~~ (h) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final: PROVIDED, That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in RCW 18.51.260 or include in the report required pursuant to RCW 18.51.270 during any period in which it has not reasonably implemented and funded its cost-related reimbursement system for public patients.

(2) A contractor subject to civil penalty under subsection (1)(a) of this section shall have a reasonable opportunity, not to exceed sixty days from notification of the violation, to correct the violation before being assessed a civil monetary penalty under this section. However, if the department determines that the violation resulted in serious harm to or death of a patient, constitutes a serious threat to patient life, health, or safety, or substantially limits the nursing home's capacity to render adequate care, the violator shall be so notified and a penalty may be assessed without prior opportunity to correct. Each day the violation continues may constitute a separate violation subject to assessment of a separate penalty.

The correction of a standard or condition level deficiency, as defined by the authority of Title XVIII of the social security act and 42 C.F.R. 405-110 subpart K, shall be maintained for a period of at least one year. Failure to maintain such correction shall constitute a separate violation for each day the deficiency is not corrected and may be subject to the assessment of a separate penalty not to exceed three thousand dollars without a prior opportunity to correct the violation.

(3) A person subject to civil penalty under subsection (1)(b) through (h) of this section shall not have a prior opportunity to correct the violation before being assessed a civil monetary penalty under this section.

Following the notification of a violation of subsection (1)(b) through (h) of this section, each day upon which the same or a substantially similar action occurs shall constitute a separate violation subject to the assessment of a separate penalty.

(4) Any civil penalty assessed under this section or chapter 74.46 RCW shall bear a reasonable rate of interest from the date of notification of the violation. The department may administer civil fines under this section or chapter 74.46 RCW by:

(a) Requiring payment in full; or

(b) Permitting installment payments; or

(c) Requiring that the full amount or a portion of the assessed civil penalty be expended to ameliorate the violation or to improve nonadministrative services within the facility; or

(d) Defer the penalty or a portion thereof until one year after corrective action has been completed to assure maintenance of such action: PROVIDED, That the penalty may be reduced all or in part at the end of such year: PROVIDED FURTHER, That the penalty may be trebled if such corrective action is not maintained for one year.

(5) Any civil penalty assessed under this section or chapter 74.46 RCW shall be a nonreimbursable item under chapter 74.46 RCW.

Sec. 24. Section 63, chapter 211, Laws of 1979 ex. sess. as last amended by section 2, chapter 236, Laws of 1983 and RCW 18.51.091 are each amended to read as follows:

The department shall make or cause to be made at least one inspection of each nursing home prior to license renewal and shall inspect community-based services as part of the licensing renewal survey. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. ~~((The notice shall inform the facility that it must comply with a plan of correction within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 18.51.066 may be imposed if, after the specified period, the department determines that the facility has not complied. In life-threatening situations or situations which substantially limit the provider's capacity to render adequate care, the department may require immediate correction or proceed immediately under RCW 18.51.066.))~~ The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 25. Section 7, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.220 are each amended to read as follows:

(1) No licensee shall discriminate or retaliate in any manner against a patient or employee in its nursing home on the basis or for the reason that such patient or employee or any other person has initiated or participated in any proceeding specified in this chapter. A licensee who violates this section is subject to a civil penalty of not more than ~~((five hundred))~~ three thousand dollars.

(2) Any attempt to expel a patient from a nursing home, or any type of discriminatory treatment of a patient by whom, or upon whose behalf, a complaint has been submitted to the department or any proceeding instituted under or related to this chapter within one year of the filing of the complaint or the institution of such action, shall raise a rebuttable presumption that such action was taken by the licensee in retaliation for the filing of the complaint.

Sec. 26. Section 13, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.260 are each amended to read as follows:

Each citation for a violation specified in ~~((subsections (1) through (7) of))~~ RCW 18.51.060 which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, until the violation is corrected to the satisfaction of the department up to a maximum of one hundred twenty days. The citation or copy shall be posted in a place or places in plain view of the patients in the nursing home, persons visiting those patients, and persons who inquire about placement in the facility.

Sec. 27. Section 58, chapter 211, Laws of 1979 ex. sess. as amended by section 15, chapter 184, Laws of 1980 and RCW 74.42.580 are each amended to read as follows:

The department may deny, suspend, or revoke a license or provisional license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature ~~((pursuant to the provisions of chapter 34.04 RCW not to exceed one thousand dollars for such violations when the department finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee:~~

~~(1) Failed or refused to comply with the requirements of RCW 74.42.010 through 74.42.570 or the standards and rules established by the department under RCW 74.42.010 through 74.42.570;~~

~~(2) Was the holder of a license issued under chapter 18.51 RCW, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;~~

~~(3) Has knowingly or with reason to know made a false statement of a material fact in any records required under RCW 74.42.010 through 74.42.570;~~

~~(4) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained under RCW 74.42.010 through 74.42.570 or any portion of the premises of the facility;~~

~~(5) Willfully prevented, interfered with, or attempted to impede in any way the work of any authorized representative of the department and the lawful enforcement of any provision of RCW 74.42.010 through 74.42.570; or~~

~~(6) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of RCW 74.42.010 through 74.42.570 or the standards and rules adopted pursuant to RCW 74.42.010 through 74.42.570.~~

The department shall adopt rules to implement and administer this section not later than January 15, 1981, as provided in RCW 18.51.060 for violations of requirements of this chapter. Chapter 34.04 RCW shall apply to any such actions.

Sec. 28. Section 60, chapter 211, Laws of 1979 ex. sess. as last amended by section 3, chapter 120, Laws of 1982 and RCW 74.42.600 are each amended to read as follows:

(1) In addition to the inspection required by chapter 18.51 RCW, the department shall inspect the facility for compliance with resident rights and direct care standards of this chapter. The department may inspect any and all other provisions randomly, by exception profiles, or during complaint investigations.

~~(2) If the facility has not complied with ((any of the standards in RCW 74.42.010 through 74.42.570)) all the requirements of this chapter, the department shall notify the facility in writing that the facility is in noncompliance and describe the reasons for the facility's noncompliance and the department may impose penalties in accordance with RCW 18.51.060. ((The notice shall inform the facility that, except for life-threatening situations or situations which substantially limit the provider's capacity to render adequate care which may be for a shorter period of time, the facility shall comply within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 74.42.580 may be imposed if, upon inspection after the specified period, the department determines that the facility has not complied.))~~

Sec. 29. Section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 22, chapter 288, Laws of 1984 and RCW 70.38.115 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary of the department in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The relationship of the health services being reviewed to the applicable health plans;

(b) The need that the population served or to be served by such services has for such services;

(c) The availability of less costly or more effective alternative methods of providing such services;

(d) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served, including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals. An application by a hospital shall be denied if the state hospital commission does not recommend approval, unless the secretary provides the commission with a written statement setting forth the reason or reasons, and citing the applicable subsection or subsections of this section, for approving an application that the commission has determined to be not feasible;

(e) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(f) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such

construction project and (li) on the cost and charges to the public of providing health services by other persons;

(g) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;

(h) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(i) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(j) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past; and

(k) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the hospital commission.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) The decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) The decisions of the department on nursing home certificate of need applications, including applications for use of space within hospitals and other health care facilities as nursing homes, shall be consistent with state-wide and area need for nursing home beds, to be determined biennially by the legislature and the department in the following manner:

(a) By September 30 of each even-numbered year, the state health coordinating council shall report to the legislature on the total need for nursing home beds in the state as of December 30 of the third year following;

(b) After considering the recommendation of the state health coordinating council pursuant to (a) of this subsection, the legislature shall, during its session in each odd-numbered year, in the state operating and appropriations act, determine the total need for nursing home beds in the state as of December 30 of the second year following; PROVIDED, That if the legislature does not make the determination the recommendation of the state health coordinating council shall have the same effect as a legislative determination;

(c) By no later than December 30 of each odd-numbered year, the department shall allocate the total need for nursing home beds, as determined under (b) of this subsection, among planning areas, to be specified in the state health plan, in keeping with a nursing home bed allocation method to be specified in the state health plan;

(d) Decisions of the department on nursing home certificate of need applications including applications for use of space within hospitals and other health care facilities as nursing homes, shall be consistent with the area bed allocations developed by the department pursuant to (c) and (e) of this subsection;

(e) The department may at any time reallocate beds among planning areas, in keeping with the bed allocation method to be specified in the state health plan, provided that such reallocations do not have the effect of permitting approval of nursing care bed certificate of need applications in excess of the state-wide need for nursing care beds as last determined under (b) of this subsection.

(6) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

~~((6))~~ (7) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process.

Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

((7)) (8) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

((8)) (9) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

((9)) (10) The department or a designated regional health council shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

((10)) (11) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing shall be held within one hundred twenty days of a request therefor. An administrative law judge shall review the decision of the secretary's designee and render a proposed decision for consideration by the secretary in accordance with chapter 34.12 RCW or remand the matter to the secretary's designee for further consideration. The secretary's final decision is subject to review by the superior court as provided in chapter 34.04 RCW.

((11)) (12) The department may establish procedures and criteria for reconsideration of decisions.

((12)) (13) An amended certificate of need shall be required for the following modifications of an approved project:

- (a) A new service;
- (b) An expansion of a service beyond that originally approved;
- (c) An increase in bed capacity;
- (d) A significant reduction in the scope of a project without a commensurate reduction in the cost of the project, or a cost increase (as represented in bids on a construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the project with the review criteria pertaining to financial feasibility and cost containment.

((13)) (14) An application for a certificate of need for a capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

Sec. 30. Section 3, chapter 284, Laws of 1985 and RCW 74.42.055 are each amended to read as follows:

(1) The purpose of this section is to prohibit discrimination against medicaid recipients by nursing homes which have contracted with the department to provide skilled or intermediate nursing care services to medicaid recipients.

(2) It shall be unlawful for any nursing home which has a medicaid contract with the department:

- (a) To require, as a condition of admission, assurance from the patient or any other person that the patient is not eligible for or will not apply for medicaid;
- (b) To deny or delay admission or readmission of a person to a nursing home because of his or her status as a medicaid recipient;
- (c) To transfer a patient, except from a private room to another room within the nursing home, because of his or her status as a medicaid recipient;
- (d) To transfer a patient to another nursing home because of his or her status as a medicaid recipient;
- (e) To discharge a patient from a nursing home because of his or her status as a medicaid recipient; or
- (f) To charge any amounts in excess of the medicaid rate from the date of eligibility, except for any supplementation permitted by the department pursuant to RCW 18.51.070.

(3) Any nursing home which has a medicaid contract with the department shall maintain one list of names of persons seeking admission to the facility, which is ordered by the date of request for admission. This information shall be retained for one year from the month admission was requested.

(4) The department may assess monetary penalties of a civil nature, not to exceed ~~((one))~~ three thousand dollars for each violation of this section.

(5) Because it is a matter of great public importance to protect senior citizens who need medicaid services from discriminatory treatment in obtaining long-term health care, any violation of this section shall be construed for purposes of the application of the consumer protection act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce.

(6) It is not an act of discrimination under this chapter to refuse to admit a patient if admitting that patient would prevent the needs of the other patients residing in that facility from being met at that facility.

NEW SECTION, Sec. 31. The department shall report by December 31, 1987, to the appropriate standing committee of the legislature and the nursing home advisory council on the circumstances and amount of fines imposed under the authority granted in chapter 18.51 RCW.

NEW SECTION, Sec. 32. (1) The house committee on health care, with input from affected groups, shall collect and analyze information regarding levels of staffing for licensed and unlicensed personnel on a per shift basis and levels of staff as related to levels of acuity in nursing homes in Washington and compare their findings to staffing levels and ratios as existing and as required in other states. The committee shall review the existing requirements for education and training of nursing assistants in light of severe problems in recruitment. The committee recommendations shall be made to the legislature prior to the 1988 legislative session.

(2) This section shall expire January 1, 1989.

NEW SECTION, Sec. 33. Sections 10 through 22 of this act are each added to chapter 18.51 RCW."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 74.46.180, 74.46.430, 74.46.460, 74.46.470, 74.46.481, 74.46.020, 18.52A.030, 18.51-.060, 18.51.091, 18.51.220, 18.51.260, 74.42.580, 74.42.600, 70.38.115, and 74.42.055; adding new sections to chapter 18.51 RCW; adding a new section to chapter 74.46 RCW; creating new sections; and prescribing penalties."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1006.

Representatives Braddock and Brooks spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1006 as amended by the Senate.

Mr. Lux spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1006 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., King R., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Waik, Walker, Wang, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Basich - 1.

Excused: Representatives Cantwell, Vekich - 2.

Engrossed Second Substitute House Bill No. 1006 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1205 with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 70.146 RCW to read as follows:

(1) The department of ecology may enter into contracts with local jurisdictions which provide for extended grant payments under which eligible costs may be paid on an advanced or deferred basis.

(2) Extended grant payments shall be in equal annual payments, the total of which does not exceed, on a net present value basis, fifty percent of the total eligible cost of the project incurred at the time of design and construction. The duration of such extended grant payments shall be for a period not to exceed twenty years. The total of federal and state grant moneys received for the eligible costs of the project shall not exceed fifty percent of the eligible costs.

(3) Any moneys appropriated by the legislature from the water quality account shall be first used by the department of ecology to satisfy the conditions of the extended grant payment contracts.

(4) Any moneys appropriated by the legislature from the water quality account for protection of sole-source aquifers shall be provided in the form of a fifty percent matching grant."

On page 1, line 3 of the title, after "payments;" strike the remainder of the title and insert "and adding a new section to chapter 70.146 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to House Bill No. 1205.

Mr. Locke spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1205 as amended by the Senate.

Representative Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1205 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Basich - 1.

Excused: Representatives Cantwell, Vekich - 2.

House Bill No. 1205 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Basich appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 20, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 26 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.010 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Commission' means the state lottery commission established by this chapter;

(2) 'Lottery' or 'state lottery' means the lottery established and operated pursuant to this chapter;

(3) 'Director' means the director of the state lottery (~~(commission)~~) established by this chapter.

Sec. 2. Section 4, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 1, chapter 375, Laws of 1985 and RCW 67.70.040 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares, or the use of electronic or mechanical devices or video terminals which do not require a printed ticket; PROVIDED, That approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) The method to be used in selling tickets or shares, which may include the use of electronic or mechanical devices and video terminals;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall (~~not be less than~~) be equal to forty-five percent of the gross annual revenue from such lottery, (ii) transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund. Transfers to the state general fund shall be made in compliance with RCW 43.01.050;

(l) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

Sec. 3. Section 5, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 21, chapter 158, Laws of 1986 and RCW 67.70.050 are each amended to read as follows:

There is created the office of director of the state lottery. The director shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and shall receive such salary as is determined by the governor, but in no case may the director's salary be more than ninety percent of the salary of the governor. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules of the commission.

(2) Appoint such deputy and assistant directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy and assistant directors.

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover audit or investigative work or security operations but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules of the commission, license as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from ~~(every)~~ any licensed agent, in such amount as provided in the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the state lottery account created by RCW 67.70.230.

(5) Confer regularly as necessary or desirable with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

(6) Subject to the applicable laws relating to public contracts, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission: PROVIDED, That nothing in this chapter authorizes the director to enter into public contracts for the regular and permanent administration of the lottery after the initial development and implementation.

(7) Certify quarterly to the state treasurer and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

(8) Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as the director deems necessary or desirable.

(9) Report immediately to the governor and the legislature any matters which require immediate changes in the laws of this state in order to prevent abuses and evasions of this chapter or rules promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(10) Carry on a continuous study and investigation of the lottery throughout the state: (a) For the purpose of ascertaining any defects in this chapter or in the rules issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that this chapter and rules shall be in such form and be so administered as to serve the true purposes of this chapter.

(11) Make a continuous study and investigation of: (a) The operation and the administration of similar laws which may be in effect in other states or countries, (b) The operation of an additional game or games for the benefit of a particular program or purpose, (c) any literature on the subject which from time to time may be published or available, ~~((c))~~ (d) any federal laws which may affect the operation of the lottery, and ~~((d))~~ (e) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

(12) Have all enforcement powers granted in chapter 9.46 RCW.

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 4. Section 2, chapter 4, Laws of 1986 and RCW 67.70.055 are each amended to read as follows:

The director, deputy directors, ~~((and))~~ any assistant directors, and employees of the state lottery and ~~((a))~~ members ~~((or employee))~~ of the lottery commission shall not:

(1) Serve as an officer or manager of any corporation or organization which conducts a lottery or gambling activity;

(2) Receive or share in, directly or indirectly, the gross profits of any lottery or other gambling activity regulated by the gambling commission;

(3) Be beneficially interested in any contract for the manufacture or sale of gambling devices, the conduct of a lottery or other gambling activity, or the provision of independent consultant services in connection with a lottery or other gambling activity.

Sec. 5. Section 7, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.070 are each amended to read as follows:

No license as an agent to sell lottery tickets or shares may be issued to any person to engage in business exclusively as a lottery sales agent. Before issuing a license the director shall consider such factors as: (1) The financial responsibility and security of the person and his business or activity, (2) the accessibility of his place of business or activity to the public, (3) the sufficiency of existing licenses to serve the public convenience, ~~((and))~~ (4) the volume of expected sales, and (5) conformance to local zoning codes.

Before issuing a license, the director shall provide written notice to the executive bodies of the counties, cities, and towns in which the person requesting a license proposes to sell tickets. If the appropriate executive body notifies the lottery within thirty days that the location to be licensed is not in conformance with local zoning codes, the director shall deny the license.

For purposes of this section, the term 'person' means an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. 'Person' does not mean any department, commission, agency, or instrumentality of the state, or any county or municipality or any agency or instrumentality thereof, except for retail outlets of the state liquor control board.

Sec. 6. Section 12, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.120 are each amended to read as follows:

A ticket or share shall not be sold to any person under the age of eighteen, but this shall not be deemed to prohibit the purchase of a ticket or share for the purpose of making a gift by a person eighteen years of age or older to a person less than that age. Any licensee who knowingly sells or offers to sell a lottery ticket or share to any person under the age of eighteen is guilty of a misdemeanor. In the event that a person under the age of eighteen years directly purchases a ticket in violation of this section, that person is guilty of a misdemeanor. No prize will be paid to such person and the prize money otherwise payable on the ticket will be treated as unclaimed pursuant to RCW 67.70.190.

Sec. 7. Section 18, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.180 are each amended to read as follows:

A ticket or share shall not be purchased by, and a prize shall not be paid to any member of the commission, the director, or an employee of the ((commission)) lottery or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member of the commission, the director or an employee of the ((commission)) lottery.

A violation of this section is a misdemeanor.

Sec. 8. Section 19, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.190 are each amended to read as follows:

Unclaimed prizes shall be retained in the state lottery ~~((fund))~~ account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, the prize shall be retained in the state lottery fund for further use as prizes and all rights to the prize shall be extinguished.

Sec. 9. Section 20, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.200 are each amended to read as follows:

The director, in his discretion, may require any or all lottery sales agents to deposit to the credit of the state lottery ~~((fund))~~ account in banks designated by the state treasurer, all moneys received by such agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of the tickets or shares, and to file with the director or his designated agents, reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as he may require. The director may make such arrangements for any person, including a bank, to perform such functions, activities, or services in connection with the operation of the lottery as he or she may deem advisable pursuant to this chapter and the rules of the commission, and such functions, activities, or services shall constitute lawful functions, activities, and services of such person.

Sec. 10. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 5, chapter 375, Laws of 1985 and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 ~~((and));~~ (3) for purposes of making deposits into the lottery administrative account created by RCW 67.70.260; ~~((3))~~ (4) for purposes of making deposits into the state's general fund ~~((4) for the purchase and promotion of lottery games and game-related services));~~ and (5) for the payment of agent compensation. Payments and

deposits under subsections (1) and (2) of this section shall not exceed forty-five percent of the gross annual revenue from the lottery.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

Sec. 11. Section 25, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.250 are each amended to read as follows:

If the director decides to pay any portion of or all of the prizes in the form of installments over a period of years, the director shall provide for the payment of all such installments for any specific lottery game by one, but not both, of the following methods:

(1) The director may enter into contracts with any financially responsible person or firm providing for the payment of such installments; or

(2) The director may establish and maintain a reserve account into which shall be placed sufficient moneys for the director to pay such installments as they become due. Such reserve account shall be maintained as a separate and independent fund outside the state treasury.

Sec. 12. Section 26, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 6, chapter 375, Laws of 1985 and RCW 67.70.260 are each amended to read as follows:

There is hereby created the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director. The legislature may appropriate from the account for the payment of costs incurred in the operation and administration of the lottery, including costs of the purchase and promotion of lottery games and game-related services.

Sec. 13. Section 30, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.300 are each amended to read as follows:

The attorney general may investigate violations of this chapter, and of the criminal laws within this state, by the commission, the director, or ~~((the))~~ the director's employees, licensees, or agents, in the manner prescribed for criminal investigations in RCW 43.10.090.

Sec. 14. Section 32, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.320 are each amended to read as follows:

The director of financial management shall select a certified public accountant to verify that:

(1) The manner of selecting the winning tickets or shares is consistent with this chapter; and

(2) The manner and time of payment of prizes to the holder of winning tickets or shares is consistent with this chapter. The cost of these services shall be paid from moneys placed within the ~~((revolving fund))~~ lottery administrative account created in RCW 67.70.260.

Sec. 15. Section 33, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.330 are each amended to read as follows:

The director shall have the power to enforce this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, assistant directors, and each of the ~~((commission's))~~ director's investigators, enforcement officers, and inspectors shall have the power to enforce this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth in this section, the ~~((commission))~~ office of the director shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter and to obtain information from and provide information to all other law enforcement agencies.

Sec. 16. Section 34, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.900 are each amended to read as follows:

This chapter shall expire July 1, ~~((1987))~~ 1992, unless extended by law. The legislative budget committee shall evaluate the effectiveness of this chapter. The final report of the evaluation shall be available to the legislature at least six months prior to the scheduled termination date. The report shall include, but is not limited to, objective findings of fact, conclusions, and recommendations as to continuation, modification, or termination of this chapter.

NEW SECTION. Sec. 17. Section 2, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.020 are each repealed.

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

On page 1, line 1 of the title, after "lottery;" strike the remainder of the title and insert "amending RCW 67.70.010, 67.70.040, 67.70.050, 67.70.055, 67.70.070, 67.70.120, 67.70.180, 67.70.190, 67.70.200, 67.70.240, 67.70.250, 67.70.260, 67.70.300, 67.70.320, 67.70.330, and 67.70.900; repealing RCW 67.70.020; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 26.

Representatives Wang, Patrick and Sanders spoke in favor of the motion, and Representative Miller opposed it. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 26 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 26 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 69; nays, 27; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Baugher, Beck, Belcher, Betzoff, Brekke, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Sanders, Schmidt, Scott, Silver, Smith C, Sommers H, Spanel, Sprengle, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Basich, Braddock, Bristow, Brooks, Fuhrman, Hankins, Hargrove, Haugen, Heavey, Kremen, Locke, Miller, Moyer, Prince, Rust, Sayan, Schoon, Smith L, Sommers D, Sutherland, Williams B, Williams J, Winsley - 27.

Excused: Representatives Cantwell, Vekich - 2.

Engrossed Substitute House Bill No. 26 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 462 with the following amendments:

On page 2, after line 36, insert the following:

"Sec. 3, Section 1, chapter 266, Laws of 1981 as last amended by section 1, chapter 193, Laws of 1986 and RCW 51.12.045 are each amended to read as follows:

Offenders performing community services pursuant to court order or under RCW 13.40.080 may be deemed employees and/or workers under this title for purposes relating only to medical aid benefits under chapter 51.36 RCW, at the option of the state, county, city, town, or nonprofit organization under whose authorization the services are performed. Any premiums or assessments due under this title for community services work shall be the obligation of and be paid for by the state agency, county, city, town, or nonprofit organization for which the offender performed the community services. Coverage commences when a state agency, county, city, town, or nonprofit organization has given notice to the director that it wishes to cover offenders performing community services before the occurrence of an injury or contraction of an occupational disease."

Renumber the remaining section consecutively

On page 1, line 2 of the title, strike "and 51.48.270" and insert "51.48.270, and 51.12.045" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to House Bill No. 462

Mr. Wang spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 462 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 462 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Cantwell, Vekich - 2.

House Bill No. 462 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Cantwell appeared at the bar of the House.

The Speaker assumed the Chair.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 83 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 6, chapter 169, Laws of 1963 as last amended by section 1, chapter 369, Laws of 1977 ex. sess. and RCW 46.29.060 are each amended to read as follows:

The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person ((of three hundred dollars or more)) equal to or greater than the minimum amount established by rule adopted by the director. The director shall adopt rules establishing the property damage threshold at which the provisions of this chapter apply with respect to the deposit of security and suspensions for failure to deposit security. Beginning October 1, 1987, the property damage threshold shall be five hundred dollars. The thresholds shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision and by the threshold established by the chief of the Washington state patrol for the filing of accident reports as provided in RCW 46.52.030.

Sec. 2. Section 2, chapter 11, Laws of 1979 as last amended by section 1, chapter 30, Laws of 1981 and RCW 46.52.030 are each amended to read as follows:

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent ((of three hundred dollars or more)) equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with subsection (5) of this section, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns. Nothing in this subsection prohibits accident reports from being filed by drivers where damage to property is less than the minimum amount.

(2) ~~((If such accident was not investigated by a law enforcement officer.))~~ The original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of licensing at Olympia, Washington.

(3) ~~((If such accident was investigated by a law enforcement officer, the original of each driver's report required by subsection (1) of this section shall be retained by the local law enforcement agency where the accident occurred, and the second copy shall be forwarded to the department of licensing at Olympia, Washington.~~

(4) Any law enforcement officer who investigates an accident for which a driver's report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(5) (4) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

(5) The chief of the Washington state patrol shall adopt rules establishing the accident-reporting threshold for property damage accidents. Beginning October 1, 1987, the accident-reporting threshold for property damage accidents shall be five hundred dollars. The accident-reporting threshold for property damage accidents shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision.

Sec. 3. Section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 99, Laws of 1984 and RCW 46.52.120 are each amended to read as follows:

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The case record shall be maintained in two parts.

(a) One part shall be the employment driving record of the person. This part shall include all motor vehicle accidents in which the person is involved while the person is driving a ~~((commercial))~~ motor vehicle as an employee of another or an owner-operator, all convictions of the person for violation of the motor vehicle laws while the person is driving a ~~((commercial))~~ motor vehicle as an employee of another or an owner-operator, and all findings that the person has committed a traffic infraction while the person is driving a ~~((commercial))~~ motor vehicle as an employee of another or an owner-operator. The same reports shall be entered when the person is a law enforcement officer or fire fighter as defined in RCW 41.26.030, or a state patrol officer, and is driving an official police, state patrol, or fire department vehicle in the course of their official duties.

(b) The other part shall include all other accidents, convictions, and findings that the person has committed a traffic infraction.

(3) Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(4) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or

refusal is final and effective unless appeal from the decision of the director is taken as provided by law.

NEW SECTION. Sec. 4. A new section is added to chapter 46.20 RCW to read as follows:

The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 167, Laws of 1967, section 42, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.011;

(2) Section 46.20.102, chapter 12, Laws of 1961, section 12, chapter 121, Laws of 1965 ex. sess., section 2, chapter 167, Laws of 1967, section 5, chapter 61, Laws of 1979 and RCW 46.20.102; and

(3) Section 46.20.104, chapter 12, Laws of 1961, section 13, chapter 121, Laws of 1965 ex. sess., section 3, chapter 167, Laws of 1967, section 44, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.104."

On line 1 of the title, after "reports," strike the remainder of the title and insert "amending RCW 46.29.060, 46.52.030, and 46.52.120; adding a new section to chapter 46.20 RCW; and repealing RCW 46.20.011, 46.20.102, and 46.20.104."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Baugher, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 83 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Walk, Baugher and Schmidt as conferees on Engrossed Substitute House Bill No. 83.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 419 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The state of Washington through the department of social and health services is required by state and federal statutes to provide paternity establishment services. These statutes require that reasonable efforts to establish paternity be made, if paternity of the child is in question, in all public assistance cases and whenever such services are requested in nonassistance cases.

The increasing number of children being born out of wedlock together with improved awareness of the benefits to the child and society of having paternity established have resulted in a greater demand on the existing judicial paternity establishment system.

Sec. 2. Section 23, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.280 are each amended to read as follows:

While discharging its responsibilities to enforce the support obligations of responsible parents, the department shall respect the right of privacy of recipients of public assistance and of other persons. Any inquiry about sexual activity shall be limited to that necessary to ~~((resolve a genuine dispute about the parentage of a child. When a custodial mother has informed the department that a particular man is the father of her child, the department shall make no further inquiry into her personal life unless the man so identified has denied that he is the father of such child))~~ identify and locate possible fathers and to gather facts needed in the adjudication of parentage.

NEW SECTION. Sec. 3. The department of social and health services shall augment its present paternity establishment services through the hiring of additional assistant attorneys general, or contracting with prosecutors or private attorneys licensed in the state of Washington in those judicial districts experiencing delay or an accumulation of unserved paternity cases. The employment of private attorneys shall be limited in scope to renewable six-month periods in judicial districts where the prosecutor or the attorney general cannot provide adequate, cost-effective service. The department of social and health services shall provide a written report of the circumstances requiring employment of private attorneys to the judiciary committees of the senate and house of representatives and provide copies of such reports to the office of the attorney general and to the Washington association of prosecuting attorneys.

NEW SECTION. Sec. 4. The sum of four hundred sixty-seven thousand seven hundred eighty-seven dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of social and health services for the office of support enforcement for the biennium ending June 30, 1989, to carry out the required paternity establishment services.

Pursuant to RCW 26.26.060(2), the office of support enforcement within the department of social and health services shall utilize this appropriation for ensuring that full paternity services are provided as mandated by federal and state law."

On page 1, line 1 of the title, after "paternity," strike the remainder of the title and insert "amending RCW 74.20A.280; creating new sections; and making an appropriation."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 419 and ask the Senate for a conference thereon.

Representatives Niemi and Padden spoke against the motion, and Representatives Brough, Locke, Armstrong and Pruitt spoke in favor of it. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Appelwick, Armstrong and Padden as conferees on Substitute House Bill No. 419.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 713 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 171, Laws of 1973 1st ex. sess. as amended by section 1, chapter 140, Laws of 1979 and RCW 21.20.705 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires(;;):

(1) 'Debenture company' means an issuer of any note, debenture, or other debt obligation for money ~~((used or to be used as capital))~~ to be used as operating funds of the issuer, which is offered or sold in this state ~~((and is required to be registered under the provisions of this chapter));~~ and which issuer is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, ~~((leasing;))~~ or trading in: (a) Notes, or other debt obligations, whether or not secured by real ~~((or chattel mortgages; deeds of trust; land; land))~~ or personal property ~~((contracts, or security agreements and financing statements under the uniform commercial code)); (b) vendors' interests in real estate contracts; (c) real or personal property to be leased to third parties; or (d) real or personal property.~~ The term 'debenture company' does not include an issuer by reason of any of its securities which are exempt from registration under RCW 21.20.310 or offered or sold in transactions exempt from registration under RCW 21.20.320 (1) or (8); and

(2) 'Acquiring party' means the person acquiring control of a debenture company through the purchase of stock.

Sec. 2. Section 8, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.715 are each amended to read as follows:

Any debenture company offering debt securities to the public shall provide that at least fifty percent of the amount of those securities sold ~~((after July 1, 1973, shall))~~ have maturity dates of two years or more.

NEW SECTION. Sec. 3. (1) For purposes of the provisions of this chapter relating to debenture companies a person shall be deemed a controlling person if:

(a) Such person directly or indirectly, or acting through one or more other persons owns, controls, or has power to vote twenty-five percent or more of any class of voting securities of a debenture company;

(b) Such person controls in any manner the election of a majority of the directors or trustees of a debenture company; or

(c) The director determines, after notice and opportunity for hearing, that such person, directly or indirectly, exercises a controlling influence over the management or policies of a debenture company.

(2) The director may except, by order, for good cause shown, any person from subsection (1) of this section if the director finds the exception to be in the public interest and that the exception does not threaten the protection of investors.

Sec. 4. Section 9, chapter 171, Laws of 1973 1st ex. sess. as last amended by section 41, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.720 are each amended to read as follows:

(1) A director ~~((or)), officer, or controlling person~~ of a debenture company shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him or her, the same as any other ~~((depositor))~~ investor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;

(b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the debenture company are members so as to constitute with him or her a majority of the board of directors.

(2) ~~((Neither))~~ A director ~~((nor)), an officer, or controlling person~~ shall not:

(a) For himself or herself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his or her own use any commission or benefit from any loan made by the debenture company, or any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of licensing or the director's administrator of securities upon recommendation by the company's board of directors.

(d) For himself or herself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real or personal property upon which the debenture company holds a mortgage, deed of trust, or property contract. A loan to or a purchase by a corporation in which he or she is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he or she and other directors ~~((or)), officers, or controlling persons~~ of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer within the meaning of this section, except when the loan to or purchase by such corporation occurred without his or her knowledge or against his or her protest.

NEW SECTION, Sec. 5. (1) It is unlawful for any person to acquire control of a debenture company until thirty days after filing with the director a copy of the notice of change of control on the form specified by the director. The notice or application shall be under oath and contain substantially all of the following information plus any additional information that the director may prescribe as necessary or appropriate in the particular instance for the protection of investors, borrowers, or shareholders and the public interest:

(a) The identity and business experience of each person by whom or on whose behalf acquisition is to be made;

(b) The financial and managerial resources and future prospects of each person involved in the acquisition;

(c) The terms and conditions of any proposed acquisition and the manner in which the acquisition is to be made;

(d) The source and amount of the funds or other consideration used or to be used in making the acquisition, and a description of the transaction and the names of the parties if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition;

(e) Any plan or proposal which any person making the acquisition may have to liquidate the debenture company, to sell its assets, to merge it with any other company, or to make any other major change in its business or corporate structure or management;

(f) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on its behalf, who makes solicitations or recommendations to shareholders for the purpose of assisting in the acquisition and a brief description of the terms of the employment, retainer, or arrangement for compensation; and

(g) Copies of all invitations for tenders or advertisements making a tender offer to shareholders for the purchase of their stock to be used in connection with the proposed acquisition.

(2) When a person, other than an individual or corporation, is required to file an application under this section, the director may require that the information required by subsection (1)(a), (b), and (f) of this section be given with respect to each person who has an interest in or controls a person filing an application under this subsection.

(3) When a corporation is required to file an application under this section, the director may require that the information required by subsection (1)(a), (b), and (f) of this section be given for the company, each officer and director of the company, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the company.

(4) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by means of a registration statement under the Securities Act of

1933 (48 Stat. 74; 15 U.S.C. Sec. 77(a)), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881; 15 U.S.C. Sec. 78(a)), as amended, the registration statement or application may be filed with the director in lieu of the requirements of this section.

(5) Any acquiring party shall also deliver a copy of any notice or application required by this section to the debenture company proposed to be acquired within two days after the notice or application is filed with the director.

(6) Any acquisition of control in violation of this section shall be ineffective and void.

(7) Any person who wilfully or intentionally violates this section or any rule adopted pursuant thereto is guilty of a gross misdemeanor and shall be punished pursuant to chapter 9A.20 RCW. Each day's violation shall be considered a separate violation.

NEW SECTION. Sec. 6. The director may disapprove the acquisition of a debenture company within thirty days after the filing of a complete application under section 5 of this act or an extended period not exceeding an additional fifteen days if:

(1) The poor financial condition of any acquiring party might jeopardize the financial stability of the debenture company or might prejudice the interests of the investors, borrowers, or shareholders;

(2) The plan or proposal of the acquiring party to liquidate the debenture company, to sell its assets, to merge it with any person, or to make any other major change in its business or corporate structure or management is not fair and reasonable to the debenture company's investors, borrowers, or stockholders or is not in the public interest;

(3) The business experience and integrity of any acquiring party who would control the operation of the debenture company indicates that approval would not be in the interest of the debenture company's investors, borrowers, or shareholders;

(4) The information provided by the application is insufficient for the director to make a determination or there has been insufficient time to verify the information provided and conduct an examination of the qualification of the acquiring party; or

(5) The acquisition would not be in the public interest.

NEW SECTION. Sec. 7. (1) The director may issue and serve upon a debenture company a notice of charges if in the opinion of the director any debenture company:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting the business of the debenture company;

(b) Is violating or has violated the law, a rule or order, or any condition imposed in writing by the director in connection with the granting of any application or other request by the debenture company or any written agreement made with the director; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection when the opinion that the threat exists is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or violations or the practice or practices and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the debenture company. The hearing shall be set in accordance with chapter 34.04 RCW.

Unless the debenture company appears at the hearing by a duly authorized representative, it shall be considered to have consented to the issuance of the cease and desist order. If this consent or if upon the record made at the hearing the director finds that any violation or practice specified in the notice of charges has been established, the director may issue and serve upon the debenture company an order to cease and desist from the violation or practice. The order may require the debenture company and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the debenture company to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after the service of the order upon the debenture company concerned except that a cease and desist order issued upon consent shall become effective at the time specified in the order and shall remain effective as provided therein unless it is stayed, modified, terminated, or set aside by action of the director or a reviewing court.

NEW SECTION. Sec. 8. Whenever the director determines that the acts specified in section 7 of this act or their continuation is likely to cause insolvency or substantial dissipation of assets or earnings of the debenture company or to otherwise seriously prejudice the interests of its security holders, the director may also issue a temporary order requiring the debenture company to cease and desist from the violation or practice. The order shall become effective upon service on the debenture company and shall remain effective unless set aside, limited, or suspended by a court in proceedings under section 7 of this act pending the completion of the administrative proceedings under the notice and until such time as the director dismisses the charges specified in the notice or until the effective date of a cease and desist order issued against the debenture company under section 7 of this act.

Sec. 9. Section 32, chapter 282, Laws of 1959 as last amended by section 1, chapter 90, Laws of 1986 and RCW 21.20.320 are each amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit. A bond or other evidence of indebtedness is not offered and sold as a unit if the transaction involves:

(a) A partial interest in one or more bonds or other evidences of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels; or

(b) One of multiple bonds or other evidences of indebtedness secured by one or more real or chattel mortgages or deeds of trust, or agreements for the sale of real estate or chattels, sold to more than one purchaser as part of a single plan of financing; or

(c) A security including an investment contract other than the bond or other evidence of indebtedness.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness, or stock for a patronage dividend, or for contributions to capital by such patrons in the association if any such receipt, written notice, or certificate made pursuant to this paragraph is nontransferable except in the case of death or by operation of law and so states conspicuously on its face.

(17) Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 3 and 5 through 8 of this act are added to chapter 21.20 RCW and shall be codified within the subchapter 'ADDITIONAL PROVISIONS.'

NEW SECTION. Sec. 12. Sections 1 through 8 of this act shall take effect January 1, 1988. The director of licensing may take whatever action is necessary to implement this act on its effective date. This act applies to any person, individual, corporation, partnership, or association whether or not in existence on or prior to January 1, 1988.

NEW SECTION. Sec. 13. The sum of forty-two thousand dollars is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1989, to carry out the purposes of this act."

On page 1, line 1 of the title, after "securities;" strike the remainder of the title and insert "amending RCW 21.20.705, 21.20.715, 21.20.720, and 21.20.320; adding new sections to chapter 21.20 RCW; prescribing penalties; making an appropriation; and providing an effective date." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Lux, the House refused to concur in the Senate amendments to Engrossed House Bill No. 713 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Lux, Crane and Winsley as conferees on Engrossed House Bill No. 713.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

	HOUSE BILL NO.	24,
SUBSTITUTE	HOUSE BILL NO.	80,
	HOUSE BILL NO.	94,
SUBSTITUTE	HOUSE BILL NO.	168,
SUBSTITUTE	HOUSE BILL NO.	341,
SUBSTITUTE	HOUSE BILL NO.	388,
	HOUSE BILL NO.	396,
SUBSTITUTE	HOUSE BILL NO.	476,
	HOUSE BILL NO.	549,
	HOUSE BILL NO.	701,
	HOUSE BILL NO.	748,
SUBSTITUTE	HOUSE BILL NO.	790,
	HOUSE BILL NO.	795,
SUBSTITUTE	HOUSE BILL NO.	876,

SUBSTITUTE HOUSE BILL NO. 920,
 SUBSTITUTE HOUSE BILL NO. 928,
 SUBSTITUTE HOUSE BILL NO. 982,
 SUBSTITUTE HOUSE BILL NO. 995,
 SUBSTITUTE HOUSE BILL NO. 1012,
 SUBSTITUTE HOUSE BILL NO. 1065,
 HOUSE BILL NO. 1087,
 SUBSTITUTE HOUSE BILL NO. 1098,
 SUBSTITUTE HOUSE BILL NO. 1132,
 HOUSE BILL NO. 1137.

MESSAGE FROM THE SENATE

April 18, 1987

Mr. Speaker:

The President has ruled that the House amendments to SUBSTITUTE SENATE BILL NO. 5163 are beyond the scope and object of the bill. The Senate refuses to concur in the House amendments and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House refused to recede from its amendments to Substitute Senate Bill No. 5163 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Braddock, Spanel and Brooks as conferees on Substitute Senate Bill No. 5163.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5854 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Braddock, the House refused to recede from its amendments to Substitute Senate Bill No. 5854 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Braddock, Lux and Betzoff as conferees on Substitute Senate Bill No. 5854.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 931 with the following amendments:

On page 5, line 25, after "board" strike "and a reasonable opportunity to comply"

On page 5, line 26, after "dollars." insert "The board shall take no action to impose any civil penalty except pursuant to a hearing held in accordance with chapter 34.04 RCW."

On page 5, line 28, after "board" strike "and a reasonable opportunity to comply"

On page 8, after line 29, insert a new section to read as follows:

NEW SECTION. Sec. 11. There is established a joint select committee on pharmacy issues. The committee shall be composed of two members of the majority party and two members of the minority party from each house of the legislature appointed by the president of the senate and the speaker of the house. The committee shall confine their study to legend drug sample distribution, initiating and modifying prescription drug therapy and the substitution of therapeutic equivalents, and the use of neuroleptic drugs. The committee will report to the appropriate committees of the legislature by January 1, 1988."

Remember the remaining sections accordingly and correct internal references. and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 931 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Leonard, Braddock and Brooks as conferees on Engrossed Substitute House Bill No. 931.

MESSAGE FROM THE SENATE

April 17, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendment to ENGROSSED SENATE BILL NO. 6012 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House refused to recede from its amendment to Engrossed Senate Bill No. 6012 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Crane, Heavey and L. Smith as conferees on Engrossed Senate Bill No. 6012.

MESSAGE FROM THE SENATE

April 18, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5001 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House refused to recede from its amendments to Engrossed Substitute Senate Bill No. 5001 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Crane, Hargrove and Padden as conferees on Engrossed Substitute Senate Bill No. 5001.

MESSAGE FROM THE SENATE

April 18, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5550 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

On motion of Mr. Armstrong, the House receded from its amendment on page 4, line 28, to Senate Bill No. 5550.

On motion of Mr. Armstrong, the House refused to recede from its amendment on page 5, line 19 to Senate Bill No. 5550 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooper, Armstrong and Padden as conferees on Senate Bill No. 5550.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5463 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Ebersole, the House refused to recede from its amendments to Engrossed Senate Bill No. 5463 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Ebersole, Locke and Betrozoff as conferees on Engrossed Senate Bill No. 5463.

MESSAGE FROM THE SENATE

April 17, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to ENGROSSED SENATE BILL NO. 5120 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House receded from its amendments to Engrossed Senate Bill No. 5120.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill NO. 5120 without the House amendments.

Representative Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5120 without the House amendments, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Baugher - 1.

Excused: Representative Vekich - 1.

Engrossed Substitute Senate Bill No. 5120 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 17, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to SENATE BILL NO. 5172 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House refused to recede from its amendments to Senate Bill No. 5172 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Locke, Scott and Padden as conferees on Senate Bill No. 5172.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5825 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Armstrong, the House refused to recede from its amendments to Substitute Senate Bill No. 5825 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Appelwick, Crane and Padden as conferees on Substitute Senate Bill No. 5825.

The Speaker called on Mr. Appelwick to preside.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5110 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Locke moved that the House refuse to recede from its amendments to Engrossed Senate Bill No. 5110 and ask the Senate for a conference thereon.

Representatives Jacobsen, Allen, Barnes and K. Wilson spoke against the motion, and Representatives Silver, Locke and Schoon spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion that the House refuse to recede from its amendments to Engrossed Senate Bill No. 5110 and ask the Senate for a conference thereon, and the motion was lost by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Amondson, Ballard, Beck, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Chandler, Doty, Fuhrman, Grimm, Holland, Holm, Lewis, Locke, McLean, Moyer, Padden, Patrick, Peery, Prince, Rust, Sanders, Schmidt, Silver, Smith C, Smith L, Sommers D, Sprengle, Taylor, Valle, Walk, Williams B, Williams J, Wilson S, Wineberry, Zellinsky - 40.

Voting nay: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, Mary, McMullen, Meyers, Miller, Nealey, Nelson, Niemi,

Nutley, O'Brien, Pruitt, Rasmussen, Rayburn, Sayan, Schoon, Scott, Sommers H. Spanel, Sutherland, Todd, Unsoeld, Walker, Wang, Wilson K. Winsley, and Mr. Speaker - 57.
Excused: Representative Vekich - 1.

The Speaker (Mr. Appelwick presiding) stated that the House had, by its action, receded from its amendments to Engrossed Senate Bill No. 5110.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill NO. 5110 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5110 without the House amendments, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Belcher, Holland, May, Nealey, Prince - 5.
Excused: Representative Vekich - 1.

Engrossed Senate Bill No. 5110 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 454 with the following amendments:

Strike everything after the enacting clause and insert the following:

*PART I WORK-STUDY ADVISORY COMMITTEE

Sec. 201. Section 5, chapter 177, Laws of 1974 ex. sess. as amended by section 59, chapter 370, Laws of 1985 and RCW 28B.12.050 are each amended to read as follows:

The higher education coordinating board shall disburse college work-study funds (~~after consideration of recommendations of a panel convened by the higher education coordinating board, and composed of representatives of~~), In performing its duties under this section, the board shall consult eligible institutions and post-secondary education advisory and governing bodies. (~~Said commission~~) The board shall establish criteria (~~for the panel~~) designed to achieve such distribution of assistance under this chapter among students attending eligible institutions as will most effectively carry out the purposes of this chapter.

Sec. 202. Section 6, chapter 177, Laws of 1974 ex. sess. as amended by section 60, chapter 370, Laws of 1985 and RCW 28B.12.060 are each amended to read as follows:

The higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 28B.19 RCW, the state higher education administrative procedure act. Such rules and regulations shall (~~be promulgated upon consideration of advice from a panel composed of representatives of institutional financial aid officers, a representative of employee organizations having membership in the classified service of the state's institutions of higher education, and will~~) include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the higher education personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

PART II HIGHER EDUCATION COORDINATING BOARD

Sec. 301. Section 14, chapter 370, Laws of 1985 and RCW 28B.80.430 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 28B.16 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 28B.16 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rulemaking, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the commission for vocational education, and the state board for community college education. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

PART III STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

Sec. 401. Section 2, chapter 5, Laws of 1941 as last amended by section 1, chapter 79, Laws of 1986 and RCW 27.04.030 are each amended to read as follows:

The state library commission:

(1) May make such rules under chapter 34.04 RCW as may be deemed necessary and proper to carry out the purposes of this chapter;

(2) Shall set general policy direction pursuant to the provisions of this chapter;

(3) Shall appoint a state librarian who shall serve at the pleasure of the commission;

(4) Shall adopt a recommended budget and submit it to the governor;

(5) Shall have authority to contract with any agency of the state of Washington for the purpose of providing library materials, supplies, and equipment and employing assistants as needed for the development, growth, and operation of any library facilities or services of such agency;

(6) Shall have authority to contract with any public library in the state for that library to render library service to the blind and/or physically handicapped throughout the state. The state library commission shall have authority to compensate such public library for the cost of the service it renders under such contract;

(7) May adopt rules under chapter 34.04 RCW for the allocation of any grants of state, federal, or private funds for library purposes;

(8) Shall have authority to accept and to expend in accordance with the terms thereof any grant of federal or private funds which may become available to the state for library purposes. For the purpose of qualifying to receive such grants, the state library commission is authorized to make such applications and reports as may be required by the federal government or appropriate private entity as a condition thereto;

(9) Shall have the authority to provide for the sale of library material in accordance with RCW 27.12.305; and

(10) Shall ~~((pay expenses of the state board for certification of librarians under RCW 27.08.045))~~ have authority to establish rules and regulations for, and prescribe and hold examinations to test, the qualifications of those seeking certificates as librarians.

~~(a) The commission shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American library association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.~~

~~(b) The commission shall require a fee of not less than one dollar nor greater than that required to recover the costs associated with the application to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer.~~

~~(c) A library serving a community having over four thousand population shall not have in its employ, in the position of librarian or in any other full-time professional library position, a person who does not hold a librarian's certificate issued by the commission or its predecessor.~~

~~(d) A full-time professional library position, as intended by this subsection, is one that requires, in the opinion of the commission, a knowledge of books and of library technique equivalent to that required for graduation from an accredited library school.~~

~~(e) The provisions of this subsection apply to every library serving a community having over four thousand population and to every library operated by the state or under its authority, including libraries of institutions of higher learning; PROVIDED, That nothing in this subsection applies to the state law library or to county law libraries.~~

NEW SECTION. Sec. 402. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 119, Laws of 1935, section 12, chapter 106, Laws of 1973, section 59, chapter 287, Laws of 1984 and RCW 27.08.010; and

(2) Section 1, chapter 295, Laws of 1955 and RCW 27.08.045.

PART IV

ENERGY ADVISORY COUNCIL

Sec. 501. Section 2, chapter 295, Laws of 1981 and RCW 43.21F.025 are each amended to read as follows:

(1) 'Energy' means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(2) 'Person' means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) 'Director' means the director of the state energy office;

(4) 'Office' means the Washington state energy office; ~~and~~

(5) 'Distributor' means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; ~~(-and~~

~~(6) 'Council' means the energy advisory council created in RCW 43.21F.065)).~~

Sec. 502. Section 8, chapter 295, Laws of 1981 and RCW 43.21F.065 are each amended to read as follows:

In addition to the duties and functions assigned by RCW 43.21F.045 and 43.21F.060, the director shall:

(1) Manage, plan, direct, and administer the activities and staff of the office;

(2) Assign, reassign, and coordinate personnel of the office and prescribe their duties subject to chapter 41.06 RCW; and

~~(3) ((Provide staff support to the energy advisory council)) Establish advisory committees as may be necessary to carry out the purposes of this chapter. Members shall be reimbursed for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.~~

NEW SECTION. Sec. 503. Section 7, chapter 295, Laws of 1981 and RCW 43.21F.085 are each repealed.

PART V

MOBILE HOME, RECREATIONAL VEHICLE, AND FACTORY BUILT HOUSING ADVISORY BOARDS

Sec. 601. Section 3, chapter 229, Laws of 1969 ex. sess. as last amended by section 103, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.22.420 are each amended to read as follows:

There is hereby created a ~~((mobile home and recreational vehicle))~~ factory assembled structures advisory board consisting of ~~((eight))~~ nine members to be appointed by the ~~((governor with the advice of the))~~ director of labor and industries ~~((as herein provided))~~. It shall be

the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of factory assembled structures, mobile homes, commercial coaches and recreational vehicles. The advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department if it deems changes advisable.

~~The members of the ((mobile home and recreational vehicle)) advisory board shall be ((selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material or devices; one member shall be an employee, officer, owner, or operator of a mobile home park; and one member shall represent that segment of the general public owning or leasing mobile homes, commercial coaches and/or recreational vehicles. The chief supervisor for the mobile home, commercial coach and recreational vehicle section within the department of labor and industries shall be a member of the advisory board and shall act as secretary)) representative of consumers, the regulated industries, and allied professionals. The ((regular)) term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman)). However, the director may appoint the initial members of the advisory board to staggered terms not exceeding four years.~~

The chief ((supervisor)) inspector or any person acting as chief ((supervisor)) inspector for the factory assembled structures, mobile home, commercial coach and recreational vehicle section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries, but at least quarterly. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries or his or her designee.

NEW SECTION, Sec. 602. Section 6, chapter 44, Laws of 1970 ex. sess., section 4, chapter 22, Laws of 1973 1st ex. sess., section 104, chapter 34, Laws of 1975-'76 2nd ex. sess., section 77, chapter 287, Laws of 1984 and RCW 43.22.475 are each repealed.

PART VI COMMISSION ON EQUIPMENT

Sec. 701. Section 46.04.040, chapter 12, Laws of 1961 and RCW 46.04.040 are each amended to read as follows:

'Authorized emergency vehicle' means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state ((commission on equipment)) patrol, or any other vehicle authorized in writing by the state ((commission on equipment)) patrol.

Sec. 702. Section 1, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.304 are each amended to read as follows:

'Moped' means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power and a motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, and the wheels of which are at least sixteen inches in diameter.

The state ((commission on equipment)) patrol may approve of and define as a 'moped' a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to vehicles which do meet these specific criteria.

Sec. 703. Section 1, chapter 200, Laws of 1983 and RCW 46.04.710 are each amended to read as follows:

'Wheelchair conveyance' means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a propulsion device capable of propelling the vehicle within a speed range established by the ~~((commission on equipment))~~ state patrol. The ~~((commission))~~ state patrol may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

Sec. 704. Section 46.16.240, chapter 12, Laws of 1961 as last amended by section 10, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.240 are each amended to read as follows:

The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: PROVIDED, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: PROVIDED, HOWEVER, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state ~~((commission on equipment))~~ patrol. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided.

Sec. 705. Section 46.32.060, chapter 12, Laws of 1961 as amended by section 5, chapter 123, Laws of 1986 and RCW 46.32.060 are each amended to read as follows:

It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title or rules adopted by the chief of the Washington state patrol.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state ~~((commission on equipment))~~ patrol.

Sec. 706. Section 46.37.005, chapter 12, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1985 and RCW 46.37.005 are each amended to read as follows:

~~((There is constituted a state commission on equipment which shall consist of the director of the department of licensing, the chief of the Washington state patrol, and the secretary of transportation. Each official may designate an administrative staff person to serve as the official's designee on the commission. For purposes of continuity this designee shall, where possible, be one individual. The chief of the Washington state patrol or his designee shall act as the chairman of the state commission on equipment. He shall appoint either the director of licensing or the secretary of transportation or their respective designees to serve as vice-chairman in his absence. The chairman or the designated vice-chairman must be present at each meeting of the commission. The chief shall appoint a person under his supervision to act as secretary of the state commission on equipment who shall be responsible for the issuance of rules and regulations adopted by the commission, for the issuance of certificates of approval for vehicle equipment requiring approval and letters of appointment to tow operators, and for the administration of such other business of the commission on equipment as the commission shall specify.))~~

In addition to those powers and duties elsewhere granted ~~((by the provisions of this title the state commission on equipment)),~~ the chief of the Washington state patrol shall have the power and the duty to adopt, apply, and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight, and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

The (~~state commission on equipment~~) chief of the Washington state patrol is authorized to adopt by regulation, federal standards relating to motor vehicles and vehicle equipment, issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, or any amendment to said act, notwithstanding any provision in Title 46 RCW inconsistent with such standards. Federal standards adopted pursuant to this section shall be applicable only to vehicles manufactured in a model year following the adoption of such standards.

Sec. 707. Section 46.37.010, chapter 12, Laws of 1961 as last amended by section 69, chapter 136, Laws of 1979 ex. sess. and RCW 46.37.010 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the (~~state commission on equipment~~) chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the (~~commission's~~) state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the (~~commission's~~) state patrol's regulations.

(2) Nothing contained in this chapter or the (~~commission's~~) state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the (~~commission's~~) state patrol's regulations.

(3) The provisions of this chapter and the (~~commission's~~) state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the (~~commission on equipment~~) state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state (~~commission on equipment~~) patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

Sec. 708. Section 46.37.160, chapter 12, Laws of 1961 as last amended by section 14, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.160 are each amended to read as follows:

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with vehicular hazard warning lights of the type described in RCW 46.37.215 visible from a distance of not less than one thousand feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall at all times, and every other motor vehicle shall at times mentioned in RCW 46.37.020, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of RCW 46.37.220, 46.37.240, or 46.37.260;

(b) At least one red lamp visible when lighted from a distance of not less than one thousand feet to the rear mounted as far to the left of center of vehicle as practicable;

(c) At least two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful lower beams of headlamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps and reflectors as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsections (1) and (2) of this section;

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. One reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit;

(c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (1) of this section.

(4) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them: PROVIDED, That if all other requirements are met, reflective tape or paint may be used in lieu of reflectors required by subsection (3) of this section.

(5) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6) of this section.

(6) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(7) The emblem required by subsections (5) and (6) of this section shall comply with current standards and specifications as promulgated by the ~~((state commission on equipment))~~ Washington state patrol.

Sec. 709. Section 46.37.185, chapter 12, Laws of 1961 as amended by section 3, chapter 92, Laws of 1971 ex. sess. and RCW 46.37.185 are each amended to read as follows:

Firemen, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the ~~((commission on equipment))~~ Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

Sec. 710. Section 46.37.190, chapter 12, Laws of 1961 as last amended by section 1, chapter 331, Laws of 1985 and RCW 46.37.190 are each amended to read as follows:

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a 'stop' signal upon a background not less than fourteen by eighteen inches displaying the word 'stop' in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the ~~((commission on equipment))~~ state patrol for that purpose. The ~~((commission))~~ state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the ~~((Washington state commission on equipment))~~ state patrol or a publicly-owned law enforcement or emergency vehicle. An 'optical strobe light device' means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the vehicle in which the strobe light device is used to obtain the right of way at intersections.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

Sec. 711. Section 46.37.194, chapter 12, Laws of 1961 and RCW 46.37.194 are each amended to read as follows:

The state ~~((commission on equipment))~~ patrol may make rules and regulations relating to authorized emergency vehicles and shall test and approve sirens and emergency vehicle lamps to be used on such vehicles.

Sec. 712. Section 46.37.210, chapter 12, Laws of 1961 as last amended by section 18, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.210 are each amended to read as follows:

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with one or more side marker lamps, and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090~~((6)-(7))~~ (7).

(6) (a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

(i) One green light to be activated when the accelerator of the motor vehicle is depressed;

(ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine.

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals.

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated.

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear.

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy-two inches, nor less than twenty inches, as provided by RCW 46.37.050.

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection.

(g) Each manufacturer's model of such a system as described in this subsection shall be approved by the ~~((commission on equipment))~~ state patrol as provided for in RCW 46.37.005 and 46.37.320, before it may be sold or offered for sale in the state of Washington.

Sec. 713. Section 46.37.280, chapter 12, Laws of 1961 as last amended by section 24, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.280 are each amended to read as follows:

(1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state ~~((commission on equipment))~~ patrol and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, and warning lamps authorized by the state ~~((commission on equipment))~~ patrol.

Sec. 714. Section 46.37.290, chapter 12, Laws of 1961 as last amended by section 1, chapter 45, Laws of 1977 and RCW 46.37.290 are each amended to read as follows:

The ~~((state commission on equipment))~~ chief of the Washington state patrol is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

Sec. 715. Section 46.37.300, chapter 12, Laws of 1961 as amended by section 20, chapter 154, Laws of 1963 and RCW 46.37.300 are each amended to read as follows:

(1) The state ~~((commission on equipment))~~ patrol shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Sec. 716. Section 46.37.310, chapter 12, Laws of 1961 as amended by section 1, chapter 113, Laws of 1986 and RCW 46.37.310 are each amended to read as follows:

(1) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, or use upon any such vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this chapter, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state (~~commission on equipment~~) patrol and conforming to rules adopted by it.

(2) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer any lamp or device mentioned in this section conforming to rules adopted by the state (~~commission on equipment~~) patrol unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person may use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless the lamps are mounted, adjusted, and aimed in accordance with instructions of the state (~~commission on equipment~~) patrol.

Sec. 717. Section 2, chapter 113, Laws of 1986 and RCW 46.37.320 are each amended to read as follows:

(1) The (~~state commission on equipment~~) chief of the state patrol is hereby authorized to adopt and enforce rules establishing standards and specifications governing the performance of lighting devices and their installation, adjustment, and aiming, when in use on motor vehicles, and other safety equipment, components, or assemblies of a type for which regulation is required in this chapter or in rules adopted by the (~~commission~~) state patrol. Such rules shall correlate with and, so far as practicable, conform to federal motor vehicle safety standards adopted pursuant to the national traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1381 et seq.) covering the same aspect of performance, or in the absence of such federal standards, to the then current standards and specifications of the society of automotive engineers applicable to such equipment: PROVIDED, That the sale, installation, and use of any headlamp meeting the standards of either the society of automotive engineers or the United Nations agreement concerning motor vehicle equipment and parts done at Geneva on March 20, 1958, or as amended and adopted by the Canadian standards association (CSA standard D106.2), as amended, shall be lawful in this state.

(2) Every manufacturer who sells or offers for sale lighting devices or other safety equipment subject to requirements established by the (~~commission~~) state patrol shall, if the lighting device or safety equipment is not in conformance with applicable federal motor vehicle safety standards, provide for submission of such lighting device or safety equipment to any recognized organization or agency such as, but not limited to, the American national standards institute, the society of automotive engineers, or the American association of motor vehicle administrators, as the agent of the (~~commission~~) state patrol. Issuance of a certificate of compliance for any lighting device or item of safety equipment by that agent is deemed to comply with the standards set forth by the (~~commission on equipment~~) state patrol. Such certificate shall be issued by the agent of the state before sale of the product within the state.

(3) The (~~commission~~) state patrol may at any time request from the manufacturer a copy of the test data showing proof of compliance of any device with the requirements established by the (~~commission~~) state patrol and additional evidence that due care was exercised in maintaining compliance during production. If the manufacturer fails to provide such proof of compliance within sixty days of notice from the (~~commission~~) state patrol, the (~~commission~~) state patrol may prohibit the sale of the device in this state until acceptable proof of compliance is received by the (~~commission~~) state patrol.

(4) The (~~commission~~) state patrol or its agent may purchase any lighting device or other safety equipment, component, or assembly subject to this chapter or rules adopted by the (~~commission~~) state patrol under this chapter, for purposes of testing or retesting the equipment as to its compliance with applicable standards or specifications.

Sec. 718. Section 46.37.330, chapter 12, Laws of 1961 as amended by section 26, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.330 are each amended to read as follows:

(1) When the state (~~commission on equipment~~) patrol has reason to believe that an approved device does not comply with the requirements of this chapter or regulations issued by the state (~~commission on equipment~~) patrol, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state (~~commission on equipment~~) patrol shall determine whether said approved device meets the requirements of this chapter and regulations issued by the (~~commission~~) state patrol. If said device does not meet the requirements of this chapter or the (~~commission's~~) state patrol's regulations it shall give notice to the one to whom the certificate of approval has been issued of

the ~~((commission's))~~ state patrol's intention to suspend or revoke the certificate of approval for such device in this state.

(2) If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state ~~((commission-on-equipment))~~ patrol that said approved device as thereafter to be sold or offered for sale meets the requirements of this chapter or the ~~((commission's))~~ state patrol's regulations, the state ~~((commission-on-equipment))~~ patrol shall suspend or revoke the approval issued therefor and shall require the withdrawal of all such devices from the market and may require that all said devices sold since the notification be replaced with devices that do comply.

(3) When a certificate of approval has been suspended or revoked pursuant to this chapter or regulations by the state ~~((commission-on-equipment))~~ patrol, the device shall not be again approved unless and until it has been submitted for reapproval and it has been demonstrated, in the same manner as in an application for an original approval, that the device fully meets the requirements of this chapter or regulations issued by the state ~~((commission-on-equipment))~~ patrol. The state ~~((commission-on-equipment))~~ patrol may require that all previously approved items are being effectively recalled and removed from the market as a condition of reapproval.

Sec. 719. Section 24, chapter 154, Laws of 1963 as amended by section 29, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.365 are each amended to read as follows:

(1) The term 'hydraulic brake fluid' as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The ~~((state commission-on-equipment))~~ chief of the Washington state patrol shall, in compliance with the provisions of chapter 34.04 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state ~~((commission-on-equipment))~~ patrol. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state ~~((commission-on-equipment))~~ patrol.

(5) Subsections (3) and (4) of this section shall not apply to petroleum base fluids in vehicles with brake systems designed to use them.

Sec. 720. Section 46.37.380, chapter 12, Laws of 1961 as last amended by section 3, chapter 113, Laws of 1986 and RCW 46.37.380 are each amended to read as follows:

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type conforming to rules adopted by the state ~~((commission-on-equipment))~~ patrol, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

Sec. 721. Section 46.37.420, chapter 12, Laws of 1961 as last amended by section 4, chapter 113, Laws of 1986 and RCW 46.37.420 are each amended to read as follows:

(1) It is unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway, and except also that it is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type conforming to rules adopted by the state ~~((commission-on-equipment))~~ patrol, upon any vehicle when required for safety because of snow, ice, or other

conditions tending to cause a vehicle to skid. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(3) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

Sec. 722. Section 3, chapter 77, Laws of 1971 as last amended by section 73, chapter 136, Laws of 1979 ex. sess. and RCW 46.37.425 are each amended to read as follows:

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state (~~(commission on equipment)~~) patrol.

The state (~~(commission on equipment)~~) patrol shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, 'not for highway use' or 'for racing purposes only'; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person to operate a vehicle on the public highways of this state, or to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state (~~(commission on equipment)~~) patrol hereunder: PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

Sec. 723. Section 46.37.430, chapter 12, Laws of 1961 as last amended by section 5, chapter 113, Laws of 1986 and RCW 46.37.430 are each amended to read as follows:

(1) No person may sell any new motor vehicle as specified in this title, nor may any new motor vehicle as specified in this title be registered unless such vehicle is equipped with safety glazing material of a type approved by the state (~~(commission on equipment)~~) patrol wherever glazing material is used in doors, windows, and windshields. The foregoing provisions apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material (~~(applies)~~) apply to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(2) The term 'safety glazing materials' means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The director of licensing shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material.

and he shall suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person may sell or offer for sale, nor may any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type conforming to rules adopted by the state (~~(commission on equipment)~~) patrol wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material that reduces light transmittance to any degree, unless it meets standards for such material adopted by the state (~~(commission on equipment)~~) patrol, may be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

- (a) Windshields.
- (b) Windows to the immediate right and left of the driver including windwings or,
- (c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

The standards adopted by the (~~(commission)~~) state patrol shall permit a greater degree of light reduction on a vehicle operated by or carrying as a passenger a person who possesses written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

Nothing in this subsection prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet the standards of the state (~~(commission on equipment)~~) patrol for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state (~~(commission on equipment)~~) patrol shall conform as closely as possible to the standards for safety glazing materials for motor vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material.

Sec. 724. Section 46.37.440, chapter 12, Laws of 1961 as last amended by section 6, chapter 113, Laws of 1986 and RCW 46.37.440 are each amended to read as follows:

(1) No person may operate any motor truck, passenger bus, truck tractor, motor home, or travel trailer over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there is carried in such vehicle the following equipment except as provided in subsection (2) of this section:

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern, or cloth warning flag may be used for the purpose of compliance with this section unless such equipment is of a type which has been submitted to the state (~~(commission on equipment)~~) patrol and conforms to rules adopted by it. No portable reflector unit may be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state (~~(commission on equipment)~~) patrol and conforms to rules adopted by it:

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried;

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person may operate at the time and under conditions stated in subsection (1) of this section any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or liquefied gases, or any motor vehicle using compressed gas as a fuel unless there is carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fusees, or signal produced by flame.

Sec. 725. Section 46.37.450, chapter 12, Laws of 1961 as amended by section 1, chapter 119, Laws of 1984 and RCW 46.37.450 are each amended to read as follows:

(1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2) of this section:

(a) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection. It may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside any municipality at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(6) Whenever any vehicle, other than those described in subsection (1) of this section, is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality at any time when lights are required on vehicles, the state patrol or the county sheriff shall, upon discovery of the disabled vehicle, place a reflectorized warning device on or near the vehicle. The warning device and its placement shall be in accordance with rules adopted by the ~~(commission on equipment)~~ state patrol. Neither the standards for, placement or use of, nor the lack of placement or use of a warning device under this subsection gives rise to any civil liability on the part of the state of Washington, the state patrol, any county, or any law enforcement agency or officer.

(7) The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto.

Sec. 726. Section 46.37.470, chapter 12, Laws of 1961 and RCW 46.37.470 are each amended to read as follows:

(1) The term 'air-conditioning equipment' as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state ~~(commission on equipment)~~ patrol may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

Sec. 727. Section 46.37.490, chapter 12, Laws of 1961 and RCW 46.37.490 are each amended to read as follows:

It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The ~~((state commission on equipment))~~ chief of the Washington state patrol is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles.

Sec. 728. Section 1, chapter 215, Laws of 1983 and RCW 46.37.505 are each amended to read as follows:

~~((By October 1, 1983;))~~ The state ~~((commission on equipment))~~ patrol shall adopt standards for the performance, design, and installation of passenger restraint systems for children less than five years old and shall approve those systems which meet its standards.

Sec. 729. Section 1, chapter 117, Laws of 1963 as last amended by section 7, chapter 113, Laws of 1986 and RCW 46.37.510 are each amended to read as follows:

(1) No person may sell any automobile manufactured or assembled after January 1, 1964, nor may any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner conforming to rules adopted by the state ~~((commission on equipment))~~ patrol. Where registration is for transfer from an out-of-state license, the applicant shall be informed of this section by the issuing agent and has thirty days to comply. The state ~~((commission on equipment))~~ patrol shall adopt and enforce standards as to what constitutes adequate and safe seat belts and for the fastening and installation of them. Such standards shall not be below those specified as minimum requirements by the Society of Automotive Engineers on June 13, 1963.

(2) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(3) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.

(4) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.

(5) The ~~((commission on equipment))~~ state patrol shall excuse specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (1), (2), and (3) of this section when compliance would be impractical.

(6) No person may distribute, have for sale, offer for sale, or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications conforming to rules adopted by the ~~((commission))~~ state patrol or the United States department of transportation.

Sec. 730. Section 61, chapter 170, Laws of 1965 ex. sess. as amended by section 4, chapter 91, Laws of 1971 ex. sess. and RCW 46.37.520 are each amended to read as follows:

It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state ~~((commission on equipment))~~ patrol, which ~~((commission))~~ may charge a reasonable fee therefor to go into the motor vehicle fund.

Sec. 731. Section 51, chapter 355, Laws of 1977 ex. sess. as amended by section 158, chapter 158, Laws of 1979 and RCW 46.37.529 are each amended to read as follows:

(1) The state ~~((commission on equipment))~~ patrol is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of licensing may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state ~~((commission on equipment))~~ patrol determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state ~~((commission on equipment))~~ patrol has disapproved the braking system upon such vehicle.

Sec. 732. Section 4, chapter 232, Laws of 1967 as last amended by section 8, chapter 113, Laws of 1986 and RCW 46.37.530 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the

motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931:

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state (~~(commission on equipment)~~) patrol;

(c) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state (~~(commission on equipment)~~) patrol.

(2) The state (~~(commission on equipment)~~) patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the administrative procedure act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

Sec. 733. Section 10, chapter 232, Laws of 1967 as last amended by section 9, chapter 113, Laws of 1986 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he also has on hand for rent helmets of a type conforming to rules adopted by the (~~(commission on equipment)~~) state patrol.

Sec. 734. Section 4, chapter 200, Laws of 1983 and RCW 46.37.610 are each amended to read as follows:

The (~~(commission on equipment)~~) state patrol shall adopt rules for wheelchair conveyance safety standards. Operation of a wheelchair conveyance that is in violation of these standards is a traffic infraction.

Sec. 735. Section 2, chapter 204, Laws of 1963 and RCW 46.38.020 are each amended to read as follows:

The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state (~~(commission on equipment)~~) patrol, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

Sec. 736. Section 3, chapter 204, Laws of 1963 as amended by section 57, chapter 145, Laws of 1967 ex. sess. and RCW 46.38.030 are each amended to read as follows:

Pursuant to Article V(e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that any rule, regulation, or code issued by the vehicle equipment safety commission in accordance with Article V of the compact shall take effect when issued in accordance with the administrative procedure act by the state (~~(commission on equipment)~~) patrol.

Sec. 737. Section 4, chapter 204, Laws of 1963 and RCW 46.38.040 are each amended to read as follows:

The commissioner of this state on the vehicle equipment safety commission shall be appointed by the (~~(members of the state commission on equipment)~~) chief of the state patrol to serve at (~~(their)~~) the chief's pleasure. The (~~(members of the state commission on equipment)~~) chief of the state patrol may also designate an alternate commissioner to serve whenever the commissioner of this state is unable to participate on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the (~~(state commission on equipment)~~) chief of the state patrol.

Sec. 738. Section 6, chapter 204, Laws of 1963 and RCW 46.38.060 are each amended to read as follows:

Filing of documents as required by Article III(j) of the compact shall be with the (~~(secretary of the state commission on equipment)~~) chief of the state patrol. Any and all notices required by commission bylaws to be given pursuant to Article III(j) of the compact shall be given to the commissioner of this state, his alternate, if any, and the (~~(secretary of the state commission on equipment)~~) chief of the state patrol.

Sec. 739. Section 1, chapter 377, Laws of 1985 and RCW 46.55.010 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) 'Abandoned vehicle' means a vehicle that a registered tow truck operator has impounded and held in his possession for ninety-six consecutive hours.

(2) 'Abandoned vehicle report' means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

~~(3) ("Commission" means the state commission on equipment established under RCW 46.37.005.~~

(4)) 'Impound' means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) 'Public impound' means that the vehicle has been impounded at the direction of a law enforcement officer or other public official having jurisdiction over the public property upon which the vehicle was located.

(b) 'Private impound' means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

~~((5))~~ (4) 'Junk vehicle' means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

~~((6))~~ (5) 'Registered tow truck operator' or 'operator' means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

~~((7))~~ (6) 'Residential property' means property that has no more than four living units located on it.

~~((8))~~ (7) 'Tow truck' means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the ~~((commission))~~ state patrol.

~~((9))~~ (8) 'Tow truck number' means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

~~((10))~~ (9) 'Tow truck permit' means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

~~((11))~~ (10) 'Tow truck service' means the transporting upon the public streets and highways of this state of unauthorized vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

~~((12))~~ (11) 'Unauthorized vehicle' means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

- | | |
|---|-------------|
| (i) Constituting a traffic hazard as defined in RCW 46.61.565 | Immediately |
| (ii) On a highway and tagged as described in RCW 46.52.170 | 24 hours |
| (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 | Immediately |

(b) Private locations:

- | | |
|---|-------------|
| (i) On residential property | Immediately |
| (ii) On private, nonresidential property, properly posted under RCW 46.55.070 | Immediately |
| (iii) On private, nonresidential property, not posted | 24 hours |

Sec. 740. Section 5, chapter 377, Laws of 1985 and RCW 46.55.050 are each amended to read as follows:

(1) Tow trucks shall be classified by towing capabilities, and shall meet or exceed all equipment standards set by the ~~((commission on equipment))~~ state patrol for the type of tow trucks to be used by an operator.

(2) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

(4) Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction.

Sec. 741. Section 17, chapter 377, Laws of 1985 and RCW 46.55.170 are each amended to read as follows:

(1) All law enforcement agencies or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with any supporting documents including all results from local investigations, to the department.

(2) Complaints involving deficiencies of equipment shall be forwarded by the department to the state (~~(commission on equipment)~~) patrol.

Sec. 742. Section 18, chapter 377, Laws of 1985 and RCW 46.55.180 are each amended to read as follows:

The director or the (~~(commission)~~) chief of the state patrol may use a hearing officer or administrative law judge for presiding over a hearing regarding infractions by registered tow truck operators of this chapter, chapter 46.37 RCW, or rules adopted thereunder.

Sec. 743. Section 2, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.563 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings unless the context clearly requires otherwise:

(1) (~~(Commission)~~) means the state commission on equipment as defined in RCW 46.37.065;

(~~2~~) 'Person' means an individual, firm, partnership, corporation, company, association, or their lessees, trustees, or receivers;

(~~3~~) (2) 'Highway' means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(~~4~~) (3) 'Towing operator' means every person who engages in the towing of vehicles and motor vehicles on a highway by means of equipment affixed to a specially constructed tow truck complying with the equipment specifications and standards promulgated by the (~~(commission)~~) state patrol; and

(~~5~~) (4) 'Tow truck' means a specially constructed and equipped motor vehicle for towing vehicles and not otherwise used in transporting goods for compensation.

Sec. 744. Section 5, chapter 167, Laws of 1977 ex. sess. as amended by section 22, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.567 are each amended to read as follows:

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the (~~(commission)~~) state patrol and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the (~~(commission)~~) state patrol may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the (~~(commission)~~) state patrol and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the (~~(commission)~~) state patrol.

An appointment may be rescinded by the (~~(commission at the request of the Washington)~~) state patrol upon evidence that the appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway. The costs of removal and storage of vehicles under this section shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid, unless the removal is determined to be invalid.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the (~~(commission)~~) state patrol for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the (~~(commission)~~) state patrol made under this section may appeal the decision under chapter 34.04 RCW.

Sec. 745. Section 2, chapter 215, Laws of 1983 and RCW 46.61.687 are each amended to read as follows:

(1) After December 31, 1983, the parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor vehicle registered under chapter 46.16 RCW, in which the child is a passenger, shall have the child properly secured in a manner approved by the state (~~(commission on equipment)~~) patrol. Even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened, federally approved seat belt is deemed sufficient to meet the requirements of this section for children one through four years of age.

(2) During the period from January 1, 1984, to July 1, 1984, a person violating subsection (1) of this section may be issued a written warning of the violation. After July 1, 1984, a person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction. If the person fails to present proof of acquisition within the time required, he or she is subject to a penalty assessment of not less than thirty dollars.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

Sec. 746. Section 85, chapter 155, Laws of 1965 ex. sess. as amended by section 39, chapter 62, Laws of 1975 and RCW 46.61.780 are each amended to read as follows:

(1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state (~~(commission on equipment)~~) patrol which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Sec. 747. Section 2, chapter 7, Laws of 1969 ex. sess. as last amended by section 203, chapter 7, Laws of 1984 and RCW 47.36.250 are each amended to read as follows:

If the department or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains, or traction equipment in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

- (1) Dangerous road conditions, chains or other approved traction devices recommended.
- (2) Dangerous road conditions, chains or other approved traction devices required.
- (3) Dangerous road conditions, chains required.

Any equipment that may be required by this section shall be approved by the state (~~(commission on equipment)~~) patrol as authorized under RCW 46.37.420.

The department shall place and maintain signs and other traffic control devices on the public highways that indicate the tire, tire chain, or traction equipment recommendation or requirement determined under this section. Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1st to April 1st, but when the department determines that chains are required and that no other traction equipment will suffice, the requirement is applicable to all types of tires including studded tires. The signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section is a misdemeanor.

Sec. 748. Section 47.52.120, chapter 13, Laws of 1961 as amended by section 1, chapter 149, Laws of 1985 and RCW 47.52.120 are each amended to read as follows:

After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, dividing section, or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: PROVIDED, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, assistance vans, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to the facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. For the purposes of this section, an assistance van is a vehicle rendering aid free of charge to vehicles with equipment or fuel problems. The (~~(commission on equipment)~~) state patrol shall establish by rule additional standards and operating procedures, as needed, for assistance vans.

Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained in this section prevents the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law.

Sec. 749. Section 7, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.070 are each amended to read as follows:

Any rule adopted under this chapter relating to the operation of motor vehicles on public highways shall be administered according to testing and inspection procedures adopted by rule by the state (~~(commission on equipment)~~) patrol. Violation of any motor vehicle performance standard adopted pursuant to this chapter shall be a misdemeanor, enforced by such

authorities and in such manner as violations of chapter 46.37 RCW. Violations subject to the provisions of this section shall be exempt from the provisions of RCW 70.107.050.

PART VII

FOREST PRACTICES ADVISORY COMMITTEE

NEW SECTION. Sec. 901. Section 20, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.200 are each repealed.

PART VIII

COMMUNITY COLLEGE BOARDS OF TRUSTEES

Sec. 1001. Section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 224, Laws of 1983 and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

Every trustee shall be a resident and qualified elector of the community college district. No trustee may be an employee of the community college system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution (~~or an elected officer or member of the legislative authority of any municipal corporation~~).

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500.

NEW SECTION. Sec. 1002. Section 1001 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

PART IX

WINTER RECREATION
ADVISORY COMMITTEE

Sec. 1101. Section 8, chapter 209, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 47, Laws of 1986 and RCW 43.51.340 are each amended to read as follows:

(1) There is created a winter recreation advisory committee to advise the parks and recreation commission in the administration of this chapter and to assist and advise the commission in the development of winter recreation facilities and programs.

(2) The committee shall consist of:

(a) Six representatives of the nonsnowmobiling winter recreation public appointed by the commission, including a resident of each of the six geographical areas of this state where nonsnowmobiling winter recreation activity occurs, as defined by the commission.

(b) Three representatives of the snowmobiling public appointed by the commission.

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties, each of whom shall be appointed by the director of the particular department or association.

(3) The terms of the members appointed under subsection (2) (a) and (b) of this section shall begin on October 1 of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies for the remainder of the unexpired term: PROVIDED, That the first of these members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(4) Members of the committee (~~(appointed under subsection (2) (a) and (b) of this section)~~) shall be reimbursed from the winter recreational program account created by RCW 43.51.310 for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

(5) The committee shall meet at times and places it determines not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. The chairman of the committee shall be chosen under rules adopted by the committee. The committee shall adopt any other rules necessary to govern its proceedings.

(6) The director of parks and recreation or the director's designee shall serve as secretary to the committee and shall be a nonvoting member.

(7) The winter recreation advisory committee and its powers and duties shall terminate on June 30, 1991.

PART X
SNOWMOBILE ADVISORY
COMMITTEE

Sec. 1201. Section 2, chapter 182, Laws of 1979 ex. sess. as last amended by section 3, chapter 16, Laws of 1986 and by section 9, chapter 270, Laws of 1986 and RCW 46.10.220 are each reenacted and amended to read as follows:

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under (3)(a) and (b) of this section shall commence on October 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee (~~appointed under (3)(a) and (b) of this section~~) shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under rules adopted by the committee from those members appointed under (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt rules to govern its proceedings.

PART XI
FOREST PRACTICES
BOARD

Sec. 1301. Section 3, chapter 137, Laws of 1974 ex. sess. as last amended by section 70, chapter 466, Laws of 1985 and RCW 76.09.030 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or his designee;

(b) The director of the department of trade and economic development or his designee;

(c) The director of the department of agriculture or his designee;

(d) The director of the department of ecology or his designee;

(e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on his continued service as an elected county official; and

(f) Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each

member of the board shall continue in office until his successor is appointed and qualified. The commissioner of public lands or his designee shall be the chairman of the board.

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.240 ~~(and in addition they)~~. Each member shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

PART XII

NEW SECTION. Sec. 1401. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections. The rules of the agencies abolished by this act shall continue in force until acted upon by the succeeding agency and shall be enforced by the succeeding agency. If there is no succeeding agency, the rules shall terminate.

NEW SECTION. Sec. 1402. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 28B.12.050, 28B.12.060, 28B.80.430, 27.04.030, 43.21F.025, 43.21F.065, 43.22.420, 46.04.040, 46.04.304, 46.04.710, 46.16.240, 46.32.060, 46.37.005, 46.37.010, 46.37.160, 46.37.185, 46.37.190, 46.37.194, 46.37.210, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.320, 46.37.330, 46.37.365, 46.37.380, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.470, 46.37.490, 46.37.505, 46.37.510, 46.37.520, 46.37.529, 46.37.530, 46.37.535, 46.37.610, 46.38.020, 46.38.030, 46.38.040, 46.38.060, 46.55.010, 46.55.050, 46.55.170, 46.55.180, 46.61.563, 46.61.567, 46.61.687, 46.61.780, 47.36.250, 47.52.120, 70.107.070, 28B.50.100, 43.51.340, and 76.09.030; reenacting and amending RCW 46.10.220; creating a new section; repealing RCW 27.08.010, 27.08.045, 43.21F.085, 43.22.475, and 76.09.200; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

Ms. H. Sommers moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 454 and ask the Senate to recede therefrom.

Ms. Silver moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 454.

Ms. Silver spoke in favor of the motion to concur with the Senate amendments to Engrossed Substitute House Bill No. 454, and Ms. H. Sommers opposed the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 454, and the motion was lost by the following vote: Yeas, 34; nays, 63; excused, 1.

Voting yea: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Hargrove, Holland, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Silver, Smith C, Sommers D, Taylor, Valle, Walker, Williams B, Williams J, Wilson S - 34.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 63.

Excused: Representative Vekich - 1.

The Speaker (Mr. Appelwick presiding) stated that the House had, by its action, refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 454 and had asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 646 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. This chapter may be cited as the alcoholism and drug addiction treatment and support act.

NEW SECTION, Sec. 2. The legislature finds:

(1) There is a need for reevaluation of state policies and programs regarding indigent alcoholics and drug addicts;

(2) The practice of providing a cash grant may be causing rapid caseload growth and attracting transients to the state;

(3) Many chronic public inebriates have been recycled through county detoxification centers repeatedly without apparent improvement;

(4) The assumption that all individuals will recover through treatment has not been substantiated;

(5) The state must modify its policies and programs for alcoholics and drug addicts and redirect its resources in the interests of these individuals, the community, and the taxpayers;

(6) Treatment resources should be focused on persons willing to commit to rehabilitation; and

(7) Shelter assistance is an essential service necessary to prevent homelessness and meet the basic needs of indigent alcoholics and drug addicts.

NEW SECTION, Sec. 3. Persons who are incapacitated from gainful employment due to alcoholism or drug addiction and who meet the eligibility requirements as established by rule by the department are eligible for special substance abuse programs as provided under this chapter. Eligible alcoholics and drug addicts shall have their needs addressed by the programs offered by the department of social and health services under this chapter and chapters 69.54 and 70.96A RCW.

NEW SECTION, Sec. 4. A program of treatment and shelter for alcoholics and drug addicts who meet the eligibility requirements is established within the department of social and health services. The eligibility requirements for the treatment and shelter program shall be the same as the eligibility requirements for the general assistance program as set forth in RCW 74.04.005. However, persons who are unemployable solely due to alcohol or drug addiction shall be eligible for services under this chapter, to the extent of available funds, instead of the general assistance—unemployable program. This program shall consist of:

(1) Client assessment services;

(2) A treatment program for alcoholics and drug addicts;

(3) A shelter program for indigent alcoholics and drug addicts;

(4) Assistance in making application for enrollment in the federal supplemental security income program under the social security administration act; and

(5) Medical care services as defined in RCW 74.09.010.

NEW SECTION, Sec. 5. (1) The department shall provide client assessment, treatment, and support services. The assessment services shall include diagnostic evaluation and arranging for admission into treatment or supported living programs.

(2) The department shall assist clients in making application for supplemental security benefits and in obtaining the necessary documentation required by the federal social security administration for such benefits.

NEW SECTION, Sec. 6. (1) The department shall provide alcohol and drug treatment services within available funds for indigent persons eligible under this chapter who are incapacitated from gainful employment due to drug or alcohol abuse or addiction. The treatment services may include but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) No individual may receive treatment services under this section for more than six months in any two-year period: PROVIDED, That the department may approve additional treatment and/or living allowance as an exception.

NEW SECTION, Sec. 7. The department shall establish a shelter assistance program to ensure the availability of shelter for persons eligible under this chapter. The department may contract with counties and cities for such shelter services.

NEW SECTION. Sec. 8. (1) If a county elects to establish a multipurpose diagnostic center or detention center, the alcoholism and drug addiction assessment service under section 5 of this act may be integrated into the services provided by such a center.

(2) The center may be financed from funds made available by the department for alcoholism and drug addiction assessments under this chapter and funds contained in the department's budget for detoxification, involuntary detention, and involuntary treatment under chapters 70.96A and 71.05 RCW. The center may be operated by the county or pursuant to contract between the county and a qualified organization.

Sec. 9. Section 1, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 2, chapter 335, Laws of 1985 and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) 'Public assistance' or 'assistance'—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) 'Department'—The department of social and health services.

(3) 'County or local office'—The administrative office for one or more counties or designated service areas.

(4) 'Director' or 'secretary' means the secretary of social and health services.

(5) 'Federal-aid assistance'—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) 'General assistance'—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance; (~~(and)~~)

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department (~~(-PROVIDED: That persons in approved alcoholism or drug programs may be eligible for less than a sixty-day period in accordance with their plans)). Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on the effective date of this 1987 section or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.—RCW (sections 1 through 8 of this 1987 act). Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on the effective date of this 1987 section may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.—RCW (sections 1 through 8 of this 1987 act). This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program:~~

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i) (~~(and)~~), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and

(b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(7) 'Applicant'—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) 'Recipient'—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) 'Standards of assistance'—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) 'Resource'—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to

independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 74.04.700.

(11) 'Income'—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance: PROVIDED, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) 'Need'—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 10. Section 74.08.280, chapter 26, Laws of 1959 as amended by section 328, chapter 141, Laws of 1979 and RCW 74.08.280 are each amended to read as follows:

If any person receiving public assistance ((is, on the testimony of reputable witnesses, found incapable of taking)) has demonstrated an inability to care ((of himself)) for oneself or ((his)) for money, the ((secretary)) department may direct the payment of the installments of public assistance to any responsible person, social service agency, or corporation or to a legally appointed guardian for his benefit((- PROVIDED, That)). The state may contract with persons, social service agencies, or corporations approved by the department to provide protective payee services for a fixed amount per recipient receiving protective payee services to cover administrative costs. The department may by rule specify a fee to cover administrative costs. Such fee shall not be withheld from a recipient's grant.

If the state requires the appointment of a guardian for this purpose, the department shall pay all costs and reasonable fees as fixed by the court.

Sec. 11. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 18, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

- (1) 'Department' means the department of social and health services.
- (2) 'Secretary' means the secretary of social and health services.
- (3) 'Internal management' means the administration of medical assistance, medical care services, and the limited casualty program.
- (4) 'Medical assistance' means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(5) 'Medical care services' means the limited scope of care financed by state funds and provided to general assistance recipients, and recipients of alcohol and drug addiction services provided under chapter 74.— RCW (sections 1 through 8 of this 1987 act).

(6) 'Limited casualty program' means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(7) 'Nursing home' means nursing home as defined in RCW 18.51.010.

Sec. 12. Section 19, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 5, Laws of 1985 and RCW 74.09.035 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance, and recipients of alcohol and drug addiction services provided under chapter 84.— RCW (sections 1 through 8 of this 1987 act), in accordance with medical eligibility requirements established by the department.

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Eligibility for medical care services shall commence with the date of certification for general assistance or the date of eligibility for alcohol and drug addiction services provided under chapter 74.— RCW (sections 1 through 8 of this 1987 act).

NEW SECTION. Sec. 13. Sections 1 through 8 of this act shall constitute a new chapter in Title 74 RCW."

On page 1, beginning on line 2 of the title, after "assistance—unemployable;" strike the remainder of the title and insert "amending RCW 74.04.005, 74.08.280, 74.09.010, and 74.09.035; and adding a new chapter to Title 74 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Brekke moved that the House do concur in the Senate amendments to Substitute House Bill No. 646.

Ms. Brekke spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 646 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 646 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Vekich - 1.

Substitute House Bill No. 646 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 786 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature recognizes its obligation to the taxpayers of the state of Washington to ensure efficiency and accountability in the common school system established under Article IX, section 1 of the state Constitution. The legislature further recognizes the importance and value of continually seeking ways in which to shape provisions of state statutes and regulations to enhance the development of local educational delivery systems characterized by diversity and centered around students' individual educational needs and learning styles.

The legislature finds that an appropriate next step in exploring ways to grant districts greater flexibility and control over the development of the process and content of local educational programs, while honoring legal requirements and respecting citizens' demands for accountability, is to investigate the development and field testing of the use of educational outcomes and measures of educational outcomes.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 10 of this act.

(1) 'Goals' or 'state goals' means the goals adopted by the state board of education relating to those skills considered to be important for students to develop and acquire through the common school system, and in particular shall include goals addressing the following:

(a) Basic academic skills, including higher order thinking skills and subject matter knowledge;

(b) Vocational skills, including an understanding about the importance of personal economic responsibility;

(c) Communication and citizenship skills; and

(d) Personal growth and development skills.

(2) 'Educational outcomes' means expected levels of student performance and achievement to meet identified state goals.

(3) 'Indicators' means factors that may bear a relationship to student capabilities and that can be used to help assess students' progress toward achieving identified educational outcomes.

NEW SECTION, Sec. 3. (1) The superintendent of public instruction shall establish a temporary committee on the assessment and accountability of educational outcomes.

(2) The committee shall be composed of:

(a) The superintendent of public instruction who shall serve as the chair of the committee;

(b) A member of the state board of education other than the superintendent of public instruction;

(c) One member representing the office of the governor and appointed by the governor;

(d) Three teachers, one each representing elementary schools, middle or junior high schools, and senior high schools;

(e) Three principals, one each representing elementary schools, middle or junior high schools, and senior high schools;

(f) Two school directors, one each representing a first class school district and a second class school district;

(g) Two superintendents, one each representing a first class school district and a second class school district;

(h) One member representing educational service districts;

(i) One member representing business;

(j) One member representing labor;

(k) One member representing vocational education;

(l) One member representing citizens;

(m) One member representing parents;

(n) One member representing students; and

(o) Four legislators. The speaker of the house of representatives shall appoint one member from each caucus of the house of representatives. The president of the senate shall appoint one member from each caucus of the senate.

(3) All committee members shall be determined within sixty days of the effective date of this section.

(4) Legislative members of the temporary committee shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 4. The temporary committee established under section 3 of this act shall have the following responsibilities:

(1) To develop by December 1, 1988, educational outcomes for the state goals defined under section 2 of this act. The committee may develop educational outcomes for each of the

grade levels kindergarten through grade twelve or for groupings of grade levels, or both, or for particular age levels or age groups, or both.

(2) To develop by December 1, 1988, measures of educational outcomes.

In developing these measures the committee is encouraged both to study various means of assessing a school's or school district's progress in achieving the state goals defined under section 2 of this act and to prepare an analysis of the validity, reliability, and effectiveness of various indicators of the educational outcomes. Indicators may include but are not limited to: Student achievement; attendance and dropout rates; instructional effectiveness; perceptions of school; school environment; student characteristics including socioeconomic backgrounds; and the effective application of resources.

The measures shall assess the educational outcomes on a district-wide basis and should permit building-by-building comparisons. To the extent possible, the measures shall be developed to use at least the state-wide fourth, eighth, and tenth grade tests established under RCW 28A.03.360(2), (3), and (4), the state eleventh grade test established under RCW 28A.03.360(5), and, if appropriate, the Washington life skills test established under RCW 28A.03.370. The measures should also, to the extent possible, permit districts to incorporate them into any local second grade testing program encouraged pursuant to RCW 28A.03.360(1).

(3) The committee may, at its discretion, study the relationship between current provisions of state statutes and regulations and the educational outcomes developed under subsection (1) of this section, and the educational, fiscal and legal impacts upon achieving the educational outcomes by waiving for schools or school districts, on a voluntary or involuntary and temporary or permanent basis, existing provisions of state statutes and regulations, including but not limited to: Compulsory courses and graduation requirements under chapter 28A.05 RCW; program hour offerings under RCW 28A.58.754(2); teacher contact hours under RCW 28A.41.140; the ratio of students per classroom teacher under RCW 28A.41.130; student learning objectives under RCW 28A.58.090; and the length of the school year.

NEW SECTION. Sec. 5. The superintendent of public instruction shall report by January 1, 1989, to the education committees of the house of representatives and the senate on the educational outcomes and related measures developed by the temporary committee pursuant to section 4 of this act.

NEW SECTION. Sec. 6. (1) The superintendent of public instruction may accept, receive, and administer such gifts, grants, and contributions as may be expressly provided from public or private sources for the purpose of supporting the work of the temporary committee on the assessment and accountability of educational outcomes as required under section 4 of this act.

(2) The educational outcomes assessment account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purpose of supporting the work of the temporary committee on the assessment and accountability of educational outcomes.

NEW SECTION. Sec. 7. (1) The superintendent of public instruction may select up to ten school districts, from among districts interested and submitting written grant applications, to field test the educational outcomes and related measures developed pursuant to section 4 of this act.

(2) The superintendent shall select the school districts by June 30, 1989, and the field tests shall begin with the 1989-90 school year and conclude at the end of the 1992-93 school year.

(3) Each selected school district shall submit annually to the superintendent of public instruction a report on its field test project.

(4) The superintendent of public instruction shall report to the legislature by January 1, 1994, on the results of the field tests of the educational outcomes and related measures. The report shall include a recommendation on whether the outcomes and related measures should be implemented on a state-wide basis. The report shall also include, if the educational outcomes and related measures are judged to be beneficial, a recommendation on whether selected provisions of state statutes or regulations should be amended or repealed if such action would enhance the benefits of the educational outcomes and related measures.

NEW SECTION. Sec. 8. The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of sections 2 through 7 of this act.

NEW SECTION. Sec. 9. No provision of this act may prohibit a school district from incorporating the educational outcomes and related measures as part of a schools for the twenty-first century pilot project.

NEW SECTION. Sec. 10. Teachers are encouraged to apply for funds under the state grant program for school improvement and research projects to develop innovative ways in which to achieve the educational outcomes and to meet both state goals and building-level goals identified under the state required school self-study process.

NEW SECTION. Sec. 11. (1) Section 3 of this act shall expire December 2, 1988.

(2) Sections 1, 2 and 4 through 6 of this act shall expire June 30, 1989.

(3) Sections 7 through 10 of this act shall expire January 2, 1994.

NEW SECTION. Sec. 12. The sum of forty-nine thousand five hundred dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the superintendent of public instruction for the purposes of this act.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "creating new sections; making an appropriation; and providing expiration dates." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendments to Substitute House Bill No. 786.

Mr. Ebersole spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 786 as amended by the Senate.

Representatives Pruitt and Betzoff spoke in favor of final passage of the bill, and Mr. Taylor opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 786 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Taylor, Walk - 2.

Excused: Representative Vekich - 1.

Substitute House Bill No. 786 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5086 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House refused to recede from its amendments to Second Substitute Senate Bill NO. 5086 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

April 17, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5978 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Rust moved that the House refuse to recede from its amendment to Substitute Senate Bill No. 5978 and ask the Senate to concur therein.

Ms. Walker spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5453 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Braddock, the House refused to recede from its amendments to Second Substitute Senate Bill No. 5453 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5549 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Braddock moved that the House recede from its amendments to Engrossed Senate Bill No. 5549.

Mr. Braddock spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5549 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5549 without the House amendments, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bungarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Cole, Leonard, Pruitt - 3.

Excused: Representative Vekich - 1.

Engrossed Senate Bill No. 5549 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 9, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to SENATE BILL NO. 5159 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Walk moved that the House refuse to recede from its amendments to Senate Bill No. 5159 and ask the Senate to concur therein.

Ms. Schmidt spoke in favor of the motion, and it was carried.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4652, by Representatives Ferguson, Sanders, May, J. Williams, Betrozoff and Miller

WHEREAS, The 1987 6th Annual Bellevue/Eastside Woman of the Year Banquet will be held on April 24, 1987; and

WHEREAS, Eight nominees competed for the title of Woman of the Year; and

WHEREAS, Kay Wilson of Bellevue was selected as the 1987 Woman of the Year for Bellevue/Eastside; and

WHEREAS, For nearly forty years, Kay Wilson has lived on the Bellevue/Eastside and watched it grow from an infant community. Throughout these many years, Kay has been active in business development issues, protection of neighborhoods, the human and health needs of Eastside citizens and numerous service club activities; and

WHEREAS, Kay Wilson helped found Soroptomist International of Bellevue and was its President; and

WHEREAS, Kay has served with distinction in many organizations and on many boards including the Bellevue Chamber of Commerce, Bellevue Downtown Association, Interservice Club Council, East King Council, Lake Washington Saddle Club, Washington State Horsemen's Association, Bridal Trails Overlake Hospital Auxiliary; and

WHEREAS, Kay Wilson has always been ahead of her time and has retired from at least three different careers; and

WHEREAS, Kay Wilson has affected the development of the Eastside for longer than most of us have lived here, often bringing opposing parts of the community together in a more effective working relationship. Kay's love for the community and her consistent respect for all individuals serves as a model and a challenge for all of us;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes and honors Kay Wilson's achievements in her community; and

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

Mr. Ferguson moved adoption of the resolution and spoke in favor of it, and the resolution was adopted.

MESSAGE FROM THE SENATE

April 18, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendment to SENATE BILL NO. 5678 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Locke, the House refused to recede from its amendment to Senate Bill No. 5678 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Jacobsen, Locke and Allen as conferees on Senate Bill No. 5678.

MESSAGE FROM THE SENATE

April 18, 1987

Mr. Speaker:

The President has ruled that the House amendment to ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406 is beyond the scope and object of the bill. The Senate refuses to concur in the House amendment and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. K. Wilson, the House insisted on its position on Engrossed Senate Concurrent Resolution No. 8406 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Haugen, Basich and S. Wilson as conferees on Engrossed Senate Concurrent Resolution No. 8406.

MESSAGE FROM THE SENATE

April 14, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to ENGROSSED SENATE BILL NO. 5035 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House refused to recede from its amendments to Engrossed Senate Bill No. 5035 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives H. Sommers, Peery and Hankins as conferees on Engrossed Senate Bill No. 5035.

On motion of Mr. McMullen, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House was called to order by the Speaker. The Clerk called the roll and all members were present.

SPEAKER'S RULING

The Speaker: The question before the House is the motion by Representative Lux that the House insist on its position and again ask the Senate to recede from its amendments to House Bill No. 64. Representative Brough has raised a point of parliamentary inquiry as to whether or not this is a proper motion under House Rule 12(C).

Rule 12(c) provides: "A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to appropriate committee and shall take the same course as for original bills unless a motion to non-concur is adopted prior to the bill being referred to committee." The purpose of Rule 12(C), as it was amended in 1986, is to prevent the House from adopting Senate amendments which are beyond the scope and object of the bill, while preserving the option of reaching agreement with the Senate on other items in dispute.

On April 20th the Speaker ruled that the Senate amendments to House Bill No. 64 were beyond the scope and object of the bill, and the House voted not to concur in those amendments. The Senate didn't take our advice, and the bill is back once again. Representative Lux has made the motion to insist on our position and again ask the Senate to recede. Regarding the motion to insist, Reed's 252 provides that,

"If, however, the originating House...desires to continue its rejection of the amendment, a motion to insist is the proper motion...."

The Speaker finds that the motion by Representative Lux is simply a stronger statement of our original position, that the House refuses to concur in the Senate amendments, and is therefore an acceptable motion under House Rule 12(C).

MOTION

The Speaker stated the question before the House to be the motion by Representative Lux that the House insist on its position on House Bill No. 64 and again ask the Senate to recede from its amendments.

The motion was carried.

SPEAKER'S RULING

The Speaker: The question before the House is the motion by Representative Armstrong to refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 927 and ask the Senate for a conference thereon. Representative Padden raised a point of order asking the Speaker to rule on scope and object of the amendments. The Speaker has examined Engrossed Substitute House Bill No. 927, which relates to the enforcement of judgments. Its main purpose is to reorganize the law on enforcement of judgments in one title of the code. The Senate striking amendment makes several substantive changes and additions to the bill, including criteria for destruction of unclaimed personal property by law enforcement officials. I find then, Representative Padden, that your point is well taken. The Senate amendments to Engrossed Substitute House Bill No. 927 are outside the scope and object of the original bill.

MOTION

The Speaker stated the question before the House to be the motion by Representative Armstrong that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 927 and ask the Senate for a conference thereon.

The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Armstrong, Hargrove and Padden as conferees on Engrossed Substitute House Bill No. 927.

SPEAKER'S RULING

The Speaker: The question before the House is the motion by Representative Nelson that the House do not concur in the Senate amendments to House Bill No. 992 and ask the Senate to recede therefrom. Representative Nelson then raised a point of order asking the Speaker to rule on the scope and object of the Senate amendments. The Speaker has examined House Bill No. 992, an act relating to the termination by cities and towns of utility service for residential heating. It adds gas utilities to the provisions regarding the shut-off of heat for low-income persons during the winter months. The Senate amendment to House Bill No. 992 provides that where a utility service is provided to a tenant, liens against the landlord for such service are prohibited. I find that the Senate amendments amplifies; it expands; it does not perfect. I find, Representative Nelson, that your point is well taken, that the Senate amendments to House Bill No. 992 are outside the scope and object of the original bill.

MOTION

The Speaker stated the question before the House to be the motion by Representative Nelson that the House do not concur in the Senate amendments to House Bill No. 992 and ask the Senate to recede therefrom.

The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1987

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 684 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 137, Laws of 1981 as last amended by section 17, chapter 257, Laws of 1986 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Commission' means the sentencing guidelines commission.

(2) 'Community corrections officer' means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender. ~~((For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states:))~~

(4) 'Community supervision' means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(5) 'Confinement' means total or partial confinement as defined in this section.

(6) 'Conviction' means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(7) 'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) 'Criminal history' means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) 'Criminal history' includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(9) 'Department' means the department of corrections.

(10) 'Determinate sentence' means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through 'earned early release' can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) 'Drug offense' means:

(a) Any violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(12) 'Escape' means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), or willful failure to return from work release (RCW 72.65.070); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(13) 'Felony traffic offense' means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), ~~excluding a police officer~~ (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(14) 'Fines' means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(15)(a) 'First-time offender' means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

(16) 'Nonviolent offense' means an offense which is not a violent offense.

(17) 'Offender' means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms 'offender' and 'defendant' are used interchangeably.

(18) 'Partial confinement' means confinement for no more than one year in a facility or institution operated or utilized under contract by the state ~~((or any the state))~~ or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release as defined in this section.

(19) 'Restitution' means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(20) 'Serious traffic offense' means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(21) 'Serious violent offense' is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(22) 'Sentence range' means the sentencing court's discretionary range in imposing a non-appealable sentence.

(23) 'Sex offense' means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(24) 'Total confinement' means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(25) 'Victim' means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

(26) 'Violent offense' means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, ~~((vehicular homicide, and))~~ vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection (26)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection (26) (a) or (b) of this section.

(27) 'Work release' means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

Sec. 2. Section 12, chapter 137, Laws of 1981 as last amended by section 20, chapter 257, Laws of 1986 and by section 4, chapter 301, Laws of 1986 and RCW 9.94A.120 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced on or after July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

If the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:

- (i) Crime-related provisions;
- (ii) A requirement that the offender report to a community corrections officer at regular intervals; and
- (iii) A requirement to remain within or without stated geographical boundaries.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(15) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision.

(16) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release.

Sec. 3, Section 18, chapter 137, Laws of 1981 and RCW 9.94A.180 are each amended to read as follows:

(1) An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

(2) An offender in a county jail ordered to serve all or part of a term of less than one year in work release who violates the rules of the work release facility or fails to remain employed or enrolled in school may be transferred to the appropriate county detention facility without further court order but shall, upon request, be notified of the right to request an administrative hearing on the issue of whether or not the offender failed to comply with the order and relevant conditions. Pending such hearing, or in the absence of a request for the hearing, the offender shall serve the remainder of the term of confinement as total confinement. This subsection shall not affect transfer or placement of offenders committed to the state department of corrections.

Sec. 4, Section 7, chapter 115, Laws of 1983 as last amended by section 25, chapter 257, Laws of 1986 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules, partially summarized in Table 3, RCW 9.94A.330, are as follows:

The offender score is the sum of points accrued under ~~((subsections (1) through (14) of))~~ this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed 'other current offenses' within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection ~~((s))~~ (3) ~~((and (13)))~~ of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall

be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11)(c) or (12)(a)-(b)) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide; count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

(12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for ((~~escape~~ (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120)) Willful Failure to Return from Furlough, RCW 72.66.060(~~(-and)~~), or Willful Failure to Return from Work Release, RCW 72.65.070((j))), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

Sec. 5. Section 11, chapter 115, Laws of 1983 as last amended by section 28, chapter 257, Laws of 1986 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime and the offender shall be sentenced for the current offense with the highest offender score. Sentences imposed under this subsection shall be served concurrently.

Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390. 'Same criminal conduct,' as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition does not apply in cases involving vehicular assault or vehicular homicide if the victims occupied the same vehicle. However, the sentencing judge may consider multiple victims in such instances as an aggravating circumstance under RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences.

Sec. 6. Section 6, chapter 14, Laws of 1975 1st ex. sess. as amended by section 3, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.060 are each amended to read as follows:

(1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person, not married to the perpetrator:

(a) Where the victim did not consent as defined in RCW 9A.44.010(6), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or

(b) Where there is threat of substantial unlawful harm to property rights of the victim, or

(c) Where the perpetrator gained the consent of the victim through the relationship of serving as a counselor to the victim.

(2) Rape in the third degree is a class C felony.

NEW SECTION. Sec. 7. A new section is added to chapter 9A.32 RCW to read as follows:

(1) A person is guilty of homicide by abuse if, under circumstances manifesting an extreme indifference to human life, the person causes the death of a child or person under sixteen years of age, a developmentally disabled person, or a dependent adult, and the person has previously engaged in a pattern or practice of assault or torture of said child, person under sixteen years of age, developmentally disabled person, or dependent person.

(2) As used in this section, 'dependent adult' means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life.

(3) Homicide by abuse is a class A felony.

Sec. 8. Section 9A.32.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 10, Laws of 1983 and RCW 9A.32.010 are each amended to read as follows:

Homicide is the killing of a human being by the act, procurement or omission of another, death occurring within three years and a day, and is either (1) murder, (2) homicide by abuse, (3) manslaughter, ((3)) (4) excusable homicide, or ((4)) (5) justifiable homicide.

Sec. 9. Section 1, chapter 14, Laws of 1975 1st ex. sess. as amended by section 1, chapter 123, Laws of 1981 and RCW 9A.44.010 are each amended to read as follows:

As used in this chapter:

(1) 'Sexual intercourse' (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) 'Married' means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(3) 'Mental incapacity' is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause;

(4) 'Physically helpless' means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act;

(5) 'Forcible compulsion' means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped;

(6) 'Consent' means that at the time of the act of sexual intercourse there are actual words or conduct indicating freely given agreement to have sexual intercourse;

(7) 'Significant relationship' means a situation in which the perpetrator is:

(a) A person who is acting in the place of a parent and who is charged with any of a parent's rights, duties, or responsibilities;

(b) Any person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors and who abuses his or her supervisory position to engage in sexual intercourse or sexual contact with a minor for whom he or she has such responsibility; or

(c) Any person who in the course of his or her employment supervises minors, and who abuses his or her supervisory position to engage in sexual intercourse or sexual contact with a minor.

(8) 'Counselor' means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public with or without a fee.

NEW SECTION. Sec. 10. RAPE OF A CHILD IN THE FIRST DEGREE. (1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another person, not married to the perpetrator, who is under twelve years of age, when the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the first degree is a class A felony.

NEW SECTION. Sec. 11. RAPE OF A CHILD IN THE SECOND DEGREE. (1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another person, not married to the perpetrator, who is at least twelve years of age but less than fourteen years of age, when the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the second degree is a class B felony.

NEW SECTION. Sec. 12. STATUTORY RAPE. (1) A person is guilty of statutory rape when the person has sexual intercourse with another person, not married to the perpetrator, who is at least fourteen years of age but less than sixteen years of age, when the perpetrator is at least thirty-six months older than the victim.

(2) Statutory rape is a class C felony.

NEW SECTION. Sec. 13. SEXUAL MISCONDUCT WITH A MINOR IN THE FIRST DEGREE. (1) A person is guilty of sexual misconduct with a minor in the first degree when the person has sexual intercourse with another person, not married to the perpetrator, who is at least sixteen years of age but less than eighteen years of age, when the perpetrator is at least forty-eight months older than the victim and is in a significant relationship to the victim.

(2) Sexual misconduct with a minor in the first degree is a class C felony.

NEW SECTION. Sec. 14. SEXUAL MISCONDUCT WITH A MINOR IN THE SECOND DEGREE. (1) A person is guilty of sexual misconduct with a minor in the second degree when the person has sexual contact with another person, not married to the perpetrator, who is at least fourteen years of age but less than eighteen years of age, when the perpetrator is at least forty-eight months older than the victim and is in a significant relationship to the victim.

(2) Sexual misconduct with a minor in the second degree is a class C felony.

Sec. 15. Section 3, chapter 115, Laws of 1983 as last amended by section 23, chapter 257, Laws of 1986 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
	<u>Homicide by abuse (section 7 of this 1987 act)</u>
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW ((9A.36.010)) 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	<u>Rape of a Child 1 (section 10 of this 1987 act)</u>

- Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
- Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
- IX Leading Organized Crime (RCW 9A.82.060(1)(a))
- Robbery 1 (RCW 9A.56.200)
- Manslaughter 1 (RCW 9A.32.060)
- ((Statutory Rape 1 (RCW 9A.44.070)))
- Explosive devices prohibited (RCW 70.74.180)
- Endangering life and property by explosives with threat to human being (RCW 70.74.270)
- Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
- Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
- VIII Inciting Criminal Profiteering (RCW ((9A.82.061(1)(b))) 9A.82.060(1)(b))
- Arson 1 (RCW 9A.48.020)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (section 11 of this 1987 act)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Selling heroin for profit (RCW 69.50.410)
- VII Burglary 1 (RCW 9A.52.020)
- Vehicular Homicide (RCW 46.61.520)
- Introducing Contraband 1 (RCW 9A.76.140)
- ((Statutory Rape 2 (RCW 9A.44.080)))
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
- Manslaughter 2 (RCW 9A.32.070)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Incest 1 (RCW 9A.64.020(1))
- Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
- V Intimidating a Judge (RCW 9A.72.160)
- Rape 3 (RCW 9A.44.060)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW ((9A.36.020)) 9A.36.021)
- Statutory Rape (section 12 of this 1987 act)
- Sexual Misconduct with a Minor 1 (section 13 of this 1987 act)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Wilful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run -- Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)

- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
 III (~~Statutory Rape 3 (RCW 9A.44.090))~~
 Sexual Misconduct with a Minor 2 (section 14 of this 1987 act)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW (~~9A.36.030~~) 9A.36.031)
 Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
 Harassment (RCW 9A.46.020)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Wilful Failure to Return from Work Release (RCW 72.65.070)
 Introducing Contraband 2 (RCW 9A.76.150)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 Theft of livestock 1 (RCW 9A.56.080)
 II Malicious Mischief 1 (RCW 9A.48.070)
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Theft of Livestock 2 (RCW 9A.56.080)
 Burglary 2 (RCW 9A.52.030)
 Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
 Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 Computer Trespass 1 (RCW 9A.52.110)
 I Theft 2 (RCW 9A.56.040)
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Forgery (RCW 9A.60.020)
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 Vehicle Prowl 1 (RCW 9A.52.095)
 Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 Malicious Mischief 2 (RCW 9A.48.080)
 Reckless Burning 1 (RCW 9A.48.040)
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 False Verification for Welfare (RCW 74.08.055)
 Forged Prescription (RCW 69.41.020)
 Forged Prescription for a Controlled Substance (RCW 69.50.403)
 Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

Sec. 16. Section 8, chapter 115, Laws of 1983 as last amended by section 26, chapter 257, Laws of 1986 and RCW 9.94A.370 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence. Facts that establish the elements of a more serious crime or additional crimes may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2) (c) (~~and~~); (d), and (e).

Sec. 17. Section 10, chapter 115, Laws of 1983 as last amended by section 27, chapter 257, Laws of 1986 and RCW 9.94A.390 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(iii) The current offense involved the manufacture of controlled substances for use by other parties; or

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

(e) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time; or

(f) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

Sec. 18. Section 15, chapter 115, Laws of 1983 as amended by section 30, chapter 257, Laws of 1986 and RCW 9.94A.440 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) **Contrary to Legislative Intent** - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) **Antiquated Statute** - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) **De Minimus Violation** - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) **Confinement on Other Charges** - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(f) Conviction of the new offense would not merit any additional direct or collateral punishment;

(i) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) **Pending Conviction on Another Charge** - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(f) Conviction of the new offense would not merit any additional direct or collateral punishment;

(i) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) **High Disproportionate Cost of Prosecution** - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) **Improper Motives of Complainant** - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) **Immunity** - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) **Victim Request** - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(f) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping
 1st Degree Assault
 1st Degree Rape
 1st Degree Robbery
 ((1st Degree Statutory Rape))
1st Degree Rape of a Child
 1st Degree Arson
 2nd Degree Kidnaping
 2nd Degree Assault
 2nd Degree Rape
 2nd Degree Robbery
 1st Degree Burglary
 1st Degree Manslaughter
 2nd Degree Manslaughter
 1st Degree Extortion
 Indecent Liberties
 ((2nd Degree Statutory Rape))
 Incest
2nd Degree Rape of a Child
 Vehicular Homicide
 Vehicular Assault
 3rd Degree Rape
 ((3rd Degree Statutory Rape))
Statutory Rape
1st Degree Sexual Misconduct with a Minor
2nd Degree Sexual Misconduct with a Minor
 2nd Degree Extortion
 1st Degree Promoting Prostitution
 Intimidating a Juror
 Communication with a Minor
 Intimidating a Witness
 Intimidating a Public Servant
 Bomb Threat (if against person)
 3rd Degree Assault
 Unlawful Imprisonment
 Promoting a Suicide Attempt
 Riot (if against person)
 CRIMES AGAINST PROPERTY/OTHER CRIMES
 2nd Degree Arson
 1st Degree Escape
 2nd Degree Burglary
 1st Degree Theft
 1st Degree Perjury
 1st Degree Introducing Contraband
 1st Degree Possession of Stolen Property
 Bribery
 Bribing a Witness
 Bribe received by a Witness
 Bomb Threat (if against property)
 1st Degree Malicious Mischief
 2nd Degree Theft
 2nd Degree Escape
 2nd Degree Introducing Contraband
 2nd Degree Possession of Stolen Property
 2nd Degree Malicious Mischief
 1st Degree Reckless Burning
 Taking a Motor Vehicle without Authorization
 Forgery
 2nd Degree Perjury
 2nd Degree Promoting Prostitution
 Tampering with a Witness
 Trading in Public Office
 Trading in Special Influence
 Receiving/Granting Unlawful Compensation
 Bigamy
 Eluding a Pursuing Police Vehicle
 Wilful Failure to Return from Furlough
 Riot (if against property)

Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended;

or

- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 19, Section 1, chapter 85, Laws of 1986 and section 13, chapter 257, Laws of 1986 and RCW 9A.04.080 are each reenacted and amended to read as follows:

~~(1) Prosecutions for ((the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within seven years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for violations of class C felonies under chapter 74.09 RCW, within five years after their commission; for bigamy, within three years of the time specified in RCW 9A.64.010; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission, two years for gross misdemeanors, and for all other offenses, within one year after their commission; PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, five, six, seven, and ten years respectively; AND FURTHER PROVIDED;~~

That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside)) criminal offenses shall not be commenced after the periods prescribed in this section.

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

(i) Murder;

(ii) Arson if a death results.

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

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

(ii) Arson if no death results.

(c) The following offenses shall not be prosecuted more than seven years after their commission: Rape of a child in the first or second degree.

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

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

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

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

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

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

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

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

Sec. 20. Section 6, chapter 288, Laws of 1985 and RCW 9A.46.060 are each amended to read as follows:

As used in this chapter, 'harassment' may include but is not limited to any of the following crimes:

(1) Harassment (RCW 9A.46.020);

(2) Malicious harassment (RCW 9A.36.080);

(3) Telephone harassment (RCW 9.61.230);

(4) Assault in the first degree (RCW ((~~9A.36.010~~) 9A.36.011);

(5) Assault in the second degree (RCW ((~~9A.36.020~~) 9A.36.021);

(6) Simple assault (RCW ((~~9A.36.040~~) 9A.36.041);

(7) Reckless endangerment (RCW 9A.36.050);

(8) Extortion in the first degree (RCW 9A.56.120);

(9) Extortion in the second degree (RCW 9A.56.130);

(10) Coercion (RCW 9A.36.070);

(11) Burglary in the first degree (RCW 9A.52.020);

(12) Burglary in the second degree (RCW 9A.52.030);

(13) Criminal trespass in the first degree (RCW 9A.52.070);

(14) Criminal trespass in the second degree (RCW 9A.52.080);

(15) Malicious mischief in the first degree (RCW 9A.48.070);

(16) Malicious mischief in the second degree (RCW 9A.48.080);

(17) Malicious mischief in the third degree (RCW 9A.48.090);

(18) Kidnapping in the first degree (RCW 9A.40.020);

(19) Kidnapping in the second degree (RCW 9A.40.030);

(20) Unlawful imprisonment (RCW 9A.40.040);

(21) Rape in the first degree (RCW 9A.44.040);

(22) Rape in the second degree (RCW 9A.44.050);

(23) Rape in the third degree (RCW 9A.44.060);

(24) Indecent liberties (RCW 9A.44.100);

(25) ((Statutory rape in the first degree (RCW 9A.44.070);

(26) Statutory rape in the second degree (RCW 9A.44.080); and

(27) Statutory rape in the third degree (RCW 9A.44.090))) Rape of a child in the first degree

(section 10 of this 1987 act);

(26) Rape of a child in the second degree (section 11 of this 1987 act);

(27) Statutory rape (section 12 of this 1987 act);

(28) Sexual misconduct with a minor in the first degree (section 13 of this 1987 act); and

(29) Sexual misconduct with a minor in the second degree (section 14 of this 1987 act).

Sec. 21. Section 9A.88.030, chapter 260, Laws of 1975 1st ex. sess. as amended by section 15, chapter 244, Laws of 1979 ex. sess. and RCW 9A.88.030 are each amended to read as follows:

(1) A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, 'sexual conduct' means 'sexual intercourse' ((as defined in RCW 9A.44.010(1))) or 'sexual contact,' both as defined in chapter 9A.44 RCW ((9A.44.100(2))).

(3) Prostitution is a misdemeanor.

Sec. 22. Section 56, chapter 291, Laws of 1977 ex. sess. as last amended by section 7, chapter 191, Laws of 1983 and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Serious offender' means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree or rape in the second degree; or

(c) Assault in the second degree, extortion in the first degree, indecent liberties, rape of a child in the second degree, kidnapping in the second degree, robbery in the second degree, or burglary in the second degree, ((or statutory rape in the second degree;)) where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) 'Community supervision' means an order of disposition by the court of an adjudicated youth. A community supervision order for a single offense may be for a period of up to one year and include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include confinement;

(4) 'Confinement' means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

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

(6) 'Criminal history' includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) 'Department' means the department of social and health services;

(8) 'Diversion unit' means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) 'Institution' means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) 'Juvenile,' 'youth,' and 'child' mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) 'Juvenile offender' means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(12) 'Manifest injustice' means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) 'Middle offender' means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) 'Minor or first offender' means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

- (b) Two misdemeanors and one gross misdemeanor;
- (c) One misdemeanor and two gross misdemeanors;
- (d) Three gross misdemeanors;
- (e) One class C felony and one misdemeanor or gross misdemeanor;
- (f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; rape in the second degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; ((statutory)) rape of a child in the second degree; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors:

(15) 'Offense' means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(16) 'Respondent' means a juvenile who is alleged or proven to have committed an offense;

(17) 'Restitution' means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(18) 'Secretary' means the secretary of the department of social and health services;

(19) 'Services' mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(20) 'Foster care' means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(21) 'Violation' means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 23. Section 65, chapter 291, Laws of 1977 ex. sess. as amended by section 63, chapter 155, Laws of 1979 and RCW 13.40.110 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is sixteen or seventeen years of age and the information alleges a class A felony or an attempt to commit a class A felony; or

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, rape of a child in the second degree, kidnaping in the second degree, rape in the second degree, or robbery in the second degree.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 24. Section 3, chapter 219, Laws of 1979 ex. sess. and RCW 70.125.030 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise:

(1) 'Department' means the department of social and health services.

(2) 'Law enforcement agencies' means police and sheriff's departments of this state.

(3) 'Personal representative' means a friend, relative, attorney, or employee or volunteer from a rape crisis center.

(4) 'Rape crisis center' means a community-based social service agency which provides services to victims of sexual assault.

(5) 'Secretary' means the secretary of the department of social and health services.

(6) 'Sexual assault' means one or more of the following:

(a) Rape or statutory rape;

(b) Assault with intent to commit rape;

(c) Incest ((or)), indecent liberties, sexual misconduct with a minor, or rape of a child; or

(d) An attempt to commit any of the aforementioned offenses.

(7) 'Victim' means any person who suffers physical and/or mental anguish as a proximate result of a sexual assault.

NEW SECTION. Sec. 25. Section captions as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 26. Sections 10 through 14 and 25 of this act are each added to chapter 9A.44 RCW.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 14, Laws of 1975 1st ex. sess., section 4, chapter 244, Laws of 1979 ex. sess., section 31, chapter 257, Laws of 1986 and RCW 9A.44.070;

(2) Section 8, chapter 14, Laws of 1975 1st ex. sess., section 5, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.080; and

(3) Section 9, chapter 14, Laws of 1975 1st ex. sess., section 6, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.090.

NEW SECTION. Sec. 28. Sections 9 through 24 and 27 of this act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which is already in existence on the effective date of this section and shall apply only to offenses committed on or after July 1, 1988.

Sec. 29. Section 1, chapter 172, Laws of 1935 as last amended by section 1, chapter 232, Laws of 1983 and RCW 9.41.010 are each amended to read as follows:

(1) 'Short firearm' or 'pistol' as used in this chapter means any firearm with a barrel less than twelve inches in length.

(2) 'Crime of violence' as used in this chapter means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (2) (a) of this section; and
(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) 'Firearm' as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(4) 'Commercial seller' as used in this chapter means a person who has a federal firearms license.

(5) 'Electric weapon' means any device that is designed, redesigned, used, or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

NEW SECTION. Sec. 30. A new section is added to chapter 9.41 RCW to read as follows:

Any person, other than a police officer in the lawful performance of his or her duties, who administers an electric shock with an electric weapon to another person for reasons other than self-defense or without the permission of the second person is guilty of a class B felony.

NEW SECTION. Sec. 31. A new section is added to chapter 43.101 RCW to read as follows:

The commission shall adopt rules establishing training standards for law enforcement officers using electric weapons.

Sec. 32. Section 2, chapter 428, Laws of 1985 and RCW 9.41.300 are each amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a firearm:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020, (iii) held for extradition or as a material witness, or (iv) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) A courtroom or judge's chamber, while either is being used for any judicial proceeding. This does not include common areas of egress and ingress of the courthouse;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; or

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.

(2) Notwithstanding RCW 9.41.290, cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be

jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any firearm in the possession of a person licensed under RCW 9.41.070; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(4) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel; or

(c) Security personnel while engaged in official duties.

(5) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(6) Subsection (1)(b) of this section does not apply to a judge or court employee or to any person licensed under RCW 9.41.070 who, before entering the restricted area, directly and promptly proceeds to the court administrator or the administrator's designee and obtains written permission to possess the firearm.

(7) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(8) Subsection (1)(~~(d)~~)(e) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(9) Any person violating subsection (1) of this section is guilty of a misdemeanor.

(10) A public college or university may adopt rules to control or limit the possession of firearms by students while the students are residing in or visiting the residential area and dwelling rooms of a residence hall for single students under the jurisdiction of such college or university. The rules may provide for disciplinary action, but the maximum penalty that may be imposed is expulsion from the college or university. Each public college or university choosing to restrict the possession of firearms by students in single student residence halls must provide a safe place of storage of students' firearms and release the firearms to the students for use in university-sanctioned activities such as college shooting clubs, competitive shooting teams, firearm use instruction, or military training. The public college or university shall also promptly release the firearms to students for personal, private use in lawful, off-campus activities. The student shall not be subject to disciplinary action if, after retrieving his or her firearms, he or she promptly leaves the campus, or, if the firearms are needed for on-campus use in university-sanctioned activities, he or she maintains on-campus possession of the firearms for the minimum time required. After use, the student shall promptly return the firearms to storage. Nothing contained in this subsection shall require the student to utilize university storage facilities, and he or she may instead choose to arrange for private, off-campus storage.

Sec. 33, Section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 407, Laws of 1985 and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years or as established by the court under RCW 46.61.520;

(2) For vehicular assault the period of revocation shall be one year or as established by the court under RCW 46.61.522;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;

(4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 34. Section 46.56.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 164, Laws of 1983 and RCW 46.61.520 are each amended to read as follows:

(1) When the death of any person ensues within three years as a proximate result of injury proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle is guilty of vehicular homicide.

(2) Vehicular homicide is a class B felony punishable under chapter 9A.20 RCW. In addition to any penalties imposed under that chapter, the court shall establish a period of driver's license revocation for the vehicle operator of not less than two nor more than ten years. Pursuant to RCW 46.20.285, the department shall revoke the operator's license for that period, or if not established by the court, then for a period of two years.

Sec. 35. Section 2, chapter 164, Laws of 1983 and RCW 46.61.522 are each amended to read as follows:

(1) A person is guilty of vehicular assault if he operates or drives any vehicle:

(a) In a reckless manner, and this conduct is the proximate cause of serious bodily injury to another; or

(b) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, and this conduct is the proximate cause of serious bodily injury to another.

(2) 'Serious bodily injury' means bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

(3) Vehicular assault is a class C felony punishable under chapter 9A.20 RCW. In addition to any penalties imposed under that chapter, the court shall establish a period of driver's license revocation for the vehicle operator of not less than one nor more than five years. Pursuant to RCW 46.20.285, the department shall revoke the operator's license for that period, or if not established by the court, then for a period of one year.

NEW SECTION. Sec. 36. The legislature finds that many minor offenses that are established as misdemeanors are obsolete or can be more appropriately punished by the imposition of civil fines. The legislature finds that some misdemeanors should be decriminalized to allow resources of the legal system, such as judges, prosecutors, juries, and jails, to be used to punish serious criminal behavior, since acts characterized as criminal behavior have a tremendous fiscal impact on the legal system.

The establishment of a system of civil infractions is a more expeditious and less expensive method of disposing of minor offenses and will decrease the cost and workload of the courts of limited jurisdiction.

NEW SECTION. Sec. 37. A task force on civil infractions is established. The membership of the task force is as follows: (1) Two members of the senate committee on judiciary selected by the chairman, one from each of the two major political parties; (2) two members of the house of representatives' committee on judiciary selected by the chairman, one from each of the two major political parties; (3) one person representing prosecuting attorneys selected by the Washington association of prosecuting attorneys; (4) one person representing municipal attorneys selected by the Washington state association of municipal attorneys; (5) one person representing cities selected by the association of Washington cities; (6) one person representing counties selected by the Washington state association of counties; (7) one person representing law enforcement selected by the Washington association of sheriffs and police chiefs; (8) one person representing the courts of limited jurisdiction selected by the Washington state magistrates' association; (9) one person representing misdemeanor corrections officers selected by the Washington state misdemeanor corrections officers' association; (10) one person representing defense attorneys selected by the Washington defender association; and (11) one person representing court administrators selected by the Washington state association of court administrators.

Members of the task force shall select the chairperson. The staff of the house and senate judiciary committees shall serve as the staff for the task force. Members of the task force shall be reimbursed for travel expenses as provided in RCW 44.04.120, 43.03.050, and 43.03.060, respectively.

This section shall expire July 1, 1989.

NEW SECTION. Sec. 38. The task force shall study the various crimes designated as misdemeanors and gross misdemeanors in this state and determine if the offense should be classified as a civil infraction under this chapter or if the penalty for the offense should be eliminated or otherwise modified. In making these determinations, the task force shall consider the following: (1) The existing and predicted workload of the courts of limited jurisdiction; (2) the fiscal impact on the court system of characterizing certain behavior as criminal, including the cost of

appointed counsel for indigents, jury trials, and jail facilities; (3) using resources of the legal system, such as judges, prosecutors, and juries, to punish minor offenses; (4) the willingness of prosecutors and judges to apply the sanctions of incarceration; (5) stigmas attached to persons convicted of violating criminal statutes; (6) the cost and benefits of implementing an alternative system for effectively and efficiently handling minor offenses; and (7) any other relevant factors affecting the classification.

The task force shall report its findings and recommendations to the legislature no later than June 30, 1989.

This section shall expire July 1, 1989.

NEW SECTION. Sec. 39. (1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance.

NEW SECTION. Sec. 40. Notwithstanding any other provision of law governing service of process in civil cases, a court of limited jurisdiction having jurisdiction over an alleged civil infraction may issue process anywhere within the state.

NEW SECTION. Sec. 41. All judges and court commissioners adjudicating civil infractions shall complete such training requirements as are promulgated by the supreme court.

NEW SECTION. Sec. 42. As used in this chapter, 'enforcement officer' means a person authorized to enforce the provisions of the title or ordinance in which the civil infraction is established.

NEW SECTION. Sec. 43. (1) A civil infraction proceeding is initiated by the issuance, service, and filing of a notice of civil infraction.

(2) A notice of civil infraction may be issued by an enforcement officer when the civil infraction occurs in the officer's presence.

(3) A court may issue a notice of civil infraction if an enforcement officer files with the court a written statement that the civil infraction was committed in the officer's presence or that the officer has reasonable cause to believe that a civil infraction was committed.

(4) Service of a notice of civil infraction issued under subsection (2) or (3) of this section shall be as provided by court rule. Until such a rule is adopted, service shall be as provided in JTIR 2.2(c)(1) and (3), as applicable.

(5) A notice of infraction shall be filed with a court having jurisdiction within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. A notice of infraction not filed within the time limits prescribed in this section may be dismissed without prejudice.

NEW SECTION. Sec. 44. A person who is to receive a notice of civil infraction under section 43 of this act is required to identify himself or herself to the enforcement officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or identicaid.

A person who is unable or unwilling to reasonably identify himself or herself to an enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction.

Each agency authorized to issue civil infractions shall adopt rules on identification and detention of persons committing civil infractions.

NEW SECTION. Sec. 45. (1) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this chapter.

(2) The form for the notice of civil infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific civil infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the civil infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that

the person may subpoena witnesses including the enforcement officer who issued the notice of civil infraction:

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days:

(i) A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;

(j) A statement, which the person shall sign, that the person promises to respond to the notice of civil infraction in one of the ways provided in this chapter;

(k) A statement that failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail.

NEW SECTION, Sec. 46. (1) Any person who receives a notice of civil infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the civil infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of civil infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the civil infraction must be submitted with the response. The clerk of a court may accept cash in payment for an infraction. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

(3) If the person determined to have committed the civil infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

(4) If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

(5) The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of civil infraction:

(a) Fails to respond to the notice of civil infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section.

NEW SECTION, Sec. 47. (1) Procedures for the conduct of all hearings provided in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary.

NEW SECTION, Sec. 48. (1) A hearing held for the purpose of contesting the determination that a civil infraction has been committed shall be without a jury and shall be recorded in the manner provided for in courts of limited jurisdiction.

(2) The court may consider the notice of civil infraction and any other written report made under oath submitted by the enforcement officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may request the court for issuance of subpoena of witnesses, including the enforcement officer who issued the notice, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the civil infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument, the court shall determine whether the civil infraction was committed. Where it has not been established that the civil infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the civil infraction was committed, an appropriate order shall be entered in the court's records.

(5) An appeal from the court's determination or order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the superior court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

NEW SECTION, Sec. 49. (1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of a civil infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's records.

(3) There is no appeal from the court's determination or order.

NEW SECTION, Sec. 50. (1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution.

NEW SECTION, Sec. 51. (1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

NEW SECTION, Sec. 52. Each party to a civil infraction case is responsible for costs incurred by that party, but the court may assess witness fees against a nonprevailing respondent. Attorney fees may be awarded to either party in a civil infraction case.

NEW SECTION, Sec. 53. Every law enforcement agency in this state or other agency authorized to issue notices of civil infractions shall provide in appropriate form notices of civil infractions which shall be issued in books with notices in quadruplicate and meeting the requirements of this section.

The chief administrative officer of every such agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each notice contained therein issued to individual members or employees of the agency and shall require and retain a receipt for every book so issued.

Every law enforcement officer or other person upon issuing a notice of civil infraction to an alleged perpetrator of a civil infraction under the laws of this state or of any ordinance of any city or town shall deposit the original or a copy of such notice of civil infraction with a court having competent jurisdiction over the civil infraction, as provided in section 43 of this act.

Upon the deposit of the original or a copy of such notice of civil infraction with a court having competent jurisdiction over the civil infraction, the original or copy may be disposed of only as provided in this chapter.

It is official misconduct for any law enforcement officer or other officer or public employee to dispose of a notice of civil infraction or copies thereof or of the record of the issuance of the same in a manner other than as required in this section.

The chief administrative officer of every law enforcement agency or other agency authorized to issue notices of civil infractions shall require the return to him or her of a copy of every notice issued by a person under his or her supervision to an alleged perpetrator of a civil infraction under any law or ordinance and of all copies of every notice which has been spoiled or upon which any entry has been made and not issued to an alleged perpetrator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every notice issued by a person under his or her supervision a record of the disposition of the charge by the court in which the original or copy of the notice was deposited.

Any person who cancels or solicits the cancellation of any notice of civil infraction, in any manner other than as provided in this section, is guilty of a misdemeanor.

Every record of notices required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the law enforcement agency or other agency authorized to issue notices of civil infractions is responsible.

NEW SECTION. Sec. 54. (1) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(2) Any person wilfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction: PROVIDED, That a written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.

(3) A person who wilfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in civil contempt of court after notice and hearing.

Sec. 55. Section 1, chapter 69, Laws of 1963 and RCW 9.61.190 are each amended to read as follows:

It ~~((shall be unlawful))~~ is a class 1 civil infraction for any person, other than the owner thereof or his authorized agent, to knowingly shoot, kill, maim, injure, molest, entrap, or detain any Antwerp Messenger or Racing Pigeon, commonly called 'carrier or racing pigeons', having the name of its owner stamped upon its wing or tail or bearing upon its leg a band or ring with the name or initials of the owner or an identification or registration number stamped thereon.

Sec. 56. Section 2, chapter 69, Laws of 1963 and RCW 9.61.200 are each amended to read as follows:

It ~~((shall be unlawful))~~ is a class 2 civil infraction for any person other than the owner thereof or his authorized agent to remove or alter any stamp, leg band, ring, or other mark of identification attached to any Antwerp Messenger or Racing Pigeon.

NEW SECTION. Sec. 57. Section 3, chapter 69, Laws of 1963 and RCW 9.61.210 are each repealed. (Twenty-five dollar criminal fine for violating RCW 9.61.190 or 9.61.200.)

Sec. 58. Section 2, chapter 286, Laws of 1957 and RCW 19.91.020 are each amended to read as follows:

~~(1) It ((shall be unlawful and a violation of this chapter)) is a class 1 civil infraction:~~

~~((†)) (a) For any retailer or wholesaler with intent to injure competitors or destroy or substantially lessen competition:~~

~~((††)) (i) To advertise, offer to sell, or sell, at retail or wholesale, cigarettes at less than cost to such a retailer or wholesaler, as said cost is defined in this chapter, as the case may be;~~

~~((††) (ii) To offer a rebate in price, to give a rebate in price, to offer a concession of any kind, or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes.~~

~~((‡)) (b) For any retailer with intent to injure competitors or destroy or substantially lessen competition:~~

~~((†††) (i) To induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than 'cost to wholesalers' as defined in this chapter;~~

~~((†††) (ii) To induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind or nature whatsoever in connection with the purchase of cigarettes.~~

~~((‡) Any retailer or wholesaler who violates the provisions of this section shall be guilty of a misdemeanor and shall be prosecuted and punished by a fine of not more than five hundred dollars for each such offense.) (2) Any individual who as a director, officer, partner, member, or agent of any person violating the provisions of this ((act)) section assists or aids, directly or indirectly in such violation, shall equally with the person for whom he acts, be responsible therefor ((and subject to the punishment and penalties set forth herein)).~~

~~((††) (3) Evidence of advertisement, offering to sell, or sale of cigarettes by any retailer or wholesaler at less than cost to him, or evidence of any offer of a rebate in price, or the giving of a rebate in price or an offer of a concession, or the inducing, or attempt to induce, or the procuring, or the attempt to procure the purchase of cigarettes at a price less than cost to the wholesaler or the retailer, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.~~

~~(4) This section shall expire July 1, 1991.~~

Sec. 59. Section 17, chapter 119, Laws of 1935 and RCW 27.12.340 are each amended to read as follows:

~~((Whoever))~~ It is a class 4 civil infraction for any person to wilfully retain((s)) any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept((—shall be guilty of a misdemeanor)).

Sec. 60. Section 2, chapter 84, Laws of 1895 and RCW 73.16.020 are each amended to read as follows:

All officials or other persons having power to appoint to or employment in the public service set forth in RCW 73.16.010, are charged with a faithful compliance with its terms, both in letter and in spirit, and a failure therein shall be a ~~((misdemeanor, and on conviction shall be punished by a fine of not less than five dollars nor more than twenty-five dollars))~~ class I civil infraction.

NEW SECTION. Sec. 61. Any municipal criminal ordinance in existence on the effective date of this section which is the same as or substantially similar to a statute which is decriminalized by sections 55 through 60 and 62 of this act is deemed to be civil in nature and shall be punished as provided in sections 36 through 54 of this act.

NEW SECTION. Sec. 62. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 168, Laws of 1921, section 1, chapter 185, Laws of 1971 ex. sess. and RCW 9.04.030 (Gross misdemeanor - advertising cures of venereal diseases or lost sexual potency);

(2) Section 1, chapter 156, Laws of 1923 and RCW 9.12.030 (Gross misdemeanor - out-of-state solicitation of personal injury claims arising in state);

(3) Section 1, chapter 27, Laws of 1899, section 373, chapter 249, Laws of 1909 and RCW 9.45.040 (Misdemeanor - fraud on a hotel, restaurant, etc.);

(4) Sections 1 through 3, page 122, Laws of 1886, section 33, chapter 69, Laws of 1891, section 385, chapter 249, Laws of 1909 and RCW 9.45.120 (Gross misdemeanor - using false weights and measures);

(5) Section 366, chapter 249, Laws of 1909 and RCW 9.45.150 (Gross misdemeanor - concealing foreign matter in merchandise);

(6) Section 1, chapter 141, Laws of 1925 ex. sess., section 1, chapter 97, Laws of 1913, section 1, chapter 61, Laws of 1933 and RCW 9.58.100 (Gross misdemeanor - slander of a financial institution);

(7) Section 181, chapter 249, Laws of 1909 and RCW 9.58.110 (Misdemeanor - slandering a woman); and

(8) Section 55, chapter 130, Laws of 1943 and RCW 38.40.140 (Misdemeanor - unlawful wearing of military insignia).

NEW SECTION. Sec. 63. Sections 36 through 54 of this act shall constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 64. Sections 39 through 61 of this act shall take effect January 1, 1989.

NEW SECTION. Sec. 65. Sections 9 through 28 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1988."

On page 1, line 1 of the title, after "sentencing;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.180, 9.94A.360, 9.94A.400, 9A.44.060, 9A.32.010, 9A.44.010, 9.94A.320, 9.94A.370, 9.94A.390, 9.94A.440, 9A.46.060, 9A.88.030, 13.40.020, 13.40.110, 70.125.030, 9.41.010, 9.41.300, 46.20.285, 46.61.520, 46.61.522, 9.61.190, 9.61.200, 19.91.020, 27.12.340, and 73.16.020; reenacting and amending RCW 9.94A.120, 9A.04.080, and 9.94A.120; adding a new chapter to Title 7 RCW; adding a new section to chapter 9A.32 RCW; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 9.41 RCW; adding a new section to chapter 43.101 RCW; creating new sections; repealing RCW 9A.44.070, 9A.44.080, 9A.44.090, 9.61.210, 9.04.030, 9.12.030, 9.45.040, 9.45.120, 9.45.150, 9.58.100, 9.58.110, and 38.40.140; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Padden moved that the House do concur in the Senate amendments to Second Substitute House Bill No. 684.

POINT OF ORDER

Ms. Niemi: I request that the Speaker rule on scope and object of the Senate amendments to Second Substitute House Bill No. 684 except sections one through five.

SPEAKER'S RULING

The Speaker: Representative Niemi, the Speaker has examined Second Substitute House Bill No. 684 and has examined the Senate amendment to it. Second Substitute House Bill No. 684 is an act relating to criminal sentencing. It makes various changes in the sentencing reform act in chapter 9.94A RCW. While sections one through five of the Senate amendment are similar to the five sections of the original bill, the remainder of the amendment (sections six through sixty-five) contains a number of items that go beyond the scope and object of the House bill. The

Speaker, therefore, finds that your point is well taken, that the Senate amendment to Second Substitute House Bill No. 684 is beyond the scope and object of the original bill.

The Speaker stated that the motion by Representative Padden to concur in the Senate amendment to Second Substitute House Bill No. 685 was out of order.

POINT OF PARLIAMENTARY INFORMATION

Mr. Padden: Mr. Speaker, did you rule that all of the Senate amendments were outside the scope and object, rather than just certain sections of the Senate amendments?

The Speaker: There was only one Senate amendment, Representative Padden, and I ruled that the Senate striking amendment was outside the scope and object. I meant to give some direction as to what was in and what was out, but I ruled that the striking amendment was outside the original scope and object.

MOTION

On motion of Mr. Locke, the House did not concur in the Senate amendments to Second Substitute House Bill No. 684 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooper, Locke and Brough as conferees on Second Substitute House Bill No. 684.

MOTION FOR RECONSIDERATION

Mr. Walk, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Senate Bill No. 5120 passed the House without the House amendments.

Ms. Schmidt spoke in favor of the motion, and it was carried.

Mr. Walk, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the House receded from its amendments to Engrossed Senate Bill No. 5120.

The motion was carried.

MOTION

On motion of Mr. Walk, the House insisted on its position on Engrossed Senate Bill No. 5120 and asked the Senate to concur therein.

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

INTRODUCTION AND FIRST READING

HCR 4418 by Representatives Wang, Patrick, Cole, Miller, Hine, Allen, R. King, Brough and Grimm

Creating a select committee on employment and the family.

Referred to Committee on Rules.

MESSAGE FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 734, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 21, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 734, revising provisions regulating minor access to erotic materials, have

had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, McCaslin, Vognild; Representatives Armstrong, Scott, Padden.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Conference Committee on Substitute House Bill No. 734, and granted the committee powers of Free Conference.

MOTION

Mr. McMullen moved that the House adjourn until 8:00 a.m., Friday, April 24, 1987.

The motion failed.

MESSAGE FROM THE SENATE

April 18, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5479 and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Ebersole, the House refused to recede from its amendments to Engrossed Substitute Senate Bill No. 5479 and asked the Senate for a conference thereon.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Thank you, Mr. Speaker. Which order of business are we on?

The Speaker: We are on the eleventh order of business, and we can receive messages from the Senate on any order of business, Representative Brough.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Ebersole, Peery and Betrozoff as conferees on Engrossed Substitute Senate Bill No. 5479.

MESSAGES FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5249. The President has appointed the following members as Conferees: Senators Talmadge, Nelson and Moore, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 782. The President has appointed the following members as Conferees: Senators Bottiger, Pullen and Fleming.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1034. The President has appointed the following members as Conferees: Senators Hansen, Barr and Bender.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035. The President has appointed the following members as Conferees: Senators Hansen, Barr and Bender.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 435. The President has appointed the following members as Conferees: Senators Warnke, McCaslin and Tanner.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on HOUSE BILL NO. 698. The President has appointed the following members as Conferees: Senators Halsan, Zimmerman and DeJarnatt.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 738. The President has appointed the following members as Conferees: Senators Wojahn, Anderson and Kreidler.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. McMullen, the House adjourned until 7:55 a.m., Friday, April 24, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 24, 1987

The House was called to order at 7:55 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Nelson, who was excused.

The Speaker (Mr. O'Brien presiding) appointed Representatives Hine, Prince and Leonard to escort The Most Reverend Raymond G. Hunthausen to the rostrum.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Stephanie Bussell and Clayton Carlson. Prayer was offered by The Most Reverend Raymond G. Hunthausen, Archbishop of the Seattle Catholic Archdiocese:

In teaching the people God's Law, Moses speaks as follows:

"You shall appoint magistrates and officials for your tribes, in all the settlements that the Lord your God is giving you, and they shall govern the people with justice... Justice, justice shall you pursue, that you may thrive and occupy the land that the Lord your God is giving you." (Deuteronomy 16:18,20)

The concern of Moses for the political leaders of his time can be the focus of our prayer, even these many centuries later. Let our prayer begin with a moment of silence so that each of us can find words of praise and thanks and petition.

God of all creation and Ruler of the universe, all things are of Your making, all times and seasons obey Your laws, but You chose to create man and woman in Your own image, setting them over the whole world in all its wonder. You have made us stewards of creation, to praise You day by day for the marvels of Your wisdom and power. In this way, You call us to special concern for the dignity of the human person as made in Your image. Pursuing justice will mean working to affirm that dignity, helping persons to realize their dignity in the communities of our state, finding ways to enhance and assure regard for human dignity. God of all good gifts, give us the help we need to pursue justice, to carry out the plan begun in Your creation of our world. We ask for this help and guidance with confidence as we bring our prayer to You, our God, Who lives and reigns forever and ever. Amen.

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

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4672, by Representatives O'Brien, J. King, Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, K. Wilson, S. Wilson, Wineberry and Winsley

WHEREAS, Archbishop Raymond G. Hunthausen, D.D., has dedicated his life to the service of God and to a better understanding between peoples of all races and

faiths with the deep conviction that we are all brothers in our common humanness; and

WHEREAS, Archbishop Raymond G. Hunthausen is approaching his twenty-fifth year as Archbishop and Bishop, and forty years as a Priest and, during his life span of service, has not only shown his strong Christian belief as an active member of the Church, but has also shown untiring efforts in behalf of peace; and

WHEREAS, Archbishop Raymond G. Hunthausen has an exemplary record of service as a member of the Roman Catholic Clergy. Ordained to the priesthood on June 1, 1946, in Helena, Montana, he was consecrated the 6th Bishop of Helena on August 3, 1962, and was installed as Archbishop of the Archdiocese of Seattle on May 22, 1975; and

WHEREAS, Archbishop Raymond G. Hunthausen served as a professor, athletic director, and President of Carroll College in Helena, and before that, he was a football star at Carroll College and was inducted into the National Association of Intercollegiate Athletics Hall of Fame; and even while he was the college President, Archbishop Hunthausen could be found on the practice field dressed in his cassock, kicking footballs; and

WHEREAS, Archbishop Raymond G. Hunthausen's strong religious beliefs, along with his inherent desire to achieve, have been a strong factor in the growth and recognition of the Catholic Archdiocese of Seattle; and

WHEREAS, Archbishop Raymond G. Hunthausen is truly a religious leader with deep humanitarian concerns and, as a supporter of social justice, has promoted improved housing for the poor and elderly, and, above all else, is a strong advocate of peace in our time;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington extend its heartiest congratulations and best wishes to Archbishop Raymond G. Hunthausen on the upcoming occasion of his twenty-fifth anniversary as Archbishop and Bishop and forty years as a Priest, and to share with him on these happy occasions, which must be a genuine source of personal satisfaction, that as a religious leader he made a life commitment so others could lead happier, fuller and more meaningful lives in peace with God and country; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted to Archbishop Raymond G. Hunthausen, Archdiocese of Seattle, by the Chief Clerk of the House of Representatives.

Mr. Wineberry moved adoption of the resolution, and it was adopted.

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

The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGE FROM THE GOVERNOR

April 23, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 23, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 188: Relating to the time for filing initiatives;

HOUSE BILL NO. 197: Relating to the surplus, delinquency, and adjustments to the state property tax levy;

HOUSE BILL NO. 199: Relating to timber excise tax administrative provisions;

HOUSE BILL NO. 248: Relating to state patrol retirement allowances;

HOUSE BILL NO. 261: Relating to state centennial license plates;

SUBSTITUTE HOUSE BILL NO. 329: Relating to the conservation commission;

SUBSTITUTE HOUSE BILL NO. 347: Relating to motor vehicle and special fuel tax payments;

HOUSE BILL NO. 352: Relating to priority programming for highway development;

HOUSE BILL NO. 374: Relating to the disease control authority of the department of agriculture;

SUBSTITUTE HOUSE BILL NO. 415: Relating to driving records;

HOUSE BILL NO. 431: Relating to motor vehicle equipment;
 SUBSTITUTE HOUSE BILL NO. 465: Relating to collection of wages;
 SECOND SUBSTITUTE HOUSE BILL NO. 480: Relating to Indian child welfare;
 HOUSE BILL NO. 559: Relating to ride-sharing vehicles;
 HOUSE BILL NO. 643: Relating to payment of special assessments prior to the issuance and sale of bonds;
 SUBSTITUTE HOUSE BILL NO. 656: Relating to service for the unemployed;
 SUBSTITUTE HOUSE BILL NO. 665: Relating to public assistance;
 SUBSTITUTE HOUSE BILL NO. 669: Relating to unclaimed bicycles held by police or sheriff;
 SUBSTITUTE HOUSE BILL NO. 706: Relating to youth employment and conservation;
 SUBSTITUTE HOUSE BILL NO. 732: Relating to the audit services revolving fund;
 SUBSTITUTE HOUSE BILL NO. 746: Relating to acquisition by the department of transportation of new passenger-only vessels;
 SUBSTITUTE HOUSE BILL NO. 763: Relating to consent for health care;
 SUBSTITUTE HOUSE BILL NO. 783: Relating to milk pooling;
 HOUSE BILL NO. 843: Relating to collection of money for the radiation perpetual maintenance fund;
 SUBSTITUTE HOUSE BILL NO. 1069: Relating to correcting obsolete references to workmen's compensation.

Sincerely,
 Terry Sebring, Counsel

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5977 and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Locke moved that the House refuse to recede from its amendments to Substitute Senate Bill No. 5977 and ask the Senate for a conference thereon.

Representatives Locke, Belcher, Silver and Peery spoke in favor of the motion, and Representatives Padden, Taylor, Jacobsen, Pruitt, Ebersole and Day opposed it. Mr. Taylor spoke again against the motion, and Mr. Locke spoke again in favor.

The motion was lost.

MOTION

On motion of Mr. Jacobsen, the House receded from its amendments to Substitute Senate Bill No. 5977.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5977 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5977 without the House amendments, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Beck - 1.

Excused: Representative Nelson - 1.

Substitute Senate Bill No. 5977 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1987

Mr. Speaker:

The President has ruled that the House Environmental Affairs Committee amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5071 are beyond the scope and object of the bill. The Senate refuses to concur in the amendments and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rust, the House refused to recede from its amendments to Engrossed Substitute Senate Bill No. 5071 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Rust, Jesernig and Walker as conferees on Engrossed Substitute Senate Bill No. 5071.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 451 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The state board for vocational education is hereby created with the primary purpose of coordinating state policy related to vocational education.

(2) The board shall consist of nine members as follows:

(a) The executive director of the state board for community college education, or the executive director's designee;

(b) The superintendent of public instruction or the superintendent's designee;

(c) The commissioner of the department of employment security or the commissioner's designee; and

(d) The following six persons appointed by the governor who shall serve five-year terms, but the initial terms shall be staggered as determined by the governor:

(i) Two representatives of labor who shall be appointed from a list of at least five names submitted by one or more state-wide labor organizations;

(ii) Two representatives of business who shall be appointed from a list of at least five names submitted by one or more state-wide business organizations;

(iii) One representative of agriculture who shall be appointed from a list of at least three names submitted by one or more state-wide agricultural organizations; and

(iv) One representative of community-based organizations.

(3) In making such appointments the governor shall be cognizant of the desirability of appointing persons who also represent the interests of minorities and women.

(4) The chairperson of the board shall be a citizen member chosen by a majority of its members.

NEW SECTION. Sec. 2. The board shall meet at the call of the chair, but not less than four times each year.

NEW SECTION. Sec. 3. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. The state board for vocational education may employ an executive director and such other personnel as may be necessary to carry out the board's duties. The executive director serves at the pleasure of the state board which shall set the director's salary and evaluate the director's performance. The board shall keep its professional and clerical staff to the minimum number of persons necessary to fulfill its duties under section 5 of this act.

NEW SECTION. Sec. 5. The state board for vocational education shall have the following powers and duties related to vocational education:

(1) To act as the state liaison with the federal government to ensure that federal requirements are met;

(2) To act as the sole state agency for the receipt and allocation to the office of the superintendent of public instruction and the state board for community college education of federal vocational education funds;

(3) To adopt the comprehensive state plan for vocational education as submitted under section 6(3) of this act;

(4) To review the performance under the state plan and submit a biennial report to the governor and the legislature;

(5) To perform those activities required by the Carl D. Perkins vocational education act of 1984, except that the governor, or his or her designee, the superintendent of public instruction, and the executive director of the state board for community college education shall jointly determine which of the functions, as allowed by federal law, shall be delegated to the superintendent of public instruction and the state board for community college education. The governor is hereby authorized to transfer such functions from the state board for vocational education to the superintendent of public instruction and the state board for community college education or other eligible state education agencies. Such transfers shall be completed by November 30, 1987. Every effort shall be made to ensure that there is no duplication in the functions, programs, and services performed by the state board for vocational education and those performed by the superintendent of public instruction and the state board for community college education;

(6) To coordinate the development of a comprehensive vocational education data system in conjunction with the superintendent of public instruction and the state board for community college education using information collected by the public education systems under section 6(4) of this act and other necessary information available from public and private agencies and organizations;

(7) To coordinate the development of evaluative measures for periodic performance evaluations and state plan compliance monitoring conducted by the superintendent of public instruction and the state board for community college education under section 6(7) of this act;

(8) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(9) To act as the adjudicator of any disputes arising regarding vocational education;

(10) To approve job skills program grant awards;

(11) To select the recipients of the Washington award for vocational excellence;

(12) To enforce the provisions of chapter 28C.10 RCW regulating private vocational schools;

(13) To approve the director's budget and staffing proposals for the state board of vocational education;

(14) To make recommendations to the governor, the legislature, and other agencies and organizations pertaining to vocational education and job training; and

(15) To adopt rules necessary to carry out the board's duties.

NEW SECTION. Sec. 6. The supervision and delivery of vocational education services in the public schools and community colleges shall remain the responsibility of the superintendent of public instruction and the state board for community college education. They shall have the following powers and duties respecting vocational education programs in their respective jurisdictions:

(1) To establish separate administrative divisions for vocational education in each agency to carry out the duties and functions provided by state and federal law;

(2) To establish an interagency memorandum of agreement specifying cooperative working relationships between the two agencies;

(3) To jointly develop a comprehensive state plan for state and federally funded vocational education as provided in section 13(15) of this act. The state board for vocational education, business groups, labor groups, and other interested parties shall be consulted by the superintendent of public instruction and the state board for community college education for recommendations during the development of the plan. The plan shall:

(a) Address state and local goals and objectives;

(b) Contain biennial objectives and budget priorities;

(c) Include priorities for expenditure of federal vocational education funds by the state;

(d) Address state-wide economic and employment needs;

(e) Contain an assessment of how these needs are being and should be met;

(f) Outline priorities among the needs and the specific resources necessary to meet them;

(g) Include recommendations for improving vocational education;

(h) Include procedures for reviewing and approving new programs proposed by public institutions;

(i) Include procedures for adjudicating disputes;

(j) Contain provisions for evaluating programs including job placement information;

(k) Include procedures for evaluating the effectiveness of input from local advisory committees;

(l) Include procedures for assuring coordination among public and private secondary and postsecondary schools;

(m) Provide for periodic updating of the plan; and

(n) Be submitted to the state board for vocational education for approval:

(4) To establish, maintain, and operate a consistent and reliable vocational education data system which shall be accessible to the state board for vocational education;

(5) To allocate and distribute within their respective education systems all state and federal funds made available to their respective systems under state and federal law for secondary and postsecondary vocational education purposes;

(6) To establish procedures, standards, and evaluative measures for periodic performance evaluations, including the effectiveness of vocational education programs operated within their respective systems;

(7) To monitor the vocational education programs of their respective systems for compliance with the state plan and applicable rules;

(8) To serve as liaison among the common schools, community colleges, and the state board for vocational education;

(9) To perform assignments requested by the state board for vocational education;

(10) To supervise and administer the daily implementation of all elements of the state plan and other operational vocational education functions including, but not limited to, program planning and approval, curriculum development, inservice training, student leadership, vocational certification, program improvement, and research activities;

(11) To adopt rules necessary to implement their respective powers and duties, including rules by the superintendent of public instruction authorizing the financial maintenance and program operations of the existing common school vocational technical institutes.

NEW SECTION, Sec. 7. Funds necessary for the execution of the board's duties shall be provided from funds paid pursuant to Public Law 98-524 and supplementary funds as appropriated by the legislature. The board may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the board and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION, Sec. 8. The state of Washington hereby accepts all the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled, entitled 'An act to provide for the promotion of vocational education, to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure', approved February 23, 1917; and of an act of congress entitled 'An act to provide for the further development of vocational education in the several states and territories,' approved June 8, 1936, and the Vocational Education Act of 1946 and supplemental vocational education acts including but not limited to Public Law 88-210 and Public Law 98-524, the Carl D. Perkins vocational education act of 1984, as amended.

NEW SECTION, Sec. 9. The state treasurer is hereby designated and appointed custodian of all moneys received by the state from the appropriations made by the said acts of congress as provided for in section 8 of this act and is authorized to receive and to provide for the proper custody of the same and to make disbursements therefrom in the manner provided in said acts and for the purposes therein specified. The treasurer shall also, upon the order of the appropriate agency in accordance with the provisions of those state acts relating to the promotion of vocational education, pay out any moneys appropriated by the state of Washington for the purpose of carrying out the provisions thereof relating to vocational education.

NEW SECTION, Sec. 10. For the purposes of this chapter, vocational schools or classes may be established (1) as all day schools or classes giving instruction in vocational subjects; (2) as part time schools or classes giving instruction in vocational subjects; and (3) as evening school classes giving instruction supplemental to the daily employment.

NEW SECTION, Sec. 11. The state board of education may authorize the school districts to offer vocational education programs in the elementary and secondary schools and the state board of education shall adopt rules to implement such programs and shall also adopt such rules for programs authorized by RCW 28A.58.245.

NEW SECTION, Sec. 12. (1) Each local education agency or community college district offering vocational educational preparatory programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry in the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture.

NEW SECTION, Sec. 13. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Applicant' means an educational institution which has made application for a job skills grant under RCW 28C.04.420 through 28C.04.480.

(2) 'Board' means the state board for vocational education.

(3) 'Business and industry' means a private corporation, institution, firm, person, group, or association concerned with commerce, trades, manufacturing, or the provision of services within the state, or a public or nonprofit hospital licensed by the department of social and health services.

(4) 'Educational institution' means a public secondary or postsecondary institution or an independent institution within the state authorized by law to provide a program of skills training or education beyond the secondary school level. Any educational institution receiving a job skills grant under RCW 28C.04.420 through 28C.04.480 shall be free of sectarian control or influence as set forth in Article IX, section 4 of the state Constitution.

(5) 'Equipment' means tangible personal property which will further the objectives of the supported program and for which a definite value and evidence in support of the value have been provided by the donor.

(6) 'Executive director' means the executive director of the state board for vocational education.

(7) 'Financial support' means any thing of value which is contributed by business and industry to an educational institution which is reasonably calculated to support directly the development and expansion of a particular program under RCW 28C.04.420 through 28C.04.480 and represents an addition to any financial support previously or customarily provided to such educational institutions by the donor. 'Financial support' includes, but is not limited to, funds, equipment, facilities, faculty, and scholarships for matriculating students and trainees.

(8) 'Industrial arts' and 'practical arts' mean general education centered around the industrial and technical aspects of current living, offering orientation in and appreciation for production, consumption, and recreation through actual experiences with materials and goods and also providing exploratory experiences which are helpful in the choice of a vocation.

(9) 'Job market area' means the geographic area for recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement.

(10) 'Job skills grant' means funding that is provided to an educational institution by the office for the development or significant expansion of a program under RCW 28C.04.420 through 28C.04.480.

(11) 'Job skills program' means a program of skills training or education separate from and in addition to existing vocational education programs and which:

(a) Provides short-term training which has been designated for specific industries;

(b) Provides training for prospective employees before a new plant opens or when existing industry expands;

(c) Includes training and retraining for workers already employed by an existing industry or business where necessary to avoid dislocation or where upgrading of existing employees would create new vacancies for unemployed persons;

(d) Serves areas with high concentrations of economically disadvantaged persons and high unemployment;

(e) Serves areas with new and growing industries;

(f) Serves areas where there is a shortage of skilled labor to meet job demands; or

(g) Promotes the location of new industry in areas affected by economic dislocation.

(12) 'Occupational exploration' includes prevocational education and means a series of educational experiences designed to: (a) Assist individuals in developing their understanding of, appreciation for, aptitudes for, and abilities in recognized occupations; (b) develop an attitude of respect toward work and pride in workmanship; and (c) provide knowledge and experience to assist in the choice of an occupational program.

(13) 'Postsecondary education system' means those educational courses and programs, not within the jurisdiction of the superintendent of public instruction, being offered beyond secondary education by institutions of higher education in the state of Washington which includes academic, vocational, technical or professional training traditionally leading to an associate, baccalaureate, or higher degree or a certificate of achievement.

(14) 'Secondary education system' means those educational courses and programs, within the jurisdiction of the superintendent of public instruction, being offered in the common schools of the state of Washington in the grades 7 through 12, or any part thereof, which are traditionally provided for the purpose of granting a recognized certificate of completion or a high school diploma; PROVIDED, That notwithstanding the provisions of this chapter and RCW 28B.50.140(1), existing vocational-technical institutes operating within the secondary school system shall continue to function within the common school system.

(15) 'State plan' or 'plan' means the Washington state plan for vocational education, adopted as outlined under this chapter. This plan shall be a single comprehensive plan and shall meet the requirements of this chapter and the requirements of Public Law 98-524 as amended, and other state, federal, congressional, and administrative directives pertaining to

vocational education. However, standards of, rules for, and supervision of indentured apprenticeship in the apprenticeable crafts shall continue to be governed by the director of labor and industries and the state apprenticeship council under chapter 49.04 RCW.

(16) 'Technical assistance' means professional and any other assistance provided by business and industry to an educational institution, which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any technical assistance previously or customarily provided to the educational institutions by the donor.

(17) 'Vocational education' means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, including consumer education and homemaking, home and family life programs, and volunteer fire fighting training, which are not designated as professional or requiring a baccalaureate or higher degree.

(18) 'Vocational-technical institute' means a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence, under laws, and rules pertaining to the maintenance, operation, and capital funding of vocational-technical institutes. Service areas for common school vocational-technical institutes shall be defined specifically by the office, recognizing areas traditionally served.

NEW SECTION. Sec. 14. Children of any person who was a Washington domiciliary and who has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea shall be admitted to any public vocational-technical school within the state without the necessity of paying any registration fees or tuition fees if such child meets such other educational qualifications as such vocational-technical school shall deem reasonable and necessary under the circumstances. Affected institutions shall in their preparation of future budgets include costs resultant from such registration fee or tuition loss for reimbursement from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section.

NEW SECTION. Sec. 15. There is hereby created a state council on vocational education, hereinafter referred to as the 'council,' for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds, consisting of not less than thirteen members appointed by the governor, without regard to the civil service laws, for terms of three years. The initial members of the council shall be the members of the state advisory council on vocational education as it existed immediately prior to the effective date of this section, who shall serve the remainder of their unexpired terms.

NEW SECTION. Sec. 16. (1) The composition and duties of the state council on vocational education shall be in accordance with federal law. As terms expire, the governor shall make an appointment necessary to fill any vacancy.

(2) The council shall meet at least four times a year at the call of the chair, who shall be selected by vote of the members.

(3) Members of the council shall receive their travel expenses while engaged in the business of the council in accordance with RCW 43.03.050 and 43.03.060.

(4) Funds necessary for the execution of the council's duties shall be provided from funds paid pursuant to Public Law 98-524 and supplementary funds as appropriated by the legislature. The council may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 17. The duties of the council shall be in accordance with federal law. The council shall obtain the services of an executive director and confidential secretary to such director, both of whom shall be exempt from the provisions of chapter 41.06 RCW, and such professional, technical, and clerical personnel as may be deemed necessary to enable it to carry out its functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

NEW SECTION. Sec. 18. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for vocational education, the state board for community college education, or the superintendent of public instruction, as applicable. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education in carrying out the powers, functions, and duties transferred shall be made available to the applicable agencies. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the applicable agencies.

Any appropriations made to the commission for vocational education for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the applicable agencies.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 19. Employees of the commission for vocational education, except the director and deputy director, engaged in performing the powers, functions, and duties transferred to the state board for vocational education, the state board for community college education, or the superintendent of public instruction, as applicable, are transferred to the jurisdiction of the applicable agencies in accordance with the personnel study provided in section 24 of this act. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the applicable agencies to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 20. All rules and all pending business before the commission for vocational education pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for vocational education, the state board for community college education, or the superintendent of public instruction, as applicable. All existing contracts and obligations shall remain in full force and shall be performed by the applicable agencies.

NEW SECTION. Sec. 21. The transfer of the powers, duties, functions, and personnel of the commission for vocational education shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION. Sec. 22. If apportionments of budgeted funds are required because of the transfers directed by sections 18 through 21 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 23. Nothing contained in sections 18 through 22 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 24. The director of financial management, in consultation with the department of personnel and the higher education personnel board, shall conduct an analysis of staffing needs and necessary personnel classifications for the state board for vocational education. Until the study is completed, the state board for vocational education shall not fill any vacancies without approval of the director of financial management. The study required under this section shall be completed no later than sixty days after the effective date of this section.

Sec. 25. Section 4, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.420 are each amended to read as follows:

The ((commission)) board may, subject to appropriation from the legislature or from funds made available from any other public or private source and pursuant to rules adopted by the ((commission)) board, provide job skills grants to educational institutions. The job skills grants shall be used exclusively for programs which are consistent with the job skills program. A job skills grant may be awarded only after:

(1) Receipt of an application from an educational institution which contains a proposal for a program of skills training and education, including a description of the program, the type of skills training or education to be provided, a statement of the total cost of the program and a breakdown of the costs associated with equipment, personnel, facilities, and materials, a statement of the employment needs for the program and evidence in support thereof, demonstrates that the program does not unnecessarily duplicate existing programs in the area and is provided at a reasonable cost, a statement of the technical assistance and financial support for the program received or to be received from business and industry, and such other information as the ((commission)) state board for community college education requests; and

(2) The ((commission)) state board for community college education, based on the application submitted by the educational institution and such additional investigation as the staff of the ((commission)) state for community college education shall make, finds that:

(a) The program is within the scope of the job skills program under this chapter and may reasonably be expected to succeed and thereby increase employment within the state;

(b) Provision has been made to use any available alternative funding from local, state, and federal sources;

(c) The job skills grant will only be used to cover the costs associated with the program;

(d) The program will not unnecessarily duplicate existing programs and could not be provided by another educational institution more effectively or efficiently;

(e) The program involves an area of skills training and education for which there is a demonstrable need;

(f) The applicant has made provisions for the use of existing federal and state resources for student financial assistance;

(g) The job skills grant is essential to the success of the program as the resources of the applicant are inadequate to attract the technical assistance and financial support necessary for the program from business and industry;

(h) The commitment of financial support from business and industry shall be equal to or greater than the amount of the requested job skills grant;

(i) Binding commitments have been made to the ((commission)) state board for community college education by the applicant for adequate reporting of information and data regarding the program to the ((commission)) state board for community college education, particularly information concerning the recruitment and employment of trainees and students, and including a requirement for an annual or other periodic audit of the books of the applicant directly related to the program, and for such control on the part of the ((commission)) state board for community college education as it considers prudent over the management of the program, so as to protect the use of public funds, including, in the discretion of the ((commission)) state board for community college education and without limitation, right of access to financial and other records of the applicant directly related to the programs;

(j) Provision has been made by the applicant to work, in cooperation with the employment security department, to identify and screen potential trainees and that provision has been made by the applicant of persons who are victims of economic dislocation and persons from minority and economically disadvantaged groups to participate in the program; and

(k) Binding commitments have been made to the ((commission)) state board for community college education by the applicant for compliance with the monitoring and evaluation rules of the ((commission)) state board for community college education.

Sec. 26. Section 5, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.430 are each amended to read as follows:

Upon approval by the board of a job skills grant application ((by the commission, the commission)), the board shall immediately provide notification of its decision to the employment security department and to the state board for community college education. The notification shall include the following information regarding the supported program: The trade, occupation, or profession with which the program is concerned; a description of the curriculum, the requirements for participation, and the procedures for making application; the duration of the program; a description of support services available to participants in the program; and any other information relevant to encouraging and facilitating the participation in the program of those in economic need. Grant awards shall be announced by the state board for vocational education.

Sec. 27. Section 6, chapter 21, Laws of 1983 1st ex. sess. as amended by section 40, chapter 466, Laws of 1985 and RCW 28C.04.440 are each amended to read as follows:

The department of trade and economic development or its successor ((and)), the employment security department, and the office of the superintendent of public instruction shall each enter into an interagency agreement with the ((commission on vocational education)) state board for community college education to establish cooperative working arrangements for the purposes of RCW 28C.04.410 through 28C.04.480.

Sec. 28. Section 8, chapter 21, Laws of 1983 1st ex. sess. as amended by section 41, chapter 466, Laws of 1985 and RCW 28C.04.460 are each amended to read as follows:

The department of trade and economic development or its successor shall for the purposes of RCW 28C.04.410 through 28C.04.480:

(1) Work cooperatively with the ((commission on vocational education)) state board for community college education to market the job skills program to business and economic development agencies and other firms;

(2) Recruit industries from outside the state to participate in the job skills training program; and

(3) Refer business and industry interested in developing a job skills training program to the ((commission on vocational education)) state board for community college education.

Sec. 29. Section 9, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.470 are each amended to read as follows:

The ((commission)) state board for vocational education shall annually submit a complete and detailed report of ((the commission's)) all activities affecting the job skills program under RCW 28C.04.410 through 28C.04.480 within ninety days after the end of the fiscal year to the chief clerk of the house of representatives, to the secretary of the senate, and to the governor. The annual report shall include, but not be limited to, descriptions of all programs funded, and evaluation of the performance of each program, a summary of the public moneys expended, and the demographic and economic characteristics of the individuals trained, educated, and employed, including, in particular, the number of minority and economically disadvantaged individuals.

Sec. 30. Section 3, chapter 267, Laws of 1984 and RCW 28C.04.530 are each amended to read as follows:

(1) The ~~((commission for vocational education))~~ office of the superintendent of public instruction shall have the responsibility for the development and administration of the Washington award for vocational excellence program. The ~~((commission))~~ office of the superintendent of public instruction shall develop the program in consultation with other state agencies and private organizations having interest and responsibility in vocational education, including but not limited to: The state board for community college education, the office of the superintendent of public instruction, a voluntary professional association of vocational educators, and representatives from business, labor, and industry.

(2) The ~~((commission))~~ office of the superintendent of public instruction shall establish a planning committee to develop the criteria for screening and selecting the students who will receive the award. This criteria shall include but not be limited to the following characteristics: Proficiency in their chosen fields, attendance, attitude, character, leadership, and civic contributions.

Sec. 31. Section 4, chapter 267, Laws of 1984 and RCW 28C.04.535 are each amended to read as follows:

The Washington award for vocational excellence shall be granted annually. The ~~((commission))~~ state board for vocational education shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The ~~((commission))~~ board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the ~~((commission))~~ board in cooperation with the office of the governor.

Sec. 32. Section 5, chapter 267, Laws of 1984 and RCW 28C.04.540 are each amended to read as follows:

The ~~((commission))~~ office of the superintendent of public instruction may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from any federal, state, or local agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the Washington award for vocational excellence program. The ~~((commission))~~ office of the superintendent of public instruction shall encourage maximum participation from business, labor, and community groups. The ~~((commission))~~ office of the superintendent of public instruction shall also coordinate, where feasible, the contribution activities of the various participants.

~~((The commission shall not make expenditures from funds collected under this section until February 15, 1985.))~~

Sec. 33. Section 8, chapter 267, Laws of 1984 and RCW 28C.04.550 are each amended to read as follows:

~~((The Washington award for vocational excellence shall be effective commencing with the 1984-85 academic year. The commission for vocational education shall report on the program to the legislature and to the governor by January 15, 1985. The report shall include a description of the program, a copy of any rules implementing the program, a list of the participants, and the commission's recommendations for any additional statutory changes needed to improve the program.))~~

~~Hereafter, the commission))~~ The state board for vocational education shall report on the results and effectiveness of ~~((this award))~~ the Washington award for vocational excellence program to the legislature and the governor on or before January 15 of each odd-numbered year. The ~~((1987))~~ 1989 report shall include an evaluation of the effects of expanding the tuition and fee waiver period from one to two years.

Sec. 34. Section 2, chapter 299, Laws of 1986 and RCW 28C.10.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Agency' means the ~~((commission for vocational education or its successor))~~ state board for vocational education.

(2) 'Agent' means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) 'Degree' means any designation, appellation, letters, or words including but not limited to 'associate,' 'bachelor,' 'master,' 'doctor,' or 'fellow' which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) 'Education' includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) 'Educational credentials' means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words

which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) 'Entity' includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) 'Private vocational school' means any entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) 'To grant' includes to award, issue, sell, confer, bestow, or give.

(9) 'To offer' includes, in addition to its usual meanings, to advertise or publicize. 'To offer' also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) 'To operate' means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

Sec. 35, Section 7, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 465, Laws of 1985 and RCW 18.106.070 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder. A renewal fee shall be assessed for each certificate. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee.

The certificate of competency and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journeyman plumber or specialty plumber in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journeyman plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journeyman plumber or a specialty plumber working in his or her specialty. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the plumbing construction trade shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) From July 28, 1985, through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber; (b) effective July 1, 1988, not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and (c) effective July 1, 1988, not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the (~~commission for vocational education~~) appropriate joint apprenticeship training committee, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Sec. 36. Section 2, chapter 30, chapter 1980 as amended by section 13, chapter 206, Laws of 1983 and RCW 19.28.510 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a current journeyman electrician certificate of competency or a current specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and nonresidential maintenance.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified journeyman electrician or a certified specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a journeyman electrician or a specialty electrician working in his or her specialty. The holder of the electrical training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman electrician or an appropriate specialty electrician who has an applicable certificate of competency issued under this chapter. Either a journeyman electrician or an appropriate specialty electrician shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty electricians working on a job site shall be:

(a) From September 1, 1979, through December 31, 1982, not more than three noncertified electricians working on any one job site for every certified journeyman or specialty electrician;

(b) Effective January 1, 1983, not more than two noncertified individuals working on any one job site for every specialty electrician or journeyman electrician working as a specialty electrician;

(c) Effective January 1, 1983, not more than one noncertified individual working on any one job site for every certified journeyman electrician.

The ratio requirements do not apply to a trade school program in the electrical construction trade established during 1946.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the electrical construction trade in a school approved by the (~~commission for vocational education~~) appropriate joint apprenticeship training committee, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Sec. 37. Section 4, chapter 30, Laws of 1980 as amended by section 14, chapter 206, Laws of 1983 and RCW 19.28.530 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the journeyman or specialty certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked in the electrical construction trade for a minimum of four years employed full time, of which two years shall be in industrial or commercial electrical installation under the supervision of a journeyman electrician certified under this chapter and not more than a total of two years in all specialties under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter or have successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked in that specialty of the electrical construction trade, under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter, for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Before January 1, 1984, applicants for nonresidential maintenance specialty licenses are eligible to become nonresidential maintenance specialists upon certification to the department that they have the equivalent of two years full-time experience in that specialty field. Persons

applying before January 1, 1984, for a journeyman certificate are eligible to take the examination to become journeymen until July 1, 1984, upon certification to the department that they have the equivalent of five years full-time experience in nonresidential maintenance, of which two years shall be in industrial electrical installation. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the ~~((commission for vocational education))~~ appropriate joint apprenticeship training committee may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946 is eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board of electrical examiners. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

Sec. 38, Section 14, chapter 370, Laws of 1985 and RCW 28B.80.430 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 28B.16 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 28B.16 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rulemaking, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the ~~((commission for vocational education))~~ state board for vocational education, and the state board for community college education. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

Sec. 39, Section 20, chapter 87, Laws of 1980 as last amended by section 9, chapter 155, Laws of 1986 and RCW 43.03.028 are each amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the ~~((commission for))~~ state board for vocational education~~((the advisory council on vocational education))~~; the public disclosure commission; the hospital commission; the state conservation commission; the commission on Mexican-American affairs; the commission on Asian-American affairs; the state board for volunteer firemen; the urban arterial board; the data processing authority; the public employees relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the

legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 40. Section 3, chapter 43, Laws of 1982 as last amended by section 66, chapter 466, Laws of 1985 and RCW 50.38.030 are each amended to read as follows:

The employment security department shall consult with the following agencies prior to the issuance of the state occupational forecast:

- (1) Office of financial management;
- (2) Department of trade and economic development;
- (3) Department of labor and industries;
- (4) State board for community college education;
- (5) Superintendent of public instruction;
- (6) Department of social and health services;
- (7) Department of community development;
- (8) ~~((Commission))~~ State board for vocational education; and
- (9) Other state and local agencies as deemed appropriate by the commissioner of the employment security department.

These agencies shall cooperate with the employment security department, submitting information relevant to the generation of occupational forecasts.

Sec. 41. Section 3, chapter 77, Laws of 1969 ex. sess. as amended by section 2, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.08.012 are each amended to read as follows:

For the purposes of this title, 'accredited school' means a school or course of instruction which is:

(1) Approved by the state superintendent of public instruction, the state board of education, or the state board for community college education ~~((or the state division of vocational education of the coordinating council for occupational education));~~ or

(2) Regulated or licensed as to course content by any agency of the state or under any occupational licensing act of the state, or recognized by the apprenticeship council under an agreement registered with the apprenticeship council pursuant to chapter 49.04 RCW.

Sec. 42. Section 4, chapter 179, Laws of 1969 ex. sess. and RCW 70.100.040 are each amended to read as follows:

The superintendent of public instruction, after consulting with the department of labor and industries, ~~((and the division of vocational education))~~ shall prepare and circulate to each public and private educational institution in this state ~~((within six months of the date of passage of this chapter)), and update when necessary,~~ a manual containing instructions and recommendations for the guidance of such institutions in implementing the eye safety provisions of this chapter.

Sec. 43. Section 1, chapter 231, Laws of 1941 as last amended by section 97, chapter 287, Laws of 1984 and RCW 49.04.010 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The governor shall appoint a public member to the apprenticeship council for a three-year term. The appointment of the public member is subject to confirmation by the senate. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the ~~((commissioner for vocational education))~~ superintendent of public instruction as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW 43.03.240. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

Sec. 44. Section 2, chapter 231, Laws of 1941 as last amended by section 2, chapter 37, Laws of 1979 ex. sess. and RCW 49.04.030 are each amended to read as follows:

Subject to the confirmation of the state apprenticeship council by a majority vote, the director of labor and industries shall appoint and deputize an assistant director to be known as the supervisor of apprenticeship. Under the supervision of the director of labor and industries

and with the advice and guidance of the apprenticeship council, the supervisor shall: (1) Encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter, and in harmony with the policies of the United States department of labor; (2) act as secretary of the apprenticeship council and of state joint apprenticeship committees; (3) when so authorized by the apprenticeship council, register such apprenticeship agreements as are in the best interests of the apprentice and conform to the standards established by or in accordance with this chapter; (4) keep a record of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship; (5) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and who (6) may act to bring about the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the ~~((commission for vocational education and its))~~ superintendent of public instruction and the local recognized ((agency)) agencies for vocational education. The director of labor and industries is authorized to appoint such other personnel as may be necessary to aid the apprenticeship council and the supervisor of apprenticeship in the execution of their functions under this chapter.

NEW SECTION. Sec. 45. Section 2, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.410 are each repealed.

Sec. 46. Section 43, chapter 197, Laws of 1983 and RCW 43.131.288 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 1, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.010;
- (2) Section 2, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.020;
- (3) Section 3, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.025;
- (4) Section 4, chapter 285, Laws of 1971 ex. sess., section 13, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.026;
- (5) Section 3, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.030;
- (6) Section 4, chapter 174, Laws of 1975 1st ex. sess., section 3, chapter 21, Laws of 1983 1st ex. sess., section 89, chapter 370, Laws of 1985, section 78, chapter 266, Laws of 1986 and RCW 28C.04.040;
- (7) Section 5, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.050;
- (8) Section 6, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.060;
- (9) Section 8, chapter 174, Laws of 1975 1st ex. sess., section 79, chapter 34, Laws of 1975-'76 2nd ex. sess., section 66, chapter 287, Laws of 1984 and RCW 28C.04.070;
- (10) Section 10, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.080;
- (11) Section 28B.50.230, chapter 223, Laws of 1969 ex. sess., section 14, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.090;
- ~~((12))~~ ~~((Section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140;~~
- ~~((13))~~ Section 7, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.150;
- ~~((14))~~ (13) Section 11, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.160;
- ~~((15))~~ (14) Section 28A.09.070, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.200;
- ~~((16))~~ (15) Section 28A.09.080, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.210;
- ~~((17))~~ (16) Section 28A.09.090, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.220;
- ~~((18))~~ (17) Section 28B.50.240, chapter 223, Laws of 1969 ex. sess., section 24, chapter 261, Laws of 1969 ex. sess., section 1, chapter 285, Laws of 1971 ex. sess., section 41, chapter 3, Laws of 1983 and RCW 28C.04.230;
- ~~((19))~~ (18) Section 1, chapter 17, Laws of 1972 ex. sess., section 1, chapter 63, Laws of 1973 and RCW 28C.04.240;
- ~~((20))~~ (19) Section 52, chapter 283, Laws of 1969 ex. sess., section 76, chapter 34, Laws of 1975-'76 2nd ex. sess., section 67, chapter 287, Laws of 1984 and RCW 28C.04.300;
- ~~((21))~~ (20) Section 53, chapter 283, Laws of 1969 ex. sess., section 16, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.310;
- ~~((22))~~ (21) Section 9, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.500;
- ~~((23))~~ (22) Section 12, chapter 174, Laws of 1975 1st ex. sess., section 1, chapter 86, Laws of 1975-'76 2nd ex. sess., section 23, chapter 151, Laws of 1979, section 90, chapter 370, Laws of 1985 and RCW 28C.04.510;
- ~~((24))~~ (23) Section 1, chapter 349, Laws of 1977 ex. sess., section 12, chapter 470, Laws of 1985, section 62, chapter 266, Laws of 1986 and RCW 28C.50.010;
- ~~((25))~~ (24) Section 2, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.020;
- ~~((26))~~ (25) Section 3, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.030;
- ~~((27))~~ (26) Section 4, chapter 349, Laws of 1977 ex. sess., section 19, chapter 57, Laws of 1985 and RCW 28C.50.040;
- ~~((28))~~ (27) Section 5, chapter 349, Laws of 1977 ex. sess., section 13, chapter 470, Laws of 1985, section 63, chapter 266, Laws of 1986 and RCW 28C.50.050;

~~((29))~~ (28) Section 6, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.060;

~~((30))~~ (29) Section 8, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.900;

~~((31))~~ (30) Section 1, chapter 225, Laws of 1979 ex. sess., section 1, chapter 48, Laws of 1982 1st ex. sess., section 14, chapter 470, Laws of 1985, section 64, chapter 266, Laws of 1986 and RCW 28C.51.010;

~~((32))~~ (31) Section 2, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.020;

~~((33))~~ (32) Section 3, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.030;

~~((34))~~ (33) Section 4, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.040;

~~((35))~~ (34) Section 5, chapter 225, Laws of 1979 ex. sess., section 15, chapter 470, Laws of 1985, section 65, chapter 266, Laws of 1986 and RCW 28C.51.050; and

~~((36))~~ (35) Section 6, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.060.

NEW SECTION. Sec. 47. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 48. Sections 1 through 17 of this act are each added to chapter 28C.04 RCW.

NEW SECTION. Sec. 49. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.460, 28C.04.470, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.550, 28C.10.020, 18.106.070, 19.28.510, 19.28.530, 28B.80.430, 43.03.028, 50.38.030, 51.08.012, 70.100.040, 49.04.010, 49.04.030, and 43.131.288; adding new sections to chapter 28C.04 RCW; creating new sections; repealing RCW 28C.04.410; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. H. Sommers, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 451 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives H. Sommers, Ebersole and Taylor as conferees on Engrossed Substitute House Bill No. 451.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 542 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 77.16.170, chapter 36, Laws of 1955 as amended by section 85, chapter 78, Laws of 1980 and RCW 77.16.170 are each amended to read as follows:

It is unlawful to take a wild animal from another person's trap without permission, or to spring, pull up, damage, possess, or destroy the trap; however, it is not unlawful for a property owner, lessee, or tenant to remove a trap placed on the owner's, lessee's, or tenant's property by a trapper without permission from the owner.

Trappers shall attach to the chain of their traps or devices a legible metal tag with the name and address of the trapper in English letters not less than one-eighth inch in height.

Sec. 2. Section 77.16.240, chapter 36, Laws of 1955 as last amended by section 1, chapter 31, Laws of 1982 and RCW 77.21.010 are each amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving big game or an endangered species is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both the fine and imprisonment. Each subsequent violation within a five-year period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020 or 77.16.120 involving big game or an endangered species, as defined by the Washington state game commission under the authority of RCW 77.04.090, shall be prosecuted and punished as a class C felony as defined in RCW 9A.20.020. In connection with each such felony prosecution, the director shall provide the court with an inventory of all articles or devices seized under this title in connection with the violation. Inventoried articles or devices shall be disposed of pursuant to RCW 77.21.040.

(2) A person violating or failing to comply with this title or a rule of the commission for which no penalty is otherwise provided is guilty of a misdemeanor and shall be punished for each offense by a fine of five hundred dollars or by imprisonment for not more than ninety days in the county jail or by both the fine and imprisonment.

(3) A person placing traps on private property without permission of the owner, lessee, or tenant is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than five hundred dollars.

(4) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

~~((4))~~ (5) The unlawful killing, taking, or possession of each wildlife member constitutes a separate offense.

~~((5))~~ (6) District courts have jurisdiction concurrent with the superior courts of misdemeanors and gross misdemeanors committed in violation of this title or rules of the commission and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

Sec. 3. Section 23, chapter 310, Laws of 1981 as amended by section 4, chapter 464, Laws of 1985 and RCW 77.32.191 are each amended to read as follows:

A state trapping license allows the holder to trap fur-bearing animals throughout the state; however, a trapper may not place traps on private property without written permission of the owner, lessee, or tenant. A state trapping license is void on April 1st following the date of issuance. The fee for this license is thirty dollars for residents sixteen years of age or older, twelve dollars for residents under sixteen years of age, and one hundred fifty dollars for nonresidents.

NEW SECTION. Sec. 4. A new section is added to chapter 77.32 RCW to read as follows:

The commission shall revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps."

On page 1, line 1 of the title, after "activities;" strike the remainder of the title and insert "amending RCW 77.16.170, 77.21.010, and 77.32.191; adding a new section to chapter 77.32 RCW; and prescribing penalties."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. K. Wilson, the House refused to concur in the Senate amendments to Substitute House Bill No. 542 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Sutherland, Meyers and Amondson as conferees on Substitute House Bill No. 542.

On motion of Mr. McMullen, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House was called to order by the Speaker (Mr. Appelwick presiding). All members were present except Representatives Fuhrman, Grant, Haugen, Lewis, Locke, Lux, McLean, Nealey and Schoon.

MESSAGE FROM THE SENATE

April 18, 1987

Mr. Speaker:

The President has ruled that the House amendments to SUBSTITUTE SENATE BILL NO. 5622 are beyond the scope and object of the bill. The Senate refuses to concur in the House amendments and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Ebersole moved that the House do recede from its amendments to Substitute Senate Bill No. 5622.

Representatives Ebersole and Betzoff in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5622 without the House amendments.

Representatives Ebersole and Betzoff spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5622 without the House amendments, and the bill passed the House by the following vote: Yeas, 85; absent, 13.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bungarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Hankins, Hargrove, Hearvey, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Madsen, May, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Absent: Representatives Dellwo, Fuhrman, Grant, Grimm, Haugen, Hine, Lewis, Locke, Lux, McLean, McMullen, Nealey, Schoon - 13.

Substitute Senate Bill No. 5622 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Fuhrman, Haugen, Locke, McLean, Nealey and Schoon appeared at the bar of the House.

STATEMENTS FOR THE JOURNAL

I was in Ways & Means and missed the vote on SSB 5622. I would have voted yes.

ALEX W. McLEAN, 12th District.

I was not on the floor when SSB 5622 came up for final passage without the House amendment. Although the bill would be perfected with the amendment, I do support the bill and would have voted for it had I been present.

DICK SCHOON, 30th District.

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 448, and once again asks the House to concur in the Senate amendments, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Brekke moved that the House do concur in the Senate amendments to Engrossed Second Substitute House Bill No. 448.

Representatives Brekke, Winsley, Wineberry, Hargrove, Fuhrman and Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 448 as amended by the Senate.

Representatives Brekke, Wineberry and Nelson spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 448 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; nays, 3; absent, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., King R., Kremen, Leonard, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Allen, Belcher, Niemi - 3.

Absent: Representatives Grant, Lewis, Lux - 3.

Engrossed Second Substitute House Bill No. 448 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Grant and Lewis appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 135 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred HOUSE BILL NO. 135, changing provisions relating to the Western Library Network, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators DeJarnatt, Zimmerman, Halsan; Representatives Peery, H. Sommers, Hankins.

MOTION

On motion of Ms. H. Sommers, the House adopted the report of the Conference Committee on House Bill No. 135 and granted the committee powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5058, strengthening authority of the legislature over agency rule-making, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Halsan, Deccio, Kreidler; Representatives H. Sommers, Hankins, Peery.

MOTION

On motion of Ms. H. Sommers, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 5058 and granted the committee powers of Free Conference.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 435 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 435, revising provisions on inactive real estate licenses, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Tanner; Representatives Wang, Cole, Patrick.

MOTION

On motion of Mr. Wang, the House adopted the report of the Conference Committee on Engrossed House Bill No. 435 and granted the committee powers of Free Conference.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 364 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 21, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 364, changing provisions relating to contractor registration and disclosure, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Lee, Smitherman; Representatives Wang, Cole, Patrick.

MOTION

On motion of Mr. Wang, the House adopted the report of the Conference Committee on Substitute House Bill No. 364 and granted the committee powers of Free Conference.

MESSAGE FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, and the President has appointed the following members as conferees: Senators Warnke, Lee, Smitherman, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5838, regulating sales of health studio memberships, have had the same

under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Lee, Smitherman; Representatives Wang, Patrick, Cole.

MOTION

On motion of Mr. Wang, the House adopted the report of the Conference Committee on Engrossed Senate Bill No. 5838 and granted the committee powers of Free Conference.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 116 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 116, revising provisions on inactive real estate licenses, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Halsan, McCaslin, Rasmussen; Representatives Haugen, Nutley, L. Smith.

MOTION

On motion of Ms. Haugen, the House adopted the report of the Conference Committee on Substitute House Bill No. 116 and granted the committee powers of Free Conference.

MESSAGE FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 902 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1987

Mr. Speaker:

We of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 902, exempting city and town fire and police chiefs from civil service provisions, have had the same under consideration, and we recommend that the Senate Governmental Operations striking amendment (For amendment, see Journal, 94th Day, April 15, 1987.) be adopted as amended and that the bill do pass as amended by the following amendments by the Free Conference Committee:

On page 2 of the Senate Committee on Governmental Operations amendment, beginning on line 27, strike everything down to and including "35A.21 RCW." on page 7, line 17 and insert the following:

NEW SECTION. Sec. 3. The intent of this act is to require certain qualifications for candidates for the office of chief of police or marshal, which position in whole or in part oversees law enforcement personnel or activities for a city or town.

The legislature finds that over the past century the field of law enforcement has become increasingly complex and many new techniques and resources have evolved both socially and technically. In addition the ever-changing requirements of law, both constitutional and statutory provisions protecting the individual and imposing responsibilities and legal liabilities of law enforcement officers and the government of which they represent, require an increased level of training and experience in the field of law enforcement.

The legislature, therefore finds that minimum requirements are reasonable and necessary to seek and hold the offices or office of chief of police or marshal, and that such requirements are in the public interest.

NEW SECTION, Sec. 4. (1) A person seeking appointment to the office of chief of police or marshal, of a city or town, including a code city, with a population in excess of one thousand, is ineligible unless that person:

- (a) Is a citizen of the United States of America;
- (b) Has obtained a high school diploma or general equivalency diploma;
- (c) Has not been convicted under the laws of this state, another state, or the United States of a felony;

(d) Has not been convicted of a gross misdemeanor or any crime involving moral turpitude within five years of the date of application;

(e) Has received at least a general discharge under honorable conditions from any branch of the armed services for any military service if the person was in the military service;

(f) Has completed at least two years of regular, uninterrupted, full-time commissioned law enforcement employment involving enforcement responsibilities with a government law enforcement agency; and

(g) The person has been certified as a regular and commissioned enforcement officer through compliance with this state's basic training requirement or equivalency.

(2) A person seeking appointment to the office of chief of police or marshal, of a city or town, including a code city, with a population of one thousand or less, is ineligible unless that person conforms with the requirements of subsection (1) (a) through (e) of this section. A person so appointed as chief of police or marshal must successfully complete the state's basic training requirement or equivalency within nine months after such appointment, unless an extension has been granted by the criminal justice training commission.

(3) A person seeking appointment to the office of chief of police or marshal shall provide a sworn statement under penalty of perjury to the appointing authority stating that the person meets the requirements of this section.

NEW SECTION, Sec. 5. Before making an appointment in the office of chief of police or marshal, the appointing agency shall complete a thorough background investigation of the candidate. The Washington association of sheriffs and police chiefs shall develop advisory procedures which may be used by the appointing authority in completing its background investigation of candidates for the office of chief of police or marshal.

NEW SECTION, Sec. 6. In the case of a vacancy in the office of chief of police or marshal, all requirements and procedures of sections 4 and 5 of this act shall be followed in filling the vacancy.

NEW SECTION, Sec. 7. Sections 4 through 6 of this act are each added to chapter 35.21 RCW.*

Renumber the remaining sections accordingly.

On page 8 of the Senate Committee on Governmental Operations title amendment, line 10, after "35.21 RCW;" strike all material down to and including "section;" on line 12

Signed by Senators Halsan, Zimmerman, Garrett; Representatives Haugen, Cooper, L. Smith.

MOTION

Ms. Haugen moved that the House adopt the report of the Free Conference Committee on Substitute House Bill No. 902.

Ms. Haugen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 902 as amended by Free Conference Committee.

Representatives Haugen and L. Smith spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 902 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine,

Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Lux - 1.

Substitute House Bill No. 902 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1049 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 20, 1987

Mr. Speaker:

We of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1049, authorizing either breath or blood tests for alcoholic content, have had the same under consideration, and we recommend that the Senate Judiciary Committee amendments (For committee amendments, see Journal, 94th Day, April 15, 1987.) be adopted with the following amendment by the Free Conference Committee and the bill do pass as amended:

On page 1 of the committee amendment, beginning on line 15 strike "However, the legislature recognizes that there are circumstances, such as when a suspected drunken driver is unconscious or dead, when a direct determination of the alcoholic content of the person's blood is desirable to determine legal rights and responsibilities."

Signed by Senators Vognild, Newhouse, Talmadge; Representatives Armstrong, Heavey, Padden.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Free Conference Committee on House Bill No. 1049.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 1049 as amended by Free Conference Committee.

Representative Armstrong spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1049 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 95; nays, 2; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Nutley, Unsoeld - 2.

Absent: Representative Lux - 1.

House Bill No. 1049 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 353 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 20, 1987

Mr. Speaker:

We of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 353, modifying provisions relating to the department of agriculture, have had the same under consideration, and we recommend that the Senate Agriculture Committee amendments (For committee amendments, see Journal, 94th Day, April 15, 1987.) be adopted with the following amendment by the Free Conference Committee and that the bill do pass as amended:

On page 30 of the Senate Agriculture Committee amendment, line 34, after "lien," strike "If, however, the depositor is not paid per the terms of the contract, they must notify the department within ten days of default."

Signed by Senators Hansen, Barr, Bauer; Representatives Rayburn, Grant, Nealey.

MOTION

On motion of Ms. Rayburn, the House adopted the report of the Free Conference Committee on Substitute House Bill No. 353.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 353 as amended by Free Conference Committee.

Representatives Rayburn and Nealey spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 353 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bungarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 353 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Dellwo was excused.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 743 and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, revising community economic revitalization board statutes, have had the same under consideration, and we recommend that the Senate amendment on page 7, line 10, after "subdivision." striking all material down through "biennium," on line 20 be adopted, and the bill do pass as recommended by the Conference Committee.

Signed by Senators Warnke, Cantu, Smitherman; Representatives Vekich and Cantwell.

MOTION

Mr. Vekich moved that the House adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 743.

Mr. Vekich spoke in favor of the motion, and it was adopted.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 743 as recommended by Conference Committee.

Representatives Vekich and Schoon spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 743 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Neeley, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Engrossed Substitute House Bill No. 743 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 161. The President has appointed the following members as Conferees: Senators Peterson, Barr and Wojahn.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1158. The President has appointed the following members as Conferees: Senators Warnke, Newhouse and Vogtild.

Bill Gleason, Assistant Secretary.

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5439. The President has appointed the following members as Conferees: Senators Owen, Metcalf and DeJarnatt, and the same is herewith transmitted

Bill Gleason, Assistant Secretary.

April 23, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5846. The President has appointed the following members as Conferees: Senators Kreidler, Kiskaddon and Rinehart, and the same is herewith transmitted

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5061 and has passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5393,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5570,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6064.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO.	16,
SUBSTITUTE HOUSE BILL NO.	48,
SUBSTITUTE HOUSE BILL NO.	56,
SUBSTITUTE HOUSE BILL NO.	99,
SUBSTITUTE HOUSE BILL NO.	217,
SUBSTITUTE HOUSE BILL NO.	244,
HOUSE BILL NO.	310,
SUBSTITUTE HOUSE BILL NO.	324,
SUBSTITUTE HOUSE BILL NO.	425,
SUBSTITUTE HOUSE BILL NO.	430,
HOUSE BILL NO.	959,
SENATE BILL NO.	5217,
SUBSTITUTE SENATE BILL NO.	5219,
SUBSTITUTE SENATE BILL NO.	5225,
SUBSTITUTE SENATE BILL NO.	5801,
SUBSTITUTE SENATE BILL NO.	5850,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 611, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 734 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1987

Mr. Speaker:

We of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 734, revising provisions regulating minor access to erotic materials, have had the same under consideration, and we recommend that the Senate Judiciary Committee striking amendment (For committee amendment, see Journal, 99th Day, April 20, 1987.) be adopted, the amendment be further amended as follows, and the bill do pass as amended by the Free Conference Committee:

On page 1 of the Senate Judiciary Committee amendment, beginning on line 13, strike "any sexually explicit conduct as defined in RCW 9.68A.011" and insert "live performance:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and

(b) Which explicitly depicts or describes patently offensive representations or descriptions of sexually explicit conduct as defined in RCW 9.68A.011; and

(c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors"

Signed by Senators Talmadge, McCaslin, Vognild; Representatives Armstrong, Scott, Padden.

MOTION

Mr. Armstrong moved that the House adopt the report of the Free Conference Committee on Substitute House Bill No. 734.

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

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 734 as amended by Free Conference Committee.

Representatives Armstrong and Padden spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 734 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 734 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Ferguson was excused.

Representative Dellwo appeared at the bar of the House.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:30 a.m., Saturday, April 25, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, April 25, 1987

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Chandler, Day, P. King, R. King and Todd. Representative Chandler was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tami Klundt and Jim Levings. Prayer was offered by The Reverend Charles Leps, Minister of Gloria Dei Lutheran Church of Olympia.

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

MESSAGES FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 83. The President has appointed the following members as conferees: Senators Peterson, Patterson and Bender.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 419. The President has appointed the following members as conferees: Senators Talmadge, Newhouse and Halsan.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SECOND SUBSTITUTE HOUSE BILL NO. 684. The President has appointed the following members as conferees: Senators Talmadge, Nelson and Halsan.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 713. The President has appointed the following members as conferees: Senators Moore, Pullen and Bender.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has relieved the appointed conferees on SUBSTITUTE HOUSE BILL NO. 738, and the President has appointed the following members as conferees: Senators Wojahn, Anderson and Tanner.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 927. The President has appointed the following members as conferees: Senators Bottiger, Pullen and Rinehart.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 931. The President has appointed the following members as conferees: Senators Wojahn, Deccio and Tanner.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 992, and passed the bill, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5001. The President has appointed the following members as conferees: Senators Talmadge, Newhouse and Halsan, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SENATE BILL NO. 5035. The President has appointed the following members as conferees: Senators Kreidler, Kiskaddon and Rinehart, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SENATE BILL NO. 5072. The President has appointed the following members as conferees: Senators Kreidler, Bluechel and Williams, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SENATE BILL NO. 5172. The President has appointed the following members as conferees: Senators Talmadge, Nelson and Halsan, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SENATE BILL NO. 5550. The President has appointed the following members as conferees: Senators Talmadge, Nelson and Moore, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SENATE BILL NO. 5678. The President has appointed the following members as conferees: Senators Fleming, Patterson and Rinehart, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5814. The President has appointed the following members as conferees: Senators Warnke, West and Vognild, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SENATE BILL NO. 6012. The President has appointed the following members as conferees: Senators Tanner, McCaslin and Moore, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406. The President has appointed the following members as conferees: Senators Stratton, Metcalf and Rasmussen, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 23, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5380 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McDermott, Bailey and Gaspard, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Hine, the House granted the request of the Senate for a conference on Senate Bill No. 5380.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Hine, Unsoeld and Silver as conferees on Senate Bill No. 5380.

MESSAGES FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 5159, and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

SENATE BILL NO. 5159,
ENGROSSED SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5632,
SECOND SUBSTITUTE SENATE BILL NO. 5871.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 5380, providing cost-of-living adjustment of retirement benefits, have had the same

under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Gaspard, McDermott, Bailey; Representatives Hine, Unsoeld, Silver.

MOTION

On motion of Ms. Hine, the House adopted the report of the Conference Committee on Senate Bill No. 5380 and granted the committee powers of Free Conference.

MESSAGES FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 831, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

April 24, 1987

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on ENGROSSED SENATE BILL NO. 5463, insists on its position and again asks the House to recede from its amendments, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Ebersole, the House insisted on its position on Engrossed Senate Bill No. 5463, and again asked the Senate for a conference thereon.

MESSAGE FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 63, insists on its position and once again asks the House to concur in the Senate amendments, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

Ms. Haugen moved that the House insist on its position on Substitute House Bill No. 63 and again ask the Senate for a conference thereon.

Mr. Madsen moved that the House do concur in the Senate amendments to Substitute House Bill No. 63.

Representatives Madsen, Belcher, Unsoeld and Nutley spoke in favor of the motion to concur, and Representatives Bumgarner, Sutherland, Haugen and Sanders spoke against it.

Mr. Bumgarner again opposed the motion.

The motion was lost.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion to insist on the House position and again ask for a conference thereon.

ROLL CALL

The Clerk called the roll on the motion that the House insist on its position on Substitute House Bill No. 63 and again ask for a conference thereon, and the motion was carried by the following vote: Yeas, 63; nays, 30; absent, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Doty, Ferguson, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Holland, Kremen, Lewis, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Niemi, O'Brien, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Vekich, Walker, Williams B, Williams J, Wilson S, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Belcher, Brekke, Dellwo, Ebersole, Fisch, Fisher, Grant, Grimm, Hine, Holm, Jacobsen, Jesernig, Leonard, Locke, Lux, Madsen, Meyers, Nutley, Peery, Pruitt, Rasmussen, Rust, Sayan, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Winsley - 30.

Absent: Representatives Day, King P, King R, Todd - 4.

Excused: Representative Chandler - 1.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee to whom was referred ENGROSSED SENATE BILL NO. 5035, extending the interagency committee for outdoor recreation, have had the same under consideration, and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Kreidler, Rinehart, Kiskaddon; Representatives H. Sommers, Hankins, Peery.

MOTION

On motion of Ms. H. Sommers, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

Representative P. King appeared at the bar of the House.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee to whom was referred SENATE BILL NO. 5678, providing for tuition waivers for students in the regional education program for deaf students, have had the same under consideration, and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Fleming, Rinehart, Patterson; Representatives Jacobsen, Allen.

MOTION

On motion of Mr. Jacobsen, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee to whom was referred ENGROSSED SENATE BILL NO. 6012, revising provisions relating to indecent exposure, have had the same under consideration, and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Moore, Tanner, McCaslin; Representatives Crane, Heavey, L. Smith.

MOTION

On motion of Mr. Crane, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee to whom was referred ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406, creating joint committee on marine and ocean resources, have had the same under consideration, and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the resolution.

Signed by Senators Rasmussen, Metcalf, Stratton; Representatives Haugen, Basich, S. Wilson.

MOTION

On motion of Mr. Cooper, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, revising the judicial council, have had the same under consideration, and we recommend that the House committee amendment be adopted with the following change:

On page 2, line 18 of the House Judiciary Committee amendment, after "(5)" strike everything through "(6)" (" on line 20 and insert "(The dean of each recognized school of law within this state; (6)"

Renumber the remaining subsections consecutively.

and the bill do pass as recommended by the Conference Committee.

Signed by Senators Talmadge, Halsan, Newhouse; Representatives Haugen, Crane.

MOTION

Mr. Armstrong moved that the House adopt the report of the Conference Committee and pass the bill as recommended by the committee.

Mr. Armstrong spoke in favor of the motion and Mr. Padden opposed it.

The motion was carried and the Conference Committee report was adopted.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5001 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5001 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 71; nays, 23; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Ballard, Brough, Bumgarner, Doty, Fuhrman, Hankins, Lewis, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Silver, Smith C, Sommers D, Taylor, Williams B, Williams J, Wilson S - 23.

Absent: Representatives Day, King R, Todd - 3.

Excused: Representative Chandler - 1.

Engrossed Substitute Senate Bill No. 5001 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5163. The President has appointed the following members as Conferees: Senators Wojahn, Anderson and Garrett, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5163, changing provisions relating to midwives, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Wojahn, Anderson, Garrett; Representatives Braddock, Spanel, Brooks.

MOTION

On motion of Mr. Braddock, the report of the Conference Committee on Substitute Senate Bill No. 5163 was adopted and the committee was granted powers of Free Conference.

Representative Baugher was excused.

Representatives Day, R. King and Todd appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 527 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) 'Fiscal year 1988' or 'FY 1988' means the fiscal year ending June 30, 1988.

(b) 'Fiscal year 1989' or 'FY 1989' means the fiscal year ending June 30, 1989.

(c) 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) 'Revert' or 'lapse' means the amount shall return to an unappropriated status.

(e) 'FTE' means full time equivalent.

(2) Agencies receiving appropriations under this act shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act unless the services were provided on March 1, 1987. Agencies may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act and, in the case of unanticipated unrestricted federal moneys, as long as an equal amount of appropriated state general fund moneys is placed in a reserve status. Unrestricted federal moneys shall be used, to the maximum extent permitted under federal law, to replace state general fund moneys appropriated under this act for the biennium ending June 30, 1989. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

PART I

GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	36,973,000
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NEW SECTION, Sec. 102. FOR THE SENATE

General Fund Appropriation	\$	29,630,000
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NEW SECTION, Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$	1,880,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The legislative budget committee shall conduct a performance audit on the office of the superintendent of public instruction. Where possible, the legislative budget committee shall also identify private sector programs that duplicate state programs.

(2) The legislative budget committee shall report its findings to the senate and house of representatives ways and means committees at the beginning of the 1989 legislative session.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,353,000

NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 5,524,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation \$ 742,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 5,394,000

NEW SECTION. Sec. 108. FOR THE SUPREME COURT

General Fund Appropriation \$ 10,830,000

The appropriation in this section is subject to the following conditions and limitations: \$3,437,000 is provided solely for the indigent appeals program.

NEW SECTION. Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation \$ 2,574,000

NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 12,013,000

NEW SECTION. Sec. 111. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 21,588,000

Public Safety and Education Account Appropriation \$ 18,828,000

Total Appropriation \$ 40,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

NEW SECTION. Sec. 112. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation \$ 477,000

NEW SECTION. Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State \$ 5,260,000

General Fund Appropriation—Federal \$ 500,000

Total Appropriation \$ 5,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$167,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$389,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

NEW SECTION. Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 363,000

NEW SECTION. Sec. 115. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 6,518,000

Archives and Records Management Account Appropriation \$ 2,116,000

Total Appropriation \$ 8,490,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

NEW SECTION. Sec. 116. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 280,000

The appropriation in this section is subject to the following conditions and limitations: \$49,000 is provided solely to meet additional workload associated with the federal immigration reform and control act.

<u>NEW SECTION, Sec. 117. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS</u>		
General Fund Appropriation	\$	285,000
<u>NEW SECTION, Sec. 118. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS</u>		
General Fund Appropriation	\$	241,000
<u>NEW SECTION, Sec. 119. FOR THE STATE TREASURER</u>		
Motor Vehicle Fund Appropriation	\$	44,000
State Treasurer's Service Fund Appropriation	\$	9,081,000
Total Appropriation	\$	9,125,000
<u>NEW SECTION, Sec. 120. FOR THE STATE AUDITOR</u>		
General Fund Appropriation	\$	872,000
Motor Vehicle Fund Appropriation	\$	286,000
Municipal Revolving Fund Appropriation	\$	14,734,000
Auditing Services Revolving Fund Appropriation	\$	9,359,000
Total Appropriation	\$	25,251,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the auditing services revolving fund appropriation is provided solely to perform multi-agency audits of fixed assets, capital construction projects, and lease acquisitions and to perform deferred audits of state agencies.

(2) \$39,425 of the general fund appropriation is provided solely to perform whistleblower audits as required under chapter 42.40 RCW.

<u>NEW SECTION, Sec. 121. FOR THE ATTORNEY GENERAL</u>		
General Fund Appropriation	\$	5,143,000
Legal Services Revolving Fund Appropriation	\$	46,142,000
Total Appropriation	\$	51,285,000

The appropriations in this section are subject to the following conditions and limitations: \$10,233,000 of the legal services revolving fund appropriation is provided solely for legal services augmentation; of which a maximum of \$3,933,000, including the state-wide salary increase allocation, is for salary increases consistent with the Price Waterhouse recommendation of March 19, 1987, for assistant attorneys general, \$5,000,000 is for additional funding for the defense of tort actions, \$400,000 is for increased legal services for the department of corrections and the indeterminate sentence review board, \$200,000 is for increased legal services for the department of transportation, and \$500,000 is for increased legal services for the department of licensing.

<u>NEW SECTION, Sec. 122. FOR THE OFFICE OF FINANCIAL MANAGEMENT</u>		
General Fund Appropriation—State	\$	16,991,000
General Fund Appropriation—Federal	\$	80,000
Motor Vehicle Fund Appropriation	\$	100,000
Medical Aid Fund Appropriation	\$	98,000
Total Appropriation	\$	17,189,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for the services of an actuarial consultant.

(2) For agencies for which the governor has allotment authority, the office of financial management shall take such action as is necessary to limit general fund—state expenditures for personal services contracts, goods and services, travel, and furnishings and equipment to no more than the amount expended during fiscal year 1986 adjusted for the change in the implicit price deflator through fiscal year 1989, where such agency is specifically directed to do so by reference to this subsection of the appropriations act.

(3) Reports required to be submitted to the legislature or its committees by dates specified in this act shall be submitted by such dates, notwithstanding time necessary for review by the office of financial management. For agencies under the authority of the governor, the office may require submission of draft reports for its review prior to the dates required for submission to the legislative branch.

(4) The conditions and limitations contained in subsection (2) of this section shall apply.

(5) By January 1, 1988, the office of financial management shall submit a report to the committees on ways and means of the senate and house of representatives describing a system to control the initial acquisition and replacement of furniture and equipment by state agencies. The system shall include proposed criteria for justifying furniture and equipment purchases by state agencies, a uniform accounting and reporting system for such purchases, and a centralized inventory and acquisition system that would fill state agency furniture and equipment requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate.

<u>NEW SECTION, Sec. 123. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS</u>		
Administrative Hearings Revolving Fund Appropriation	\$	8,752,000
<u>NEW SECTION, Sec. 124. FOR THE STATE INVESTMENT BOARD</u>		

State Investment Board Expense Account Appropriation	\$	1,766,000
<u>NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF PERSONNEL</u>		
Department of Personnel Service Fund Appropriation	\$	13,133,000
State Employees' Insurance Fund Appropriation	\$	2,062,000
Total Appropriation	\$	15,195,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the state employees' insurance fund appropriation is provided solely for the revision of the automated insurance eligibility system.

NEW SECTION, Sec. 126. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation	\$	819,000
<u>NEW SECTION, Sec. 127. FOR THE DATA PROCESSING AUTHORITY</u>		
Data Processing Revolving Fund Appropriation	\$	1,268,000

NEW SECTION, Sec. 128. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation	\$	43,697,000
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The appropriation in this section is subject to the following conditions and limitations: \$7,800,000 of the lottery administrative account appropriation is provided solely for the payment of costs incurred in the promotion of lottery games. If Engrossed Substitute House Bill No. 26 is enacted without requiring that costs of promotion of lottery games be paid out of the lottery administrative account, this amount of the appropriation shall lapse.

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	63,354,000
Hazardous Waste Control and Elimination Account Appropriation	\$	112,000
Timber Tax Distribution Account Appropriation	\$	3,275,000
Total Appropriation	\$	66,741,000

The appropriations in this section are subject to the following conditions and limitations: The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

NEW SECTION, Sec. 130. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	1,214,000
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The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	6,556,000
General Fund Appropriation—Federal	\$	1,623,000
General Fund Appropriation—Private/Local	\$	93,000
Motor Transport Account Appropriation	\$	10,925,000
General Administration Facilities and Services Revolving Fund		
Appropriation	\$	19,562,000
Total Appropriation	\$	38,759,000

The appropriations in this section are subject to the following conditions and limitations: The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

NEW SECTION, Sec. 132. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS

ENTERPRISES

General Fund Appropriation	\$	1,937,000
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NEW SECTION, Sec. 133. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation	\$	1,000
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NEW SECTION, Sec. 134. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation	\$	10,205,000
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NEW SECTION, Sec. 135. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	1,296,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$173,000 is provided solely to handle an increased number of field audits of major campaigns, party organizations, lobbyists, and political action committees; to develop a computer data base of major campaign contributors; and to produce a more complete campaign financing fact book.

(2) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	20,880,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system's proportionate share of administrative expenses.

(2) \$685,000 is provided solely for the expenses of the office of the state actuary, which shall be billed to the department of retirement systems.

(3) \$554,000 is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5150. If the bill is not enacted by June 30, 1987, this amount shall lapse.

NEW SECTION, Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	2,104,000
<u>NEW SECTION, Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION</u>		
General Fund Appropriation	\$	36,000
<u>NEW SECTION, Sec. 139. FOR THE BOARD OF ACCOUNTANCY</u>		
General Fund Appropriation	\$	525,000
Certified Public Accountant Examination Account Appropriation	\$	571,000
Total Appropriation	\$	1,096,000
<u>NEW SECTION, Sec. 140. FOR THE BOXING COMMISSION</u>		
General Fund Appropriation	\$	108,000
<u>NEW SECTION, Sec. 141. FOR THE CEMETERY BOARD</u>		
Cemetery Account Appropriation	\$	143,000
<u>NEW SECTION, Sec. 142. FOR THE HORSE RACING COMMISSION</u>		
Horse Racing Commission Fund Appropriation	\$	4,293,000
The appropriation in this section is subject to the following conditions and limitations:		
(1) If there are more than seven hundred seventy-eight racing days during the fiscal biennium ending June 30, 1989, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.		
(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses as required under RCW 67.16.075.		
(3) \$70,000 is provided solely for implementation of Substitute House Bill No. 177. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.		
(4) \$160,000 is provided solely for drug testing and two additional security guards. This amount is contingent on the enactment of House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.		
<u>NEW SECTION, Sec. 143. FOR THE LIQUOR CONTROL BOARD</u>		
Liquor Revolving Fund Appropriation	\$	87,777,000
The appropriation in this section is subject to the following conditions and limitations:		
(1) If the yearly average of gross bottle sales at any state liquor store falls below 80,000 bottles, that store shall be closed and an agency may be established in its place.		
(2) \$60,000 of the liquor revolving fund appropriation is provided solely for computer programming in order to use the state payroll system.		
<u>NEW SECTION, Sec. 144. FOR THE PHARMACY BOARD</u>		
General Fund Appropriation	\$	1,343,000
<u>NEW SECTION, Sec. 145. FOR THE UTILITIES AND TRANSPORTATION COMMISSION</u>		
Public Service Revolving Fund Appropriation—State	\$	23,712,000
Public Service Revolving Fund Appropriation—Federal	\$	426,000
Grade Crossing Protective Fund Appropriation	\$	320,000
Total Appropriation	\$	24,458,000
The appropriations in this section are subject to the following conditions and limitations: \$975,000 of the public service revolving fund appropriation is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistance, and consultants.		
<u>NEW SECTION, Sec. 146. FOR THE BOARD FOR VOLUNTEER FIREMEN</u>		
Volunteer Firemen's Relief and Pension Fund Appropriation	\$	233,000
<u>NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT</u>		
General Fund Appropriation—State	\$	7,670,000
General Fund Appropriation—Federal	\$	5,149,000
Total Appropriation	\$	12,819,000
<u>NEW SECTION, Sec. 148. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION</u>		
General Fund Appropriation	\$	1,719,000
<u>NEW SECTION, Sec. 149. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS</u>		
General Fund Appropriation	\$	63,000

PART II
HUMAN SERVICES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	59,605,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$2,071,000 is provided solely for the support of the office of the director of community services.

(b) \$200,000 is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	269,774,000
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The appropriation in this subsection is subject to the following conditions and limitations: \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	17,961,000
Institutional Impact Account Appropriation	\$	317,000
Total Appropriation	\$	17,948,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) The department shall administer a sex offender treatment program from the funds provided in this section as required by chapter 301, Laws of 1986. The department shall report to the ways and means committees of the senate and house of representatives by January 1, 1989, regarding the expenditures and outcomes resulting from the sex offender treatment program.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	2,268,000
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The appropriations in this subsection are subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

NEW SECTION, Sec. 202. The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act are subject to the following conditions and limitations:

(1) The appropriations in these sections shall be expended as provided in each section, except that the department may expend money, appropriated for other purposes, for the family independence program only after approval by the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

(2) The department is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(3) The department shall continue to let performance-based contracts and withhold a portion of vendor payments for private group care and other community residential placements when vendors do not meet contractually agreed-to client outcome performance standards. The department shall report to the ways and means committees of the senate and house of representatives on January 15, 1988, and January 15, 1989, regarding vendor compliance.

(4) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

(5) The department may transfer moneys between only sections 213 and 214 of this act.

(6) The department shall report monthly unit cost performance data for all budget units, including comparisons to previous periods, to the legislative evaluation and accountability program committee on a quarterly basis.

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	159,917,000
General Fund Appropriation—Federal	\$	60,252,000
Total Appropriation	\$	220,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) \$502,616 of the general fund—state appropriation is provided solely for low earner wage increases.

(3) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff.

necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement Second Substitute Senate Bill No. 5553 or Engrossed Second Substitute House Bill No. 586, which establishes a pilot project in order to guide the state in developing a comprehensive system of children and family services. If neither bill is enacted by June 30, 1987, this amount shall lapse.

(4) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(5) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(6) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(7) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(8) \$300,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse.

(9) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(10) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(11) \$92,800 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) \$125,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill NO. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(13) \$28,500,000, of which \$16,800,000 is from the general fund—state appropriation, is provided solely for day care programs.

(a) Total paid monthly day care child-slots shall not exceed 7,062 in FY 88 and 7,321 in FY 89.

(b) Day care program costs per child-slot shall not exceed actual FY 1986 costs per child-slot, adjusted for changes in the implicit price deflator.

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	27,948,000
General Fund Appropriation—Federal	\$	118,000
Total Appropriation	\$	28,066,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	44,285,000
General Fund Appropriation—Federal	\$	990,000
Total Appropriation	\$	45,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offenders unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the

juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,788,000
NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—		
MENTAL HEALTH PROGRAM		

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	116,206,000
General Fund Appropriation—Federal	\$	44,024,000
General Fund Appropriation—Local	\$	1,580,000
Total Appropriation	\$	161,810,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals of Kitsap county residents may be made to Western state hospital. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce commitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates and any other relevant factors, defined in a common and consistent manner for state-wide application, required to reflect actual county administration costs. The mental health division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than July 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(d) \$6,250,000, of which \$5,000,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Engrossed Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, and other interested members of the community and legislative staff shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Engrossed Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate experimental control groups and use a system of random selection for identifying persons to receive the case management services. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (d). If Engrossed Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount

provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(e) \$500,000 of the general fund—state appropriation is provided solely for Pierce county for community mental health services to address loss of operations grants and impact of persons released from the state psychiatric hospital who don't return to the county in which they were originally detained.

(f) Grants to counties for community mental health programs shall total not less than \$81,689,000.

(g) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(h) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	150,411,000
General Fund Appropriation—Federal	\$	7,948,000
Total Appropriation	\$	158,359,000

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,477,000
General Fund Appropriation—Federal	\$	1,341,000
Total Appropriation	\$	4,818,000

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,059,000
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NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	77,456,000
General Fund Appropriation—Federal	\$	61,613,000
Total Appropriation	\$	139,069,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) \$1,169,000 is appropriated solely for the division of developmental disabilities to contract for an additional twenty-four group home beds and associated services in King county.

(c) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(d) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(e) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(f) \$2,600,000 of the general fund—state appropriation is provided solely for existing county contracted employment programs for the developmentally disabled.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	100,602,000
General Fund Appropriation—Federal	\$	94,921,000
Total Appropriation	\$	195,523,000

(3) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,199,000
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The appropriations in this section are subject to the following conditions and limitations: If Engrossed Second Substitute House Bill No. 221 is enacted before June 30, 1987, the department is authorized to expend the proceeds of the telecommunication devices for the deaf excise tax established under the bill for the distribution and maintenance of telecommunication devices, signal devices, and amplifying accessories to hearing-impaired persons as provided in the bill.

(4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,991,000
General Fund Appropriation—Federal	\$	479,000
Total Appropriation	\$	4,470,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	317,898,000
General Fund Appropriation—Federal	\$	331,750,000
Total Appropriation	\$	649,648,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Adult services vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(3) Department-contracted chore services shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988. Department reimbursement to clients for attendant care and services provided by the community options program entry system shall provide for and assure payment of a monthly rate equivalent to \$4.76 per hour for full time employment beginning September 1, 1987, and \$5.15 per hour for full time employment beginning September 1, 1988. If Engrossed Second Substitute House Bill No. 1006 is enacted before June 30, 1987, department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989. The department shall not exceed 12,000 chore service cases in any month.

(4) Grant payment standards shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for adult residential care clients.

(5) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3 percent on July 1, 1987, and 3 percent on July 1, 1988.

(6) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of the respite care demonstration project.

(7) At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	477,040,000
General Fund Appropriation—Federal	\$	425,439,000
Total Appropriation	\$	902,479,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall reinstitute monthly mandatory reporting for all recipients of aid to families with dependent children (AFDC-R and AFDC-E) as a condition for continued eligibility under this section.

(3) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(4) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(5) If Substitute House Bill No. 646 is enacted by June 30, 1987, the department shall have authority to provide services, in lieu of cash grants, to clients eligible for the alcohol and drug addiction treatment and shelter program. The department shall have the authority consistent with Substitute House Bill No. 646 to pay administrative fees to protective payees.

(6) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	37,620,000
General Fund Appropriation—Federal	\$	17,066,000
General Fund Appropriation—Local	\$	166,000
Total Appropriation	\$	54,852,000

The appropriations in this section are subject to the following conditions and limitations: Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	514,668,000
General Fund Appropriation—Federal	\$	465,057,000
Total Appropriation	\$	979,725,000

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$3,000,000 of the general fund—state appropriation is provided solely for matching grants to hospitals under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(3) \$4,000,000 of the general fund—state appropriation and \$4,884,000 of the general fund—federal appropriation are provided solely to provide for acute and emergent dental needs of categorically eligible and medically needy adults.

**NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State	\$	56,655,000
General Fund Appropriation—Federal	\$	73,730,000
General Fund Appropriation—Local	\$	6,825,000
Total Appropriation	\$	137,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) Public and private community health clinics providing dental services under this section shall give priority to populations that lack access to federally supported dental services. The department shall prepare contracts which implement this requirement.

(3) \$1,869,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan.

(4) \$7,122,000 of the general fund—state appropriation is provided solely to provide prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program.

(5) \$3,100,000 of the general fund—state appropriation is provided solely to continue the kidney disease program.

(6) \$350,000 of the general fund—state appropriation is provided solely for providing matching grants on a one-to-one state/local basis to regional health councils as established in RCW 70.38.085, or to the successor agencies. Grants shall be distributed equitably on the basis of need in order to preserve regional health planning.

**NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,583,000
General Fund Appropriation—Federal	\$	32,654,000
Total Appropriation	\$	46,237,000

The appropriations in this section are subject to the following condition and limitations:

Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

**NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	44,755,000
General Fund Appropriation—Federal	\$	31,766,000
Institutional Impact Account Appropriation	\$	78,000
Total Appropriation	\$	76,599,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 FTE staff for the office of the long-term care ombudsman.

(2) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

**NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	135,838,000
General Fund Appropriation—Federal	\$	152,012,000
General Fund Appropriation—Local	\$	705,000
Total Appropriation	\$	288,555,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(2) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
REVENUE COLLECTIONS PROGRAM**

General Fund Appropriation—State	\$	26,217,000
General Fund Appropriation—Federal	\$	51,135,000
General Fund Appropriation—Local	\$	200,000

Total Appropriation	\$	77,552,000
NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—		
PAYMENTS TO OTHER AGENCIES PROGRAM		
General Fund Appropriation—State	\$	22,258,000
General Fund Appropriation—Federal	\$	11,174,000
Total Appropriation	\$	33,432,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT		
General Fund Appropriation—State	\$	18,414,000
General Fund Appropriation—Federal	\$	143,939,000
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Low Income Weatherization Account Appropriation	\$	4,000,000
Total Appropriation	\$	167,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,776,000 of the general fund—state appropriation is provided solely for grants to public and private nonprofit organizations to operate food banks, food distribution centers, and emergency shelters. \$100,000 of this amount may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives resolution 558. If the department does not receive grants of at least \$1,000,000, \$100,000 of this amount shall lapse.

(2) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program for Point Roberts, Blaine, Sumas, and Lynden.

(3) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) The department shall review the needs of low-income migrant and seasonal workers. To the extent that funds are available, the legislature encourages the department to give special attention to low-income migrant and seasonal workers.

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS		
General Fund Appropriation—State	\$	17,757,000
General Fund Appropriation—Federal	\$	4,690,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	28,614,000

NEW SECTION, Sec. 219. FOR THE HUMAN RIGHTS COMMISSION		
General Fund Appropriation—State	\$	3,199,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	4,163,000

NEW SECTION, Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL		
Death Investigations Account Appropriation	\$	5,000

NEW SECTION, Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS		
Public Safety and Education Account Appropriation	\$	176,000
Accident Fund Appropriation	\$	6,015,000
Medical Aid Fund Appropriation	\$	6,015,000
Total Appropriation	\$	12,206,000

NEW SECTION, Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION		
Death Investigations Account Appropriation	\$	32,000
Public Safety and Education Account Appropriation	\$	7,866,000
Total Appropriation	\$	7,898,000

The appropriations in this section are subject to the following conditions and limitations: \$68,000 of the public safety and education account appropriation is provided solely for one-time costs associated with conversion to an incident-based uniform crime reporting system. Expenditure of these funds is contingent upon receipt of federal matching funds equal to or greater than \$68,000.

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES		
General Fund Appropriation	\$	8,384,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,037,000
Electrical License Fund Appropriation	\$	9,620,000
Farm Labor Revolving Account Appropriation	\$	292,000
Medical Aid Fund Appropriation	\$	81,983,000
Plumbing Certificate Fund Appropriation	\$	640,000
Pressure Systems Safety Fund Appropriation	\$	1,111,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	199,992,000

NEW SECTION, Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD		
General Fund Appropriation	\$	4,042,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

(3) Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release. The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

NEW SECTION, Sec. 225. FOR THE HOSPITAL COMMISSION

General Fund Appropriation	\$	1,888,000
Hospital Commission Account Appropriation	\$	1,420,000
Total Appropriation	\$	3,308,000

NEW SECTION, Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	5,700,000
General Fund Appropriation—Federal	\$	146,257,000
General Fund Appropriation—Local	\$	18,373,000
Administrative Contingency Fund		
Appropriation—Federal	\$	6,798,000
Unemployment Compensation Administration Fund Appropriation—Federal	\$	110,569,000
Employment Service Administration Account Appropriation—Federal	\$	2,334,000
Total Appropriation	\$	290,031,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

(4) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. 'Forest products industries' means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date

the calculation is made. 'Average forest products employment' means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. The services of counter-cyclical employment members are exempt from unemployment compensation coverage under RCW 50.44.040 and the members shall be so advised by the department.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State	\$	2,357,000
General Fund Appropriation—Federal	\$	4,862,000
Total Appropriation	\$	7,219,000

The appropriations in this section are subject to the following conditions and limitations: \$11,000 in fiscal year 1988 and \$11,000 in fiscal year 1989 is provided for support of the deaf-blind service center.

NEW SECTION. Sec. 228. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	525,000
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NEW SECTION. Sec. 229. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	23,000,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

PART III

NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	1,788,000
General Fund Appropriation—Federal	\$	16,528,000
General Fund Appropriation—Private/Local	\$	20,000
Geothermal Account Appropriation—Federal	\$	44,000
Building Code Council Account Appropriation	\$	437,000
Total Appropriation	\$	18,817,000

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	530,000
General Fund Appropriation—Private/Local	\$	468,000
Total Appropriation	\$	998,000

The appropriations in this section are subject to the following conditions and limitations: For the 1987-89 fiscal biennium, each state shall provide substantially equal support for commission operations, excluding commission members' compensation and travel expenses.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	44,726,000
General Fund Appropriation—Federal	\$	58,046,000
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,998,000
Special Grass Seed Burning Research Account Appropriation	\$	40,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	108,000
Litter Control Account Appropriation	\$	6,395,000

State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex.

sess. (Referendum 26)	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	2,095,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	748,000
Stream Gaging Basic Data Fund Appropriation	\$	139,000
Tire Recycling Account Appropriation	\$	548,000
Water Quality Account Appropriation	\$	2,398,000
Workers and Community Right to Know Fund Appropriation	\$	229,000
Total Appropriation	\$	124,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,162,000 of the general fund appropriation is provided solely for the purposes of the state water quality plan, of which \$6,895,000 is provided solely for Puget Sound.

(2) \$715,000 of the general fund appropriation is provided solely for the purposes of solid waste management.

(3) \$2,300,000 of the general fund appropriation is provided solely for the purposes of phasing out the state hazardous waste remedial action sites currently in progress.

(4) \$855,000 of the general fund—state appropriation is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(5) (a) \$275,000 of the general fund—state appropriation is provided solely to contract with the college of ocean and fishery science of the University of Washington to conduct a study of the state's damage assessment methodology for oil spills.

(b) \$25,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely for the development of a model oil spill contingency plan to be incorporated in state and local emergency management plans. However, the amount provided in this subsection (b) shall be provided to the department of community development for the plan development.

(6) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

NEW SECTION. Sec. 304. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Federal	\$	57,000
General Fund Appropriation—Private/Local	\$	2,726,000
Total Appropriation	\$	2,783,000

NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	35,258,000
General Fund Appropriation—Federal	\$	1,000,000
General Fund Appropriation—Private/Local	\$	745,000
Trust Land Purchase Account Appropriation	\$	8,759,000
Winter Recreation Parking Account Appropriation	\$	322,000
Snowmobile Account Appropriation	\$	922,000
Public Safety and Education Account	\$	10,000
ORV (Off-Road Vehicle) Account Appropriation	\$	159,000
Motor Vehicle Fund Appropriation	\$	1,000,000
Total Appropriation	\$	48,175,000

The appropriations in this section are subject to the following conditions and limitations: \$416,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation—State	\$	1,638,000
Outdoor Recreation Account Appropriation—Federal	\$	108,000
Total Appropriation	\$	1,746,000

The appropriations in this section are subject to the following conditions and limitations: The committee shall coordinate the preparation of a comprehensive guide of recreation trails in the state of Washington. The guide shall include maps showing the location of recreation trails and may also include information regarding available facilities and recreational opportunities. All state agencies that maintain public recreational trails shall cooperate with the preparation of the comprehensive guide. The committee shall also solicit the cooperation of federal agencies that maintain public recreational trails within the state. The committee shall submit a plan for the production and distribution of the guide to the legislature by January 1, 1988.

NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	825,000
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NEW SECTION. Sec. 308. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	602,000
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The appropriation in this section is subject to the following conditions and limitations: \$182,000 of the general fund appropriation is provided solely for carrying out the water quality plan.

NEW SECTION. Sec. 309. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation	\$	2,910,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	4,010,000

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	47,570,000
General Fund Appropriation—Federal	\$	15,057,000
General Fund Appropriation—Private/Local	\$	3,651,000
Aquatic Lands Enhancement Account Appropriation	\$	425,000
Total Appropriation	\$	66,703,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$847,000 of the general fund—state appropriation is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement.

(2) \$1,028,000 of the general fund—state appropriation shall be transferred to the department of game and is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement, including necessary data collection, research and monitoring programs which examine the differences, and make provisions for those differences, between eastern and western Washington timber, fish, and wildlife management. No less than \$187,500 of the amount provided to the department of game shall be spent on the department of game's cooperative road closure program and landowner education program in eastern Washington. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(3) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

(4) \$4,400,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for the marine fish program. If Senate Bill No. 5495 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(5) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the department in conjunction with the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.

(6) \$150,000 of the aquatic land enhancement account appropriation is provided solely for the preparation of an environmental impact statement on the guidelines for the management of salmon net pens in Puget Sound.

(7) \$150,000 of the general fund—state appropriation is provided solely to maintain and operate the Toutle river fish collection facility.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF GAME

ORV (Off-Road Vehicle) Account Appropriation	\$	257,000
Aquatic Lands Enhancement Account Appropriation	\$	318,000
Public Safety and Education Account Appropriation	\$	515,000
General Fund Appropriation	\$	8,000,000
Game Fund Appropriation—State	\$	36,819,000
Game Fund Appropriation—Federal	\$	15,142,000
Game Fund Appropriation—Private/Local	\$	1,856,000
Game Fund—Special Wildlife Account Appropriation	\$	422,000
Total Appropriation	\$	63,329,000

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	37,191,000
General Fund Appropriation—Federal	\$	78,000
General Fund Appropriation—Private/Local	\$	20,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	21,136,000
Survey and Maps Account Appropriation	\$	773,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,636,000
Resource Management Cost Account Appropriation	\$	52,495,000
State Building and Construction Account Appropriation	\$	500,000
Total Appropriation	\$	116,931,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$270,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$100,000 of the general fund—state appropriation is provided solely for interim relocation of staff presently located in the John A. Cherberg building.

(3) \$3,770,000 of the general fund—state appropriation is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$600,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(5) \$2,330,000 of the resource management cost account appropriation is provided solely to create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. The work performed must provide economic benefits to state trust lands.

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	15,793,000
General Fund Appropriation—Federal	\$	600,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000
Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Liquor Revolving Fund Appropriation	\$	406,000
Total Appropriation	\$	19,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) The liquor revolving fund appropriation is provided solely for the purposes of Second Substitute House Bill No. 569.

(3) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(4) \$25,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(5) \$200,000 of the general fund—state appropriation is provided solely for the purpose of controlling noxious weeds.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	23,113,000
Motor Vehicle Fund Appropriation	\$	532,000
Total Appropriation	\$	23,645,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$195,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs.

(2) \$400,000 of the general fund appropriation is provided solely for the small business export finance center.

(3) \$225,000 of the general fund appropriation is provided solely for preparation, if warranted, of a proposal to the federal department of energy that the proposed superconducting supercollider be located in Washington state.

(4) \$8,000,000 of the general fund appropriation is provided solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(5) \$106,000 of the general fund—state appropriation is provided solely for the business assistance center as set forth in Substitute Senate Bill No. 5530. If Substitute Senate Bill No. 5530 is not enacted by June 30, 1987, the amount provided by this subsection shall lapse.

(6) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

NEW SECTION. Sec. 315. FOR THE ECONOMIC DEVELOPMENT BOARD

General Fund Appropriation—State	\$	535,000
General Fund Appropriation—Private/Local	\$	100,000
Total Appropriation	\$	635,000

NEW SECTION. Sec. 316. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	5,070,000
State Centennial Commission Account Appropriation	\$	2,540,000
Total Appropriation	\$	7,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) \$500,000 of the general fund appropriation is provided solely for contracts with Pacific Celebration '89 for exhibits, symposia, and other events aimed at celebrating and studying Washington state's ties to the nations of the Pacific rim. Each \$1.00 of general fund moneys must be matched by at least \$1.60 in private moneys.

(3) The general fund appropriation is intended to be the final state contribution to the funding of the centennial commission.

NEW SECTION, Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account Appropriation	\$	9,320,000
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PART IV

TRANSPORTATION

NEW SECTION, Sec. 401. FOR THE STATE PATROL

Death Investigations Account Appropriation	\$	24,000
General Fund Appropriation—State	\$	16,388,000
General Fund Appropriation—Federal	\$	2,974,000
General Fund Appropriation—Private/Local	\$	1,769,000
Total Appropriation	\$	21,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$471,000 of the general fund—state appropriation is provided solely for state matching funds for federal crime laboratory grants. At least three federal dollars must be spent for each state dollar spent.

(2) \$471,000 of the general fund—state appropriation is provided solely for state matching funds for federal narcotics grants. At least three federal dollars must be spent for each state dollar spent.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to establish a separate unit to provide expertise in the investigation of major crimes and to provide assistance to law enforcement entities throughout the state at their request. The department shall develop a computer data base and record system to store crime scene information to assist in major crimes investigations and to make such data readily available to all law enforcement agencies. The chief of the state patrol shall contract with the Green river task force to develop the expertise for these activities. A maximum of \$100,000 may be expended for this purpose.

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	15,466,000
Architects' License Account Appropriation	\$	765,000
Health Professions Account Appropriation	\$	9,414,000
Medical Disciplinary Account Appropriation	\$	1,195,000
Professional Engineers' Account Appropriation	\$	1,207,000
Real Estate Commission Account Appropriation	\$	4,936,000
Total Appropriation	\$	32,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system. This funding is contingent on interagency transfers totaling \$548,000 in value. The office of financial management shall determine: (a) Which agencies shall make transfers to the department of licensing; (b) how much each agency shall transfer; and (c) whether the transfers shall be money or in-kind.

PART V

EDUCATION

NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE

ADMINISTRATION

General Fund Appropriation—State	\$	17,851,000
General Fund Appropriation—Federal	\$	10,683,000
Public Safety		
and Education Account Appropriation	\$	465,000
Total Appropriation	\$	28,999,000

The appropriations in this section are subject to the following conditions and limitations:

The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	10,010,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	3,749,465,000
Revenue Accrual Account Appropriation	\$	30,000,000
Total Appropriation	\$	3,779,465,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,646,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 505(2) of this act by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 506 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:

(i) Forty-six certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(ii) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(b) Four additional certificated instructional staff unit for each average annual one thousand full time equivalent kindergarten through third grade students, excluding handicapped full time equivalent enrollment as calculated under section 506 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsections (d) through (i) of this section: PROVIDED, That the amount of moneys provided by this subsection which would otherwise permit a district's ratio of certificated instructional staff units per each average annual one thousand full time equivalent kindergarten through third grade students to exceed 50:1000 shall be expended by that district to make further improvements in class size certificated instructional staff units per pupil in grades K-12.

(c) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increase would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(d) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 annual average full time equivalent students enrolled in a vocational education program, including skills center programs, approved by the superintendent of public instruction.

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a

grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(i) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students:

(i) For each such high school, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students;

(ii) For enrollments in each such high school above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 505(2)(a) of this act by the district's formula-generated classified staff units determined as follows:

(a) One classified staff unit per each three certificated staff units allocated under subsections (2)(a) (i) and (ii), (b), and (d) through (h) of this section.

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.28 percent in the 1987-88 school year and 21.40 percent in the 1987-88 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.49 percent in the 1987-88 school year and 17.61 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a) (i) and (ii), (c), and (e) through (i) of this section, there shall be provided a maximum of \$6,049 per certificated staff unit in the 1987-88 school year and a maximum of \$6,267 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,526 per certificated staff unit in the 1987-88 school year and a maximum of \$11,941 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of \$3,176,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$342,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,121,000 may be expended in fiscal year 1989.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of section 1 of Senate Bill No. 5909, the increase per full time equivalent student in the state basic education appropriation provided under this section is 4.4 percent between the 1986-87 and 1987-88 school years, and 3.8 percent between the 1987-88 and 1988-89 school years.

(10) For remote and necessary school plants on islands without scheduled transportation which are sole school plants serving students in elementary grades on these islands, not more than \$156,000 may be expended in fiscal year 1988 and not more than \$156,000 may be expended in fiscal year 1989 to enhance funding provided in subsections (2) through (9) of this section.

(11) The revenue accrual account appropriation is provided solely for employer contributions to the teachers' retirement system.

NEW SECTION, Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BLOCK GRANTS

General Fund Appropriation \$ 60,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this section is to provide a grant, in addition to the district's basic education allocation, to each school district based on full-time equivalent student enrollment to meet the educational needs of each district.

(2) School districts shall be eligible to receive a grant in addition to their basic education allocation. This additional grant shall be distributed to local school districts from the superintendent of public instruction on the basis of full-time equivalent students. For districts enrolling not more than one hundred average annual full-time equivalent students, except as otherwise specified, and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, the grant shall be distributed as follows:

(a) For grades K-6, for districts enrolling not more than sixty average full-time equivalent students, the grant shall be based on sixty full-time equivalent students;

(b) For grades 7 and 8, for districts enrolling not more than twenty average full-time equivalent students, the grant shall be based on twenty full-time equivalent students; and

(c) For districts that have high schools with sixty or fewer full-time equivalent students, the grant shall be based on sixty full-time equivalent students.

(3) For the 1987-89 biennium, each school district shall receive, in addition to the basic education allocation, a grant of no less than \$82.00 per full time equivalent student.

(4) Each school board shall establish an advisory committee consisting of the chairman of the school board or a school board member appointed by the chairman who shall chair the advisory committee, the superintendent of the local district, not more than two principals from schools located in the district elected by principals in the district, two teachers from schools located in the district elected by the teachers in the district, and not less than seven nor more than fifteen citizens representing a cross-section of schools throughout the district nominated by locally recognized adult associations and selected by local school boards. To the extent possible, principals and teachers selected to serve on the advisory board shall be representative of the mix of schools within the district. Local district boards may use existing advisory committees for the purposes of this chapter, so long as the advisory committee is representative of administrators, teachers, and citizens. The advisory committee shall develop a series of recommendations for the expenditure of the grant dollars to be submitted to the local school board for approval.

(5) Each advisory committee shall be responsible for:

(a) Assessing the needs of the schools within the district;

(b) Assigning priority to addressing the identified needs;

(c) Preparing a comprehensive two-year plan to address the priority needs identified by the committee within the grant funding limitations;

(d) Developing an evaluation methodology to assess specifically how the expenditure of the grants demonstrate a direct educational benefit to the pupils within the district.

(6) Each advisory committee shall submit its plan to the local school board for approval. Upon approval the local board shall submit the initial plan to the superintendent of public instruction in detail no later than December 1, 1987. Districts may request technical assistance from their local educational service district to prepare their plans.

(7) New or existing programs enhanced by the funds provided to districts by a grant under this chapter shall not become a part of the state's basic education obligation as set forth by the Constitution.

(8) Funding appropriated and plans developed by advisory committees shall not be subject to collective bargaining.

(9) No school district board of directors may grant salary and compensation increases from a grant under this chapter in excess of the amount and or percentage as may be provided for employees as set forth in the state operating appropriations act in effect at the time the compensation is payable.

(10) Local district grants may be used to fund any or all of the following activities if endorsed by the local advisory committee and approved by the local school district board:

(a) Innovative programs to increase the adult-pupil ratio without increasing the number of certificated staff, including but not limited to:

(i) Providing stipends to competent retired teachers to return them to the classroom as 'team teachers' or classroom assistants;

(ii) Providing stipends to teachers' aides;

(iii) Providing incentives to administrators who spend a portion of their work day in the classroom team teaching or providing classroom assistance;

(iv) Providing recognition to citizen volunteers who assist in the classroom;

(v) Providing training programs for classroom assistants, including volunteers; and

(vi) Purchasing equipment that directly relates to classroom instruction or assists the teacher in minimizing time away from teaching.

(b) Dropout prevention and retrieval programs, including, but not limited to:

(i) Curriculum development;

(ii) Public and private sector partnerships in expanding offerings in programs such as 'Choices' and the 'Registry' program;

(iii) Alternative learning program development;

(iv) Enhancement of vocational, career, college, and pupil advisory programs;

(v) Elementary school advisory programs;

- (vi) Mentor pupil programs such as 'Natural Helpers'; and
- (vii) Curriculum materials and equipment purchases.
- (c) Drug and alcohol abuse programs, including, but not limited to:
 - (i) In-service staff training programs for the identification of students at-risk; and
 - (ii) Community services networking to direct students who are substance abusers to appropriate treatment facilities.
 - (d) Early childhood programs, including but not limited to:
 - (i) A parents as first teachers program that provides for resource materials on home learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other appropriate activities to enable parents to improve learning in the home, understand the relationship between developmental stages and behavior, and monitor their children's growth and development relating to understanding and use of language; perception through sight and hearing; motor development and hand-eye coordination; and health, physical development, and emotional, social, and mental development;
 - (ii) Nutritional programs;
 - (iii) Parental participation programs; and
 - (iv) Child day-care programs.
 - (e) In-service training programs for staff development including, but not limited to:
 - (i) Funding speakers or group leaders to deliver in-service training to staff;
 - (ii) Program materials and equipment;
 - (iii) Tuition, registration fees, and associated fees for attendance at seminars, workshops, or courses that directly relate to enhancing adult training for classroom duties; and
 - (iv) Travel reimbursement directly related to in-service training.
 - (f) Programs that develop and promote logical reasoning and improved analytical skills.
- (1) Stipends may be awarded under RCW 28A.58.093 to certificated or classified staff who assume extra duties that specifically relate to any activities included in subsection (10) of this section.

(12) Local districts are authorized to hire certificated instructional and classified staff on a noncontinuing contract to perform duties that specifically relate to activities included in subsection (10) of this section.

(13) Small or rural districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds.

(14) The superintendent of public instruction shall make a comprehensive report to the legislature on the use of the local district grants and the educational benefits derived therefrom by January 31, 1989.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation \$ 106,004,372

For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(1)(a) 'LEAP Document 10A' means the computer tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, 1986-87 average salaries for basic education certificated administrative staff, and 1986-87 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on March 23, 1987, at 11:30 hours.

(b) 'LEAP Document 1' means the computer tabulation of staff mix factors characterizing certificated staff by educational experience and years of service, as developed by the legislative evaluation and accountability program committee on April 20, 1981, at 11:35 hours.

(c) 'Incremental fringe benefits' means 20.64 percent in the 1987-88 school year and 20.76 percent in the 1988-89 school year for certificated staff, and 13.96 percent in the 1987-88 school year and 14.08 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in this section.

(2) (a) For the purposes of the appropriation in section 503 of this act, each district's average basic education certificated instructional salary allocation shall be the district's derived base salary as shown on LEAP Document 10A, multiplied by the district's prior year staff mix factor for basic education certificated instructional staff calculated using LEAP Document 1.

(b) For the purposes of the appropriation in section 503 of this act, each district's average basic education certificated administrative salary allocation and each district's average basic education classified salary allocation shall be the amounts shown on LEAP Document 10A.

(3) (a) \$65,298,000 is provided to increase funding for each basic education certificated instructional staff unit allocated under section 503(2) of this act by an amount equal to the district's prior year staff mix factor for basic education certificated instructional staff, determined using LEAP Document 1, multiplied by 3.0 percent of the state-wide average derived base salary shown on LEAP Document 10A for certificated instructional staff, and for incremental fringe benefits, effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989.

(b) \$23,851,000 is provided to increase funding for each basic education certificated administrative and classified staff unit allocated under section 503 (2) and (3) of this act by 3.0

percent of the respective state-wide average salary shown on LEAP Document 10A, and for incremental fringe benefits, effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989.

(4) A maximum of \$6,254,000 is provided to implement salary and insurance benefit increases of 3.0 percent effective January 1, 1988 and 3.0 percent effective January 1, 1989 for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits.

(5) A maximum of \$10,601,000 is provided for salary increases and incremental fringe benefits for state-supported certificated and classified staff allocations in the handicapped program and state-supported staff in institutional education programs and educational service districts. Such moneys shall be distributed to implement maximum salary increases of 3.0 percent effective January 1, 1988, and 3.0 percent effective January 1, 1989.

NEW SECTION, Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	407,910,000
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	453,228,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$38,790,079 of the general fund—state appropriation is provided solely for the remaining months of the 1986–87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987–88 and 1988–89 school years in accordance with a district's actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on March 17, 1987, at 11:07 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 FTE staff and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, sections 203, 205, and/or 206 of this act, the superintendent of public instruction shall in conjunction with the department of social and health services implement plans to meet the educational and/or residential needs in Washington state of serious behaviorally disabled youth and of troubled deaf youth.

(5) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired and their families.

NEW SECTION, Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	20,126,000
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	27,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,577,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986–87 school year.

(2) \$10,220,000 of the general fund—state appropriation is provided solely for the 1987–88 school year, distributed as follows:

(a) \$4,171,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,401 per full time equivalent student.

(b) \$3,020,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,481 per full time equivalent student.

(c) \$376,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,544 per full time equivalent student.

(d) \$569,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,409 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,084,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,071 per full time equivalent student.

(3) Distribution of state funding for the 1988–89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,393

per full time equivalent student and a total allocation of no more than \$3,773,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$5,486 per full time equivalent student and a total allocation of no more than \$2,935,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$3,554 per full time equivalent student and a total allocation of no more than \$377,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,400 per full time equivalent student and a total allocation of no more than \$566,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,081 per full time equivalent student and a total allocation of no more than \$2,089,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$153,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs.

NEW SECTION, Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 11,294,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,130,000 is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$426 per eligible student.

NEW SECTION, Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE REMEDIATION ASSISTANCE PROGRAM

General Fund Appropriation—State \$ 37,864,000

General Fund Appropriation—Federal \$ 10,000,000

Total Appropriation \$ 47,864,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,982,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Funding for school district remediation programs serving grades two through nine shall be distributed during the 1987-88 and 1988-89 school years at a maximum rate of \$348 per unit as calculated pursuant to this subsection. The number of units for each school district shall be the sum of: (a) The number of students enrolled in grades two through six in the district multiplied by the percentage of students taking the fourth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and (b) the number of students enrolled in grades seven through nine in the district multiplied by the percentage of students taking the eighth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades seven through nine.

NEW SECTION, Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 5,248,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$481,512 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$2,464,320 may be expended by school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$340 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.

(3) A maximum of \$2,591,784 may be expended in school district programs for highly capable students in the 1988-89 school year, at a maximum rate of \$343 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$286,000 is provided to contract for an approved gifted program to be conducted at Fort Worden state park.

(5) From the appropriation in this section, the superintendent of public instruction shall provide allocations to the University of Washington for tuition costs of needy students enrolled in the early entrance program or transition school for academically gifted children. For the purposes of this subsection, 'needy students' means students under seventeen years of age who are enrolled in such programs and who meet financial need criteria which are equivalent to those

established under RCW 28B.10.810. The University of Washington shall reduce charges for such students by the amounts received under this subsection.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	123,866,000
(1) Education Consolidation and Improvement Act	\$	120,554,000
(2) Education of Indian Children	\$	290,000
(3) Adult Basic Education	\$	3,022,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	73,804,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,925 per student for a maximum of 12,050 full time equivalent students.

(2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of \$2,967 per student for a maximum of 12,050 full time equivalent students.

(3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.

(5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	6,084,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$855,000 of the general fund—state appropriation is provided solely for a contract with the Pacific Science Center for travelling van programs and other educational services for public schools. The Pacific Science Center shall encourage the equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(2) \$84,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$2,020,000 of the general fund—state appropriation is provided solely for the implementation of the schools for the twenty-first century pilot programs established by Engrossed Substitute Senate Bill No. 5479 or Substitute House Bill No. 457. If neither bill is enacted by June 30, 1987, this amount shall lapse.

(4) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under House Bill No. 485 or Substitute Senate Bill No. 5622. If neither bill is enacted by June 30, 1987, this amount shall lapse.

(5) \$225,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5252.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CAREER LADDER

General Fund Appropriation	\$	4,000,000
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The appropriation in this section is subject to the following conditions and limitations: \$4,000,000 is provided solely for the purpose of awarding grants to local school districts in the state for career ladder pilot projects which meet the conditions and limitations set forth in Senate Bill No. 5726. If Senate Bill No. 5726 is not enacted by June 30, 1987, the amount provided in this section shall lapse.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation	\$	2,212,000
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The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,088,000 of this appropriation shall be expended during fiscal year 1988.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	217,528,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,272,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$96,075,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation \$ 13,391,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$565,000 may be expended for regional traffic safety education coordinators.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State \$ 6,000,000

General Fund Appropriation—Federal \$ 68,154,000

Total Appropriation \$ 74,154,000

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State \$ 1,291,000

General Fund Appropriation—Federal \$ 4,264,000

Total Appropriation \$ 5,555,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$145,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific Science Center.

(3) \$877,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve.

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 24,085,000

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State \$ 9,613,000

General Fund Appropriation—Federal \$ 148,000

Total Appropriation \$ 9,761,000

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation \$ 5,201,000

NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 21,510,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for state matching funds to equalize school district levies pursuant to Substitute Senate Bill No. 5909. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1)(a) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(b) Each four-year institution of higher education and the state board for community college education shall create in their general local fund a competitive faculty salary account into which shall be deposited the additional student operating fee revenue generated by the salary increases provided under sections 602 through 608 of this act.

(c) The office of financial management shall determine, by August 1, 1989, the amount of student operating fee revenues to be deposited into the competitive faculty salary account at each institution of higher education and at the state board for community college education. The remaining student operating fee revenue shall be deposited in the general fund as provided in RCW 28B.15.031. If the office of financial management determines that funds on deposit in any institution's competitive faculty salary account exceed the amount needed to meet legislative intent as stated in this act, the excess amount shall be returned to the general fund.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from

the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington	\$	7,918
Washington State University	\$	6,547
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students	\$	6,008
Each Student over 3000 FTE	\$	3,939
State Board for Community College Education	\$	2,837

(3) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

(4) The following are the maximum amounts that may be expended at each institution of higher education for continuing the salary increases authorized by section 604 of Engrossed Substitute Senate Bill No. 5351 from July 1, 1987 through January 31, 1988:

University of Washington	\$	2,701,000
Washington State University	\$	1,493,000
Central Washington University	\$	311,000
Eastern Washington University	\$	345,000
The Evergreen State College	\$	116,000
Western Washington University	\$	395,000
State Board for Community College Education	\$	2,247,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604 of Engrossed Substitute Senate Bill No. 5351, which are hereby incorporated by reference.

(5) The following are maximum amounts which each institution may spend for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, 'faculty' includes all instructional and research faculty, academic deans, and departmental chairpersons. 'Exempt staff' includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, librarians and counselors who are exempt from the classified service system, teaching and research assistants, and medical residents.

University of Washington	\$	23,610,000
Washington State University	\$	11,620,000
Central Washington University	\$	2,900,000
Eastern Washington University	\$	3,250,000
The Evergreen State College	\$	1,325,000
Western Washington University	\$	3,750,000
State Board for Community College Education	\$	18,630,000

These amounts are intended to provide full time faculty at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	February 1, 1988	February 1, 1989
University of Washington	13.1%	4.0%
Washington State University	12.5%	4.0%
Central Washington University	10.7%	4.0%
Eastern Washington University	10.7%	4.0%
The Evergreen State College	10.7%	4.0%
Western Washington University	10.7%	4.0%
State Board for Community College Education	8.8%	4.0%

Part time faculty and exempt staff at each four-year institution and the community college system as a whole are entitled to receive an average 5 percent salary increase effective February 1, 1988, and an average 3 percent salary increase effective February 1, 1989.

In addition to the 5 and 3 percentage increases provided to exempt staff, the institutions shall allocate an amount equal to the average faculty percentage increase to 10 percent of the part time faculty and exempt staff or a like amount in dollars to all part time faculty and exempt staff or any combination thereof. The combined increases authorized in this paragraph, however, shall not exceed the average salary increase provided to full time faculty at the respective institution.

(6) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (4) of this section is ineligible to receive any funds appropriated for salary increases in sections 602 through 608 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

NEW SECTION, Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION	
General Fund Appropriation	\$ 542,412,209

The appropriation in this section is subject to the following conditions and limitations:

(1) \$257,079,115 is provided solely for the instruction program.

(2) In addition to the salary increases provided to community college faculty enumerated in section 601(5) of this act, \$1,506,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate these funds as follows:

Lower Columbia College	\$	165,000
Shoreline Community College	\$	323,000
Community Colleges of Spokane	\$	710,000
Skagit Valley College	\$	153,000
Whatcom Community College	\$	25,000
Community College District 12	\$	69,000
Walla Walla Community College	\$	25,000
Highline Community College	\$	36,000

(5) \$23,597,820 is provided solely for equipment.

(6) \$3,119,000 is provided solely for the enhancement of the plant operations and maintenance program.

(7) \$5,000,000 is provided solely for the improvement of the basic skills/adult literacy program, including expenditures for assessment.

NEW SECTION, Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	523,400,121
Medical Aid Fund Appropriation	\$	2,553,366
Accident Fund Appropriation	\$	2,553,366
Death Investigations Account Appropriation	\$	594,225
Total Appropriation	\$	529,101,078

The appropriations in this section are subject to the following conditions and limitations:

(1) \$254,378,115 from the general fund appropriation is provided solely for the instruction program.

(2) \$25,000,000 of the general fund appropriation is provided solely for the improvement of instructional support. For the purposes of this subsection, 'instructional support' means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.

(3) \$11,017,043 of the general fund appropriation is provided solely for equipment.

(4) At least \$500,000 of the general fund appropriation shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.

(5) \$3,002,000 of the general fund appropriation is provided solely for the enhancement of the plant operations and maintenance program.

(6) \$349,000 is provided solely for streamside management in forests.

NEW SECTION, Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	290,797,270
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$111,255,241 is provided solely for the instruction program.

(2) \$8,500,000 is provided solely for the improvement of instructional support. For the purposes of this subsection, 'instructional support' means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.

(3) \$4,950,224 is provided solely for equipment.

(4) At least \$300,000 shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.

(5) \$1,946,000 is provided solely for the enhancement of the plant operations and maintenance program.

(6) \$1,500,000 is provided solely to improve the faculty rank mix. None of the funds in this subsection shall be used for salary increases for incumbent faculty without promotion.

(7) \$300,000 is provided to Washington State University to continue the Yakima nursing training program.

(8) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.

(9) \$1,965,000 is provided solely for the state's share of salaries for state employees who are supported in full or in part through federal land grant formula funds.

(10) \$426,750 is provided solely for start-up and operation of the health research and education center in Spokane.

(11) \$750,000 is provided solely to double the capacity of the Washington higher education telecommunication system (WHETS).

NEW SECTION, Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 80,193,214

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$35,325,588 is provided solely for the instruction program.
- (2) \$1,000,000 is provided solely for the improvement of instructional support. For the purposes of this subsection, 'instructional support' means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.
- (3) \$1,214,237 is provided solely for equipment.
- (4) At least \$200,000 shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.
- (5) \$519,000 is provided solely for the enhancement of the plant operations and maintenance program.
- (6) \$150,000 is provided solely for start-up and operation of the health research and education center in Spokane.

NEW SECTION, Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 69,830,657

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$30,726,839 is provided solely for the instruction program.
- (2) \$1,000,000 is provided solely for the improvement of instructional support. For the purposes of this subsection, 'instructional support' means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.
- (3) \$1,064,837 of the general fund appropriation is provided solely for equipment.
- (4) At least \$150,000 shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.
- (5) \$544,000 is provided solely for the enhancement of the plant operations and maintenance program.
- (6) \$2,000,000 is provided solely for the replacement and upgrading of the institution's telecommunications system.

NEW SECTION, Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 39,272,668

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$14,702,159 is provided solely for the instruction program.
- (2) \$957,668 is provided solely for equipment.
- (3) At least \$100,000 shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the college. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.
- (4) \$357,000 is provided solely for the enhancement of the plant operations and maintenance program.
- (5) \$400,000 of the general fund appropriation is provided solely for the Washington state center for the improvement of the quality of undergraduate education.
- (6) \$300,000 of the general fund appropriation is provided solely for summer seminars in coordination with the national faculty of humanities, arts and sciences to improve the quality of teaching in high schools and community colleges.

NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 87,451,173

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$43,948,280 is provided solely for the instruction program.
- (2) \$2,500,000 is provided solely for the improvement of instructional support. For the purposes of this subsection, 'instructional support' means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.
- (3) \$2,632,995 is provided solely for equipment.
- (4) At least \$200,000 of the general fund appropriation shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of

their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.

(5) \$512,000 is provided solely for the enhancement of the plant operations and maintenance program.

(6) \$96,000 of the general fund appropriation is provided solely for development of a value-added testing program to measure educational attainment of students while enrolled at the university.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State	\$	52,302,000
General Fund Appropriation—Federal	\$	3,471,000
State Educational Grant Appropriation	\$	40,000
Total Appropriation	\$	55,813,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$43,392,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount, a minimum of \$18,172,000 shall be expended for work study grants. The state need grant program shall emphasize, to the extent possible, the provision of aid to low-income single parents with dependents.

(2) \$5,000,000 of the general fund—state appropriation is provided solely for the distinguished professorship trust fund.

(3) \$650,000 of the general fund—state appropriation is provided solely for grants for innovative projects that will improve the quality of education in the state's higher education system. Grants may be awarded to state agencies and institutions of higher education for projects submitted for educational improvements in one or more of the areas listed below in priority order:

(a) The quality of the teaching and learning environment at the undergraduate level;

(b) The assessment of the effectiveness of institutions in achieving educational goals;

(c) The number of students from targeted populations participating at and matriculating from institutions of higher education;

(d) Articulation between two-year and four-year institutions.

The board shall establish a competitive evaluation process for selecting projects to be awarded grants and shall report to the legislature the results of the program. The grants shall not be used to supplant funds currently available for such purposes.

NEW SECTION. Sec. 610. FOR WASHINGTON STATE LIBRARY

General Fund Appropriation—State	\$	9,249,552
General Fund Appropriation—Federal	\$	4,399,281
General Fund Appropriation—Private/Local	\$	633,951
Western Library Network Computer System Revolving Fund Appropriation—Private/Local	\$	13,296,302
Total Appropriation	\$	27,579,086

NEW SECTION. Sec. 611. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	84,500
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NEW SECTION. Sec. 612. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation—State	\$	4,607,243
General Fund Appropriation—Federal	\$	22,561,518
Total Appropriation	\$	27,168,761

The appropriations in this section are subject to the following conditions and limitations: No state funds may be used by the advisory council for vocational education.

NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation	\$	1,947,327
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NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	3,189,109
General Fund Appropriation—Federal	\$	702,760
Total Appropriation	\$	3,891,869

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation shall be spent on a state-wide stabilization program for arts organizations which have annual budgets exceeding \$200,000.

(2) \$500,000 of the general fund—state appropriation shall be spent on the cultural enrichment program.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	710,358
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NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation—State	\$	684,509
General Fund Appropriation—Federal	\$	87,554
Total Appropriation	\$	772,063

NEW SECTION. Sec. 617. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	746,107
State Capitol Historical Association Museum Account Appropriation	\$	117,012
Total Appropriation	\$	863,119

PART VII
SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE GOVERNOR—COMPENSATION SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State	\$	56,783,000
General Fund Appropriation—Federal	\$	9,645,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	27,535,000
Total Appropriation	\$	93,963,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$41,660,000 of the general fund—state appropriation, \$9,645,000 of the general fund—federal appropriation, and \$25,479,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 3.0 percent salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for state personnel board classified and exempt employees, higher education personnel board classified employees, and higher education exempt employees employed by the higher education coordinating board and the higher education personnel board. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 3.0 percent salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(3) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(4) (a) The monthly contributions for insurance benefits shall not exceed \$167.00 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(5) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(6) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 702. FOR THE GOVERNOR—EVERETT HOMEPORT

General Fund Appropriation—State	\$	10,470,038
General Fund Appropriation—Federal	\$	1,169,480
Electrical License Fund Appropriation	\$	392,335
Accident Fund Appropriation	\$	533,475
Medical Aid Fund Appropriation	\$	533,474
Total Appropriation	\$	13,098,802

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the increased demands for public services as a result of the development or construction of the Everett Homeport. No funds may be spent until actual construction or site preparation is started except as may be necessary to meet the requirements of federal legislation authorizing the construction of the Everett Homeport.

(2) The governor shall allocate funds to the superintendent of public instruction, the department of social and health services, the department of community development, the department of fisheries, the department of ecology, and the department of labor and industries. The governor shall allocate these appropriations to specific agencies based on increased agency operating expenditures and workload directly associated with the Everett Homeport.

The governor may release to the specific agencies only the amount necessary to offset the directly incurred increased costs which have been documented by the agency.

(3) Any appropriation adjustments and actions that the governor has taken related to the Everett Homeport and pursuant to this appropriation shall be reported to the legislature on January 1, 1988, and January 1, 1989.

NEW SECTION, Sec. 703. FOR THE GOVERNOR—LEGAL SERVICES AUGMENTATION

General Fund Appropriation	\$	4,280,000
Special Fund Agency Legal Services Augmentation Revolving Fund		
Appropriation	\$	6,420,000
Total Appropriation	\$	10,700,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of the legal services augmentation from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency legal services augmentation revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for legal services augmentation in accordance with the plan submitted by the attorney general and approved by the office of financial management under section 121 of this act.

NEW SECTION, Sec. 704. FOR THE GOVERNOR—CONTINGENCY POOL

General Fund Appropriation	\$	15,400,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purposes of replenishing any shortfall of general fund—federal moneys otherwise anticipated and appropriated in sections 203 through 207, 209, and 509 of this act.

NEW SECTION, Sec. 705. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for employer contributions to the law enforcement officers' and fire fighters' retirement system.

		FY 1988	FY 1989
Revenue Accrual Account Appropriation	\$	47,300,000	62,700,000
Total Appropriation		\$110,000,000	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

		FY 1988	FY 1989
General Fund Appropriation	\$	1,350,000	1,350,000
Total Appropriation		\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

		FY 1988	FY 1989
General Fund Appropriation	\$	800,000	800,000
Total Appropriation		\$1,600,000	

(4) The initial employer contribution rates to the retirement systems are specified in this subsection and are stated as percentages of the office of the state actuary's 1987-1989 statutory budget recommendations to the governor:

(a) The public employees' retirement system, plan I, 65.9978 percent, and the public employees' retirement system, plan II, 76.4858 percent;

(b) The teachers' retirement system, plan I, 62.507 percent; and the teachers' retirement system, plan II, 75.9134 percent; and

(c) The Washington state patrol retirement system, 100 percent.

NEW SECTION, Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

		FY 1988	FY 1989
General Fund Appropriation	\$	1,300,000	1,300,000
Total Appropriation		\$2,600,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund—state appropriation shall be distributed to state agencies for the purpose of additional contributions required for the public employees' retirement system as a result of Senate Bill No. 5150.

(2) \$2,000,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of Senate Bill No. 5150.

(3) If Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse.

NEW SECTION, Sec. 707. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State	\$ 2,000,000
The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.	
NEW SECTION, Sec. 708. FOR THE GOVERNOR—UNIFIED BUSINESS IDENTIFIER	
General Fund Appropriation	\$ 2,984,000
Accident Fund Appropriation	\$ 281,000
Medical Aid Fund Appropriation	\$ 281,000
Total Appropriation	\$ 3,546,000
NEW SECTION, Sec. 709. FOR THE GOVERNOR—STATE AND LOCAL CONTROLLED SUB-STANCES ENFORCEMENT ASSISTANCE	
General Fund Appropriation—Federal	\$ 3,557,000
NEW SECTION, Sec. 710. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS	
General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$ 19,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$ 92,300
NEW SECTION, Sec. 711. FOR THE STATE TREASURER—TRANSFERS	
General Fund Appropriation: For transfer to the Institutional Impact Account	\$ 316,600
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned	\$ 5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$ 3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$ 7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$ 2,500,000
State Patrol Services Account: For transfer to the State Patrol Highway Account	\$ 8,089,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$ 861,000
NEW SECTION, Sec. 712. FOR SUNDRY CLAIMS	
The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:	
(1) In settlement of all claims for expenses in State v. Blanusca, Superior Court for Pierce County, Judgment No. 85-1-00253-1, pursuant to RCW 9.01.200, including interest	\$ 16,057.00
(2) Terence R. Whitten, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104	\$ 92,020.00
(3) Richard D. McWilliams, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104	\$ 68,835.00
(4) In settlement of all claims for expenses in State v. Austin, Superior Court for Thurston County, Judgment No. 85-1-00497-7, pursuant to RCW 9.01.200, including interest	\$ 10,213.00
(5) In settlement of all claims for expenses in City of Bellevue v. Irons, Superior Court for King County, Judgment No. 86-1-03095-2, pursuant to RCW 9.01.200, including interest	\$ 27,888.00
(6) In settlement of all claims for expenses in State v. Striegel, South District Court of Snohomish County, Judgment No. 86-07847, pursuant to RCW 9.01.200, including interest	\$ 5,926.00
(7) In settlement of all claims for expenses in State v. Shirley, Cascade District Court of Snohomish County, Judgment No. SCS-58916, pursuant to RCW 9.01.200, including interest	\$ 1,623.00
(8) In settlement of all claims for expenses in City of Wenatchee v. Pedersen, District Court of Chelan County, Judgment No. 6723 WPD, pursuant to RCW 9.01.200, including interest	\$ 1,432.00
(9) In settlement of all claims for expenses in State v. Enemark, District Court # 1 of Pierce County, Judgment No. 85-6-52377-3, pursuant	

	to RCW 9.01.200, including interest	\$	5,334.00
(10)	In settlement of all claims for expenses in State v. Thompson, Superior Court of Spokane County, Judgment No. 82-1-0064-7, pursuant to RCW 9.01.200, including interest	\$	5,626.00
(11)	Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
	(a) Kenneth Allen Hammond	\$	1,272.00
	(b) Rudy Etzkorn	\$	4,200.00
	(c) Joe C. Grentz	\$	14,261.00
(12)	Department of social and health services, for payment of retro-active salary increases as required in Washington Federation of State Employees v. State Personnel Board, superior Court of Thurston County, Order No. 80-2-00966-1: PROVIDED, That to the extent that federal financial participation is available, the department shall apply such funds before using this appropriation	\$	10,970,000.

NEW SECTION, Sec. 713. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

\$ 1,125,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	4,655
Institutional Impact Account	\$	36,816
Architects' License Account	\$	1,062
Cemetery Account	\$	45
Hazardous Waste Control and Elimination Account	\$	6
Public Safety and Education Account	\$	31,011
Health Professions Account	\$	13,465
Professional Engineers' Account	\$	81
Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142
Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879
Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146
General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629
Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386

Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196

NEW SECTION, Sec. 714. FOR THE STATE TREASURER—STATE REVENUES FOR

DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	5,752,350
General Fund Appropriation for public utility district excise tax distribution	\$	24,030,700
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,949,834
General Fund Appropriation for motor vehicle excise tax distribution	\$	59,085,000
General Fund Appropriation for local mass transit assistance	\$	168,100,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	1,778,600
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	17,806,950
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	272,648,602
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	36,600,000
Timber Tax Distribution Account Appropriation for distribution to 'Timber' counties	\$	35,424,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	31,815,000
County Sales and Use Tax Equalization Account Appropriation	\$	11,000,000
Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	592,000
Total Appropriation	\$	666,643,036

NEW SECTION, Sec. 715. FOR THE STATE TREASURER—FEDERAL REVENUES FOR

DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	58,414,601
General Fund Appropriation for federal flood control funds distribution	\$	24,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	60,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	300,000
Total Appropriation	\$	58,848,601

NEW SECTION, Sec. 716. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST.

INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,619,731
Highway Bond Retirement Fund Appropriation	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,790
Spokane River Toll Bridge Account Appropriation	\$	889,088
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	327,069,045
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation	\$	656,800
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,392

State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Approp- riation	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropria- tion	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropria- tion	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropria- tion	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropri- ation	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,700
Total Appropriation	\$	749,650,859

NEW SECTION, Sec. 717. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION, Sec. 718. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1987.

NEW SECTION, Sec. 719. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION, Sec. 720. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION, Sec. 721. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION, Sec. 722. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION, Sec. 723. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1987 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 724. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 725. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, beginning on line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; providing an effective date; and declaring an emergency." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Grimm moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 527.

Mr. Holland moved that the House do concur in the Senate amendments.

Mr. Lewis demanded an oral roll call vote and the demand was sustained.

Representatives Holland, Beck, Silver, B. Williams and Ballard spoke in favor of the motion to concur, and Representatives Grimm, Bristow, Sutherland, Wineberry, Ebersole, Hine, Kremen, Belcher, McMullen, Heavey, K. Wilson, Appelwick, P. King, Baugher and Brekke opposed it.

Mr. Grimm again opposed the motion.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 527, and the motion was lost by the following vote: Yeas, 36; nays, 61; excused, 1.

Voting yea: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Hankins, Holland, Jesernig, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Zellinsky - 36.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Njemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 61.

Excused: Representative Chandler - 1.

The Speaker (Mr. O'Brien presiding) stated that the House had, by its action, refused to concur in the Senate amendments and asked the Senate to recede therefrom.

MOTION

On motion of Mr. McMullen, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House was called to order at 2:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Chandler, Dellwo, Haugen, Lewis, Sanders, Schmidt, J. Williams and S. Wilson. Representative Chandler was excused.

MESSAGES FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has receded from its amendments to HOUSE BILL NO. 10, and passed the bill without the Senate amendments, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The President of the Senate has ruled the Conference report to ENGROSSED HOUSE BILL NO. 435 beyond the scope and object of the bill and referred the issue back to the Conference Committee.

Sidney R. Snyder, Secretary.

April 25, 1987

Mr. Speaker:

The President of the Senate has ruled the Conference report to HOUSE BILL NO. 698 beyond the scope and object of the bill and referred the issue back to the Conference Committee.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The President of the Senate has ruled the Conference report to ENGROSSED SUBSTITUTE HOUSE BILL NO. 773 beyond the scope and object of the bill and referred the issue back to the Conference Committee.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has granted the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5071. The President has appointed the following members as conferees: Senators Kreidler, Bluechel and Bottiger, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 456 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The long-term social, community welfare, and economic interests of the state will be served by an investment in our children. Conclusive studies and experiences show that providing children with certain developmental experiences and effective parental guidance can greatly improve their performance in school as well as increase the likelihood of their success as adults. National studies have also confirmed that special attention to, and educational assistance for, children and their school environment is the most effective way in which to meet the state's social and economic goals.

The legislature intends to enhance the readiness to learn of certain children and students by: Providing for an expansion of the state early childhood education and assistance program for children from low-income families and establishing an adult literacy program for certain parents; assisting school districts to establish elementary counseling programs; instituting a program to address learning problems due to drug and alcohol use and abuse; and establishing a program directed at students who leave school before graduation.

The legislature intends further to establish programs that will allow for parental, business, and community involvement in assisting the school systems throughout the state to enhance the ability of children to learn.

PART I
READINESS TO LEARN

Sec. 101. Section 6, chapter 418, Laws of 1985 and RCW 28A.34A.060 are each amended to read as follows:

The department shall adopt rules under chapter 34.04 RCW for the establishment of the preschool program, not later than six months after the effective date of this act. Federal head start program criteria, including set aside provisions for the children of seasonal and migrant farmworkers and native American populations living either on or off reservation, to the extent practicable, shall be considered as guidelines for the state preschool early childhood assistance program.

The department in developing rules for the preschool program shall consult with the advisory committee, and shall consider such factors as coordination with existing head start and

other preschool programs, the preparation necessary for instructors, qualifications of instructors, adequate space and equipment, and special transportation needs. The rules shall specifically require the preschool programs to provide for parental involvement at a level not less than that provided under the federal head start program criteria.

Sec. 102. Section 9, chapter 418, Laws of 1985 and RCW 28A.34A.090 are each amended to read as follows:

For the ((duration)) purposes of this ((act)) chapter, the department may award state support under RCW 28A.34A.010 through 28A.34A.070 to increase the numbers of eligible children assisted by the federal or state-supported preschool programs in this state by up to five thousand additional children. Priority shall be given to groups in those geographical areas which include a high percentage of families qualifying under the federal 'at risk' criteria. The overall program funding level shall be based on an average grant ((of no more than two thousand seven-hundred dollars)) per child ((to cover all)) consistent with state appropriations made for program costs: PROVIDED, That programs addressing special needs of selected groups or communities shall be recognized in the department's rules.

NEW SECTION. Sec. 103. Section 15, chapter 418, Laws of 1985 and RCW 28A.34A.902 are each repealed.

NEW SECTION. Sec. 104. (1) Parents can be the most effective teachers for their children. Providing illiterate or semiliterate parents with opportunities to acquire basic skills and child development knowledge will enhance their ability to assist and support their children in the learning process, and will enhance children's learning experiences in the formal education environment by providing children with the motivation and positive home environment which contribute to enhanced academic performance.

(2) Sections 105 through 109 of this act may be known and cited as project even start.

NEW SECTION. Sec. 105. Unless the context clearly requires otherwise, the definition in this section shall apply throughout sections 106 through 109 of this act.

'Parent' or 'parents' means a parent who has less than an eighth grade ability in one or more of the basic skill areas of reading, language arts, or mathematics, as measured by a standardized test, and who has a child or children enrolled in: (1) The state early childhood education and assistance program; (2) a federal head start program; (3) a state or federally funded elementary school basic skills program serving students who have scored below the national average on a standardized test in one or more of the basic skill areas of reading, language arts, or mathematics; or (4) a cooperative nursery school at a community college or vocational technical institute.

NEW SECTION. Sec. 106. (1) The superintendent of public instruction, in consultation with the department of community development, the department of social and health services, the state board for community college education, and community-based, nonprofit providers of adult literacy services, shall develop an adult literacy program to serve eligible parents as defined under section 105 of this act. The program shall give priority to serving parents with children who have not yet enrolled in school or are in grades kindergarten through three.

(2) In addition to providing basic skills instruction to eligible parents, the program may include other program components which may include transportation, child care, and such other directly necessary activities as may be necessary to accomplish the purposes of sections 105 through 109 of this act.

(3) Parents who elect to participate in training or work programs, as a condition of receiving public assistance, shall have the hours spent in parent participation programs, conducted as part of a federal head start program, or the state early childhood education and assistance program under chapter 28A.34A RCW, or parent literacy programs under sections 105 through 109 of this act, counted toward the fulfillment of their work and training obligation for the receipt of public assistance.

(4) State funds as may be appropriated for project even start shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs.

(5) The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of sections 105 through 109 of this act.

NEW SECTION. Sec. 107. The superintendent of public instruction is authorized and directed, whenever possible, to fund or cooperatively work with existing adult literacy programs and parenting related programs offered through the common school and community college systems, vocational-technical institutes, or community-based, nonprofit organizations to provide services for eligible parents before developing and funding new adult literacy programs to carry out the purposes of project even start.

NEW SECTION. Sec. 108. The superintendent of public instruction shall evaluate and submit to the legislature by January 15, 1988, a report on the effectiveness of project even start. The initial report shall include, if appropriate, recommendations relating to the expansion of project even start. The superintendent shall submit a report to the legislature on project even start every two years after the initial report.

NEW SECTION. Sec. 109. The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and

other interested parties information about effective parent literacy programs under project even start.

NEW SECTION. Sec. 110. Sections 105 through 109 of this act are each added to Title 28A RCW.

NEW SECTION. Sec. 111. (1) The superintendent of public instruction is directed to establish a voluntary, grant-based, parents as first teachers program to provide parents of children up to age three with information and guidance to increase parental confidence and involvement in the educational and social development of their children, and to establish positive home and school partnerships before children enter school to better help children, parents, and school personnel prepare for the children's first public school experiences.

(2) This program shall be a voluntary enrichment program and shall be offered only as funds are available and shall not be part of the basic program of education which must be fully funded by the legislature under Article IX, section 1 of the state Constitution.

(3) The superintendent of public instruction may accept, receive, and administer, from public or private sources, such gifts, grants, and contributions as may be expressly provided to support the parents as first teachers program.

NEW SECTION. Sec. 112. The parents as first teachers program shall provide for resource materials on home learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other appropriate activities to enable parents to improve learning in the home, understand the relationship between developmental stages and behavior, and monitor their children's growth and development relating to:

- (1) Understanding and use of language;
- (2) Perception through sight and hearing;
- (3) Motor development and hand-eye coordination; and
- (4) Health, physical development, and emotional, social, and mental development.

NEW SECTION. Sec. 113. (1) The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of sections 111 and 112 of this act.

(2) The superintendent of public instruction shall submit biennially, by January 15, a report to the legislature on the parents as first teachers program.

(3) The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the parents as first teachers program.

NEW SECTION. Sec. 114. The superintendent of public instruction, the director of community development, and the secretary of social and health services shall jointly develop and submit to the legislature not later than January 15, 1990, a plan that includes the following elements:

(1) One or more options for integrating the parents as first teachers program established under sections 111 through 113 of this act, the early childhood education and assistance program established under chapter 28A.34A RCW, project even start established under sections 104 through 108 of this act, the governor's proposed family independence program, and other state programs as may be appropriate, and including a recommendation on which state agency should be the lead agency in administering an integrated, comprehensive early childhood development assistance program;

(2) A suggested timetable for phasing-in or otherwise implementing an integrated, comprehensive early childhood development assistance program;

(3) Suggested options and cost estimates for phasing-in an expansion of the programs under subsection (1) of this section as component elements of an integrated, comprehensive early childhood development assistance program; and

- (4) Other recommendations as may be appropriate.

This section shall expire January 16, 1990.

NEW SECTION. Sec. 115. Sections 111 through 113 of this act are each added to Title 28A RCW.

PART II THE SCHOOL ENVIRONMENT

NEW SECTION. Sec. 201. A student's ability to learn can be affected by a number of factors, including but not limited to: Parental involvement and support, child abuse and neglect, poverty, family transiency, drug and alcohol abuse, poor nutrition, peer influence, and other factors. Such factors can manifest themselves in forms such as absenteeism and truancy from school, drug and alcohol abuse, delinquency, and dropping out. The legislature finds that the provision of counseling services at the elementary level will enhance the state's commitment to providing comprehensive early childhood education programs and services.

NEW SECTION. Sec. 202. (1) The superintendent of public instruction may grant funds to school districts, from funds appropriated for the purposes of this section, to help districts establish elementary school counseling programs. Grants provided under this section shall be distributed as follows:

(a) For each elementary school building with over three hundred students, one counselor shall be provided; and

(b) For each elementary school building with three hundred or fewer students, one half-time counselor shall be provided.

(2) School districts may enter into cooperative agreements or contract for the provision of counseling services in elementary schools with the appropriate educational service district, or with qualified individuals meeting the requirements of chapter 18.83 RCW, or with a local provider of health care services meeting the requirements of chapter 71.24 RCW: PROVIDED, That when school districts contract for services or enter into cooperative arrangements to provide services, the service provider shall spend the majority of the total time contracted for within the school building or buildings for which services are being provided to assure that the service provider is knowledgeable of the unique nature of the individual school and the families and children served by the school.

NEW SECTION. Sec. 203. (1) The superintendent of public instruction shall adopt rules as necessary relating to grant application requirements and to the selection of school districts to receive grant awards to carry out the purposes of section 201 of this act.

(2) The rules shall permit school districts to submit a joint application for the purpose of establishing a cooperative elementary counseling program.

(3) The superintendent of public instruction may appoint an advisory committee composed of persons representing, including but not limited to: School directors, school district administrators, elementary building principals, elementary teachers, elementary school counselors, parents, and community mental health professionals to advise the superintendent of the development of grant application requirements and criteria relating to the selection of districts and the award of grant funds.

NEW SECTION. Sec. 204. Sections 202 and 203 of this act are each added to Title 28A RCW.

NEW SECTION. Sec. 205. The citizens of the state of Washington recognize the serious impact of alcohol and drug abuse on a student's self-concept and on the ability of students to learn. Therefore, the substance abuse awareness program is established: (1) To aid students in the development of skills that will assist them in making informed decisions concerning the use of drugs and alcohol; (2) to contribute to the development and support of a drug-free educational environment; and (3) to help school districts in the development of comprehensive drug and alcohol policies leading to the implementation of drug and alcohol programs that contain prevention, intervention, and aftercare components.

NEW SECTION. Sec. 206. The superintendent of public instruction shall adopt rules to implement this section and sections 207 through 211 of this act and shall distribute to school districts on a grant basis, from moneys appropriated for the purposes of this section and sections 207 through 211 of this act, funds for the development and implementation of educational and disciplinary policies leading to the implementation of prevention, intervention, and aftercare activities regarding the use and abuse of drugs and alcohol. The following program areas may be funded through moneys made available for this section and sections 207 through 211 of this act, including but not limited to:

- (1) Comprehensive program development;
- (2) Prevention programs;
- (3) Elementary identification and intervention programs;
- (4) Secondary identification and intervention programs;
- (5) School drug and alcohol core team development and training;
- (6) Development of referral and preassessment procedures;
- (7) Aftercare;
- (8) Drug and alcohol specialist;
- (9) Staff, parent, student, and community training; and
- (10) Coordination with law enforcement, community service providers, other school districts, educational service districts, and drug and alcohol treatment facilities.

NEW SECTION. Sec. 207. (1) School districts interested in implementing a substance abuse awareness program shall file an application for state funds with the superintendent of public instruction. The application shall include the following:

(a) A letter of commitment from the board of directors to adopt a comprehensive written policy on drugs and alcohol, and a proposed substance awareness abuse program and implementation plan, within six months of receipt of state funding. The comprehensive policy and program shall address the issues of prevention, intervention, aftercare, and disciplinary policies, and shall emphasize cooperation and coordination of services among public and private agencies, including law enforcement agencies. If the district's board of directors has already adopted a comprehensive policy and plan, the district shall submit a copy of the comprehensive policy and plan;

(b) A letter of commitment from the board of directors to appoint a school and community substance abuse advisory committee if such a committee has not been established. The advisory committee shall include representatives of at least the following: The school district instructional staff, students, parents, state and local government law enforcement personnel, and the county coordinator of alcohol and drug treatment, or his or her designee, or a representative of other treatment service providers. If the district has already established an advisory committee but its membership does not include members representing any of the groups

identified in this subsection, the board of directors shall appoint an additional member or members, if necessary, accordingly. The advisory committee shall work to help coordinate school district programs and services with programs and services available within the community and thereby contribute toward the development of a continuum of prevention, intervention, and after care services within the total community and to avoid the duplication of services; and

(c) A copy of the district's assessment of the scope of the problem of drug and alcohol abuse within the district, as such use and abuse by individuals affects the learning environment in each school.

(2) The district shall demonstrate its plan to provide local matching funds of an amount equal to at least twenty percent of the state funds that the district is eligible to receive. Matching funds may be funds received from federal programs, other funds available to the district, or in-kind contributions; PROVIDED, That in-kind contributions shall be not more than one-half of the minimum matching funds required.

(3) The district shall provide an outline of procedures for evaluating the effectiveness of the district's substance abuse awareness program.

(4) Joint applications and programs may be undertaken by school districts. Districts which elect to participate in a joint program may file a joint application and establish a joint school and community substance abuse advisory committee.

NEW SECTION. Sec. 208. School districts may apply on an annual basis to the superintendent of public instruction for continued funding of a local substance abuse awareness program meeting the provisions of sections 206 through 211 of this act and shall submit an application that includes: (1) Verification of the adoption of comprehensive district policies; (2) proposed changes to the district's substance abuse awareness program, where necessary; (3) proposed areas of expenditures; (4) the district's plan to provide matching funds of an amount to equal at least twenty percent of the state funds for which the district is eligible; (5) a plan for program evaluation; and (6) a report evaluating the effectiveness of the previously funded program one year after the program is implemented, including all the information required in this section.

NEW SECTION. Sec. 209. The superintendent of public instruction shall appoint a substance abuse advisory committee comprised of: Representatives of certificated and noncertificated staff; administrators; parents; students; school directors; the bureau of alcohol and substance abuse within the department of social and health services; the traffic safety commission; and county coordinators of alcohol and drug treatment. The committee shall advise the superintendent on matters of local program development, coordination, and evaluation.

NEW SECTION. Sec. 210. The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about effective substance abuse programs.

NEW SECTION. Sec. 211. If any part of sections 206 through 210 of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of sections 206 through 210 of this act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of sections 206 through 210 of this act in its application to the agencies concerned. The rules under sections 206 through 210 of this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 212. Sections 206 through 211 of this act are added to Title 28A RCW.

NEW SECTION. Sec. 213. (1) To encourage youth who are considering dropping out of school to remain in school, or youth who have dropped out of school to return to school, it is the intent of the legislature to aid in the planning and implementation of educational programs for such youth. Furthermore, in recognition that effective assistance at the elementary school level will likely reduce the need for dropout intervention at the secondary level, the legislature intends to encourage early identification of and assistance to students not succeeding in school in the elementary grades.

NEW SECTION. Sec. 214. (1) The superintendent of public instruction is authorized and shall grant funds to selected school districts to assist in the development of student motivation, retention, and retrieval programs for youth who are at risk of dropping out of school or who have dropped out of school. The purpose of the state assistance for such school district programs is to provide districts the necessary start-up money which will encourage the development by districts or cooperatives of districts of integrated programs for students who are at risk of dropping out of school or who have dropped out of school.

(2) Funds as may be appropriated for the purposes of this section and sections 215 through 219 of this act shall be distributed to qualifying school districts for initial planning, development, and implementation of educational programs designed to motivate, retain, and retrieve students.

(3) Funds shall be distributed among qualifying school districts on a per pupil basis. To determine the per pupil allocation, the total appropriation for this program shall be divided by the total student population of all qualifying districts as determined on October 1, 1987. The resulting dollar amount shall be multiplied by the total student population of each qualifying

school district to determine the maximum grant that each qualifying school district is eligible to receive. No district may receive more than is necessary for planning and implementation activities outlined in the district's grant application.

NEW SECTION, Sec. 215. (1) In distributing grant funds, the superintendent of public instruction shall first award funds to each school district with a dropout rate which, as determined by the superintendent of public instruction, is over time in the top twenty-five percent of all districts' dropout rates. The superintendent shall give priority consideration among such qualifying districts to granting funds to those districts where no student motivation, retention, and retrieval programs currently exist.

(2) The superintendent may grant funds to a cooperative of districts which may include one district, or more, whose dropout rate is not in the top twenty-five percent of all districts' dropout rates.

(3) The sum of all grants awarded pursuant to sections 214 through 219 of this act for a particular biennium shall not exceed the amount appropriated by the legislature for such purposes.

NEW SECTION, Sec. 216. (1) A district which receives planning funds before the effective date of this section may receive program development or implementation funds.

(2) A district or cooperative of districts shall be eligible to receive program implementation funds once every two years. Funds from each subsequent application by a district or cooperative of districts, however, shall be used to expand the dropout program to additional grades or another school or to initiate a new dropout program. Grants shall not be used to supplant funds of an existing program. The superintendent shall give priority to the effectiveness of district plans and implementation programs before granting additional awards to a school district.

NEW SECTION, Sec. 217. The superintendent of public instruction shall adopt rules to carry out the purposes of sections 214 through 219 of this act. The rules adopted by the superintendent of public instruction shall include but not be limited to:

(1) Providing for an annual evaluation of the effectiveness of the program;

(2) Requiring that no less than twenty percent of the moneys from the program implementation grant be used for identification and intervention programs in elementary and middle schools;

(3) Establishing procedures allowing school districts to claim basic education allocation funds for students attending a program conducted under sections 214 through 219 of this act outside the regular school-year calendar, to the extent such attendance is in lieu of attendance within the regular school-year calendar; and

(4) Evaluating the number of children within an applicant district who fail to complete their elementary and secondary education with priority going to districts with dropout rates over time in the top twenty-five percent of all districts' dropout rates.

NEW SECTION, Sec. 218. The governor and superintendent of public instruction shall jointly appoint the governor's school dropout prevention task force, cochaired by the governor and the superintendent. The purpose of the task force shall be to make the public aware of the high number of Washington youth who drop out of school, the lifelong economic impact of the decision to drop out, and to encourage all segments of the community to devise new strategies to encourage youth to remain in school.

The task force shall be made up of respected representatives from business, sports, education, the media, students, the legislature, and other sectors of the community. The task force shall promote staying in school through public exposure of the problem and encouraging all sectors of the community to become involved in addressing this serious problem.

NEW SECTION, Sec. 219. The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about effective student motivation, retention, and retrieval programs.

NEW SECTION, Sec. 220. The legislature recognizes that educational clinics provide a necessary and effective service for students who have dropped out of common school programs. Educational clinics have demonstrated success in preparing such youth for productive roles in society and are an integral part of the state's program to address the needs of students who have dropped out of school. The superintendent of public instruction shall distribute funds, consistent with legislative appropriations, allocated specifically for educational clinics in accord with chapter 28A.97 RCW. The legislature encourages school districts to explore cooperation with educational clinics.

Sec. 221. Section 14, chapter 278, Laws of 1984 and RCW 28A.16.050 are each amended to read as follows:

Commencing with the 1987-1988 school year, supplementary funds as may be provided by the state for this program, in accordance with RCW 28A.41.162, shall be categorical funding on an excess cost basis based upon a per student amount no less than two percent but not to exceed three percent of any district's full-time equivalent enrollment.

NEW SECTION, Sec. 222. A new section is added to chapter 28A.58 RCW to read as follows:

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

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

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

NEW SECTION. Sec. 223. Section 21, chapter 278, Laws of 1984 and RCW 28A.03.380 are each repealed.

NEW SECTION. Sec. 224. Sections 214 through 220 of this act are each added to Title 28A RCW.

NEW SECTION. Sec. 225. (1) The superintendent of public instruction is authorized to award grants on a per pupil basis to up to twenty school districts for the 1987-88 and 1988-89 school years to be used by the selected districts only for: Elementary counselling programs; substance abuse awareness and prevention programs; student motivation, retention, and retrieval programs; programs for highly capable students; and school involvement programs.

(2) New or existing programs enhanced by the funds provided to districts by a grant under this section and sections 226 through 230 of this act shall not become a part of the state's basic education obligation as set forth by the Constitution.

NEW SECTION. Sec. 226. The board of directors of each school district selected to participate in the pilot program under sections 225 through 230 of this act may establish an advisory committee to develop a series of recommendations for the expenditure of the grant dollars to be submitted to the local school board for approval.

NEW SECTION. Sec. 227. Stipends may be awarded to certificated or classified staff who assume extra duties under sections 225 through 230 of this act. Such stipends shall not be considered compensation for the purposes of salary lid compliance under RCW 28A.58.095.

NEW SECTION. Sec. 228. School districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds and may submit a joint application for grant funds to the superintendent of public instruction.

NEW SECTION. Sec. 229. The superintendent of public instruction shall, no later than January 31, 1990, make a comprehensive final report to the legislature on the use of the local district grants and the educational benefits derived therefrom.

NEW SECTION. Sec. 230. The superintendent of public instruction shall adopt rules as necessary to implement sections 225 through 229 of this act.

NEW SECTION. Sec. 231. Sections 225 through 230 of this act shall expire February 1, 1990.

NEW SECTION. Sec. 232. Sections 225 through 230 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

PART III

COMMUNITY SCHOOL SUPPORT

NEW SECTION. Sec. 301. The legislature finds that citizen involvement in the education of the children of this state is of the utmost importance to the continued vitality of the state. By encouraging and establishing school involvement programs, the legislature intends to create a climate of awareness and support for the educational development of our state's future citizens. The legislature finds that by providing time for employees to become involved with school-age children the welfare of every person in this state will be promoted.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.58 RCW to read as follows:

School districts are encouraged to develop school involvement programs in addition to the policies on parents' access to classrooms and school activities required under RCW 28A.58.053. As part of the school involvement program, school districts' policies and plans should be designed to encourage and accommodate the participation in school activities by persons interested and involved with school-age children. The plans should include encouraging classroom observations, parent-teacher consultations, participation in special programs, school volunteer activities, and participation in policy-making and advisory groups at both the district and building levels.

NEW SECTION. Sec. 303. A new section is added to chapter 28A.58 RCW to read as follows:

School districts are encouraged to provide information to local businesses, organizations, and governmental agencies about their school involvement programs under section 302 of this act. School districts are encouraged to seek suggestions from local businesses, organizations, and governmental agencies about implementing their school involvement programs. School districts may enter into agreements with private businesses and organizations and state and local governmental agencies to facilitate employee participation in the local program.

NEW SECTION. Sec. 304. A new section is added to Title 28A RCW to read as follows:

Employers in this state are encouraged to consider adjustments to the work schedules of individual employees, who are parents of children attending schools in the community, to allow these employees periodic opportunities throughout the school year to visit their children's schools, during the school day, in order to promote and support greater parental involvement with local school districts.

NEW SECTION. Sec. 305. A new section is added to chapter 28A.58 RCW to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about effective school involvement programs.

NEW SECTION. Sec. 306. A new section is added to chapter 41.04 RCW to read as follows:

(1) Any employee of the state of Washington may participate in school involvement programs established pursuant section 302 of this act for up to twenty hours during any calendar year during the regular hours of their employment without any loss in salary, seniority, retirement, or other benefits: PROVIDED, That the employee's absence from his or her job, due to participation in a local school district school involvement program, does not require someone else having to perform the employee's work-related responsibilities.

(2) The twenty hours of leave for school involvement, or so much thereof as may be used, shall be deducted from accrued sick leave. If the employee has no accrued sick leave, the employee may not participate in the program.

NEW SECTION. Sec. 307. A new section is added to chapter 41.06 RCW to read as follows:

The state personnel board shall adopt rules to carry out its duties under section 306 of this act.

NEW SECTION. Sec. 308. A new section is added to chapter 28B.16 RCW to read as follows:

The higher education personnel board and related boards, as provided under RCW 28B.16.080, shall adopt rules to carry out their duties under section 306 of this act.

Sec. 309. Section 7, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.0284 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of ~~((computers, computer components, computer accessories, or computer software))~~ tangible personal property or services irrevocably donated to and accepted by any public or private nonprofit school or college, as defined under chapter 84.36 RCW, in this state~~((For purposes of this section, 'computer' means a data processor that can perform substantial computation, including numerous arithmetic or logic operations, without intervention by a human operator during the run))~~ for direct instructional purposes.

PART IV MENTAL SPORTS

NEW SECTION. Sec. 401. The creation of an advisory committee within the office of the superintendent of public instruction to promote competition and research in mental sports such as chess, checkers, bridge, go, scholastic olympiads, and others will provide many benefits to the people of the state. Such an advisory committee will benefit the public by:

- (1) Enhancing the cognitive skills of students;
- (2) Promoting education, competition, and research in mental sports in the common schools and institutions of higher education of the state, as well as among the general public; and
- (3) Promoting tourism and economic development through the hosting of regional, national, and international tournaments in mental sports.

The legislature finds that mental sports promote intellectual development and offer the ultimate combination of art, science, and sport. The legislature also finds that while mental sports are best promoted through private sources, schools, and local units of government, the advisory committee can serve as a valuable catalyst to help achieve such promotion.

NEW SECTION. Sec. 402. As used in this chapter:

- (1) 'Mental sports' includes chess, checkers, go, bridge, scholastic olympiads, and other nongambling games.
- (2) 'Committee' or 'advisory committee' means the mental sports competition and research advisory committee.

NEW SECTION. Sec. 403. (1) There is established the mental sports competition and research advisory committee within the office of the superintendent of public instruction. The committee consists of five persons appointed by the superintendent of public instruction. In making the appointments, the superintendent of public instruction shall select one person who is primarily a chess player, one person who is primarily a bridge player, one person who has experience promoting scholastic olympiads, and one person who is primarily a go player.

(2) The members of the committee shall serve terms of four years. However, in making the initial appointments, the superintendent of public instruction may provide for staggered terms. Vacancies shall be filled by appointment for the remainder of the unexpired term.

(3) Members of the committee shall not be compensated but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The committee may adopt such rules as may be necessary in the administration of this chapter. The rules shall be adopted under chapter 34.04 RCW.

NEW SECTION. Sec. 404. The committee shall to the maximum extent feasible rely on volunteer labor. The superintendent of public instruction shall provide staff support if necessary.

NEW SECTION. Sec. 405. The committee may solicit, accept, and expend such gifts, grants, and endowments from public and private sources as may be made available to the committee.

NEW SECTION. Sec. 406. (1) The committee may promote and sponsor tournaments in any mental sport. Entry fees and prize funds may be set by the committee with a view toward maximizing public participation and raising revenue for the committee and promotional activities of the committee.

(2) The committee may sponsor exhibitions, lectures, and tournament participation by visiting mental sports masters.

(3) In conducting mental sports tournaments and events, the committee shall consult with and seek the cooperation of local and national mental sports clubs and federations.

NEW SECTION. Sec. 407. By January 9, 1989, the mental sports competition and research advisory committee shall submit to the legislature and the superintendent of public instruction a report that includes:

- (1) A summary of the committee's achievements;
- (2) Recommendations on enhancing the status of mental sports within the common schools;
- (3) Recommendations on promoting tournaments for the benefit of the general public; and
- (4) Recommendations regarding possible future state financial support of the committee.

NEW SECTION. Sec. 408. Sections 401 through 407 of this act shall expire July 1, 1989.

NEW SECTION. Sec. 409. Sections 401 through 407 of this act shall constitute a new chapter in Title 67 RCW.

NEW SECTION. Sec. 410. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "amending RCW 28A.34A.060, 28A.34A.090, 28A.16.050, and 82.12.0284; adding new sections to chapter 28A.58 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 28B.16 RCW; adding new sections to Title 28A RCW; adding a new chapter to Title 67 RCW; creating new sections; and repealing RCW 28A.34A.902 and 28A.03.380; providing an expiration date; and declaring an emergency." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendments to Engrossed Second Substitute House Bill No. 456.

Representatives Ebersole and Betzoff spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 456 as amended by the Senate.

Representatives Ebersole and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 456 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; nays, 3; absent, 7; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Amondson, Fuhrman, Smith L - 3.

Absent: Representatives Dellwo, Haugen, Lewis, Sanders, Schmidt, Williams J, Wilson S - 7.

Excused: Representative Chandler - 1.

Engrossed Second Substitute House Bill No. 456 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Haugen, Schmidt, J. Williams and S. Wilson appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate refused to recede from its amendments to SUBSTITUTE HOUSE BILL NO. 400, to page 3, line 2; page 5, line 6; page 6, line 29; page 7, line 5; page 9, lines 24 & 32; page 11, line 14; and both amendments to page 1, line 3 and insists on its position and once again asks the House to concur, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTIONS

Mr. Wang moved that the House concur in the Senate amendments to page 11, line 18; page 17, line 16 and page 9, line 32 and do not concur in the remaining amendments.

Mr. Patrick moved that the House concur in the Senate amendments.

On motion of Mr. Wang, the question was divided.

The Speaker stated the question before the House to be the motion that the House do concur in the Senate amendments to page 11, line 18, page 17, line 16 to RCW 51.32.110; and to page 9, line 32.

Mr. Patrick spoke in favor of the motion, and Mr. Wang opposed it.

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

ROLL CALL

The Clerk called the roll on the motion that the House do concur in certain Senate amendments, and the motion was lost by the following vote: Yeas, 33; nays, 61; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Hankins, Holland, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Waiker, Williams B, Williams J, Wilson S - 33.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsold, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Absent: Representatives Dellwo, Lewis, Sanders - 3.

Excused: Representative Chandler - 1.

Representative Lewis appeared at the bar of the House.

The Speaker stated that the House had, by its action, failed to concur in the Senate amendments to page 9, line 32; page 11, line 18 and page 17, line 16 and asked the Senate to recede therefrom.

The Speaker stated the question before the House to be the motion to concur in the remaining Senate amendments.

Representatives Patrick and Wang spoke in favor of the motion and it was carried.

MESSAGES FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 542. The President has appointed the following members as Conferees: Senators Owen, Cantu and DeJarnatt.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5479. The President has appointed the following members as Conferees: Senators Gaspard, Bailey and Bauer, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 6033, and passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441. The President has appointed the following members as Conferees: Senators Warnke, Anderson and Smitherman, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441, authorizing establishment of local reemployment centers, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Smitherman; Representatives Wang, Sayan, Patrick.

MOTION

On motion of Mr. Wang, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5439, an act relating to the department of natural resources, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Owen, Metcalf, DeJarnatt; Representatives Sutherland, Spanel, S. Wilson.

MOTION

On motion of Ms. K. Wilson, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

April 20, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5996, and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Jacobsen, the House refused to recede from its amendments to Engrossed Senate Bill No. 5996, and asked the Senate to concur therein.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5249, clarifying payment of court filing fees, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, Nelson, Moore; Representatives Heavey, Crane, Padden.

MOTION

On motion of Mr. Armstrong, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 773 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 773, allowing county auditors to investigate and cancel invalid voter registration, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Halsan, Pullen, Rinehart; Representatives Fisher, Pruitt, Sanders.

MOTION

On motion of Ms. Fisher, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 569 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 569, establishing the Washington wine commission, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Hansen, Benitz, Kreidler; Representatives Grimm, Rayburn.

MOTION

On motion of Mr. Locke, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 707 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 22, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 707, increasing the goals and duties of the Washington conservation corps, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Rinehart, Tanner, Bluechel; Representatives Vekich, Sayan, Beck.

MOTION

On motion of Mr. Sayan, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1158, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1158, establishing a liquor license for qualified duty free exporters to sell beer and wine to vessels for consumption outside the state of Washington, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Newhouse, Vognild; Representatives Wang, Cole, Walker.

MOTION

On motion of Mr. Wang, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1987

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 984 with the following amendments:

On page 2, line 7, after "its" and before "program" insert "satellite"

On page 2, line 18, strike "and 67.16.175" and insert "67.16.175, and sections 5 and 6 of this act"

On page 5, after line 27 insert the following:

NEW SECTION. Sec. 7. A new section is added to chapter 67.16 RCW to read as follows:

The commission is authorized to establish and collect an annual fee for each separate satellite location. The fee to be collected from the licensee shall be set to reflect the commission's expected costs of approving, regulating, and monitoring each satellite location, provided commission revenues generated under section 5 of this act from the licensee shall be credited annually towards the licensee's fee assessment under this section.

NEW SECTION. Sec. 8. A new section is added to chapter 67.16 RCW to read as follows:

Sections 1 and 5 through 7 of this act shall expire on October 31, 1991, unless extended by law for an additional fixed period of time and shall be subject to review under chapter 43.131 RCW."

On page 1, line 2 of the title, after ":", strike "and"

On page 1, line 3 of the title, after "67.16 RCW" insert "; and providing an expiration date" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House concurred in the Senate amendments to Substitute House Bill No. 984.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 984 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 984 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; nays, 14; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Sommers H, Spanel, Sprengle, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Barnes, Cooper, Fuhrman, Hargrove, Haugen, Heavey, Locke, Schoon, Smith L, Sommers D, Sutherland, Valle, Williams B, Winsley - 14.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute House Bill No. 984 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5453 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators Wojahn, Deccio and Tanner, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Braddock, the House granted the request of the Senate for a conference on Second Substitute Senate Bill No. 5453.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Braddock, Sprengle and Brooks as conferees on Second Substitute Senate Bill No. 5453.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has refused to concur in the House amendments to ENGROSSED SENATE BILL NO. 5546, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House refused to recede from its amendments to Engrossed Senate Bill No. 5546, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Armstrong, Locke and Padden as conferees on Engrossed Senate Bill No. 5546.

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The Senate refuses to recede from its amendments to HOUSE BILL NO. 277, and once again asks the House to concur, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House refused to concur in the Senate amendments to House Bill No. 277, and again asked the Senate to recede therefrom.

SENATE AMENDMENT TO HOUSE BILL

April 25, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 279 with the following amendment:

On page 1, line 8 after "~~(ten)~~" strike "sixty" and insert "thirty" and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Walk, the House concurred in the Senate amendment to House Bill No. 279.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of House Bill No. 279 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 279 as amended by the Senate passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

House Bill No. 279 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5825. The President has appointed the following members as Conferees: Senators Talmadge, Nelson and Smitherman, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5825, revising provisions on horizontal property regimes, have had the same under consideration and we recommend:

The House amendments by Representative Appelwick on page 1, line 5 and page 5, line 8 be adopted (For amendments, see Journal, 96th Day, April 17, 1987.); the House amendment by Representative Appelwick on page 6, line 2 be rejected, and the Substitute Senate Bill as recommended by the Conference Committee do pass.

Signed by Senators Talmadge, Smitherman, Nelson; Representatives Appelwick, Crane, Padden.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 5825.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5825 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5825 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 5825 as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5550, revising provisions relating to sexual offenders, have had the same under consideration and we recommend that the House floor amendment by Representative Cooper on page 5, line 19 (For amendment, see Journal, 94th Day, April 15, 1987.) be adopted; the House floor amendment by Representative Cooper on page 4, line 28 be rejected; and the Senate bill do pass as recommended by the Conference Committee.

Signed by Senators Talmadge, Nelson, Moore; Representatives Cooper, Armstrong, Padden.

MOTION

On motion of Mr. Cooper, the House adopted the report of the Conference Committee on Senate Bill No. 5550.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5550 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5550 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Senate Bill No. 5550 as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 782, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 782, changing reporting requirements for lobbyists, have had the same under consideration, and we recommend the following:

The Senate Judiciary Committee amendments (For amendments, see Journal, 100th Day, April 21, 1987.) be adopted to page 4, line 14 after "rules," striking "For each registered" through "purposes," on line 19 and the following referenced Senate amendments not be adopted:

On page 4, after line 20; page 4, after line 20; and the three title amendments to page 1, and the bill do pass as recommended by the Conference Committee.

Signed by Senators Bottiger, Fleming; Representatives Fisher, Fisch, Sanders.

MOTION

On motion of Ms. Fisher, the House adopted the report of the Conference Committee on Substitute House Bill No. 782.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 782 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 782 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch,

Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute House Bill No. 782 as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5814, relating to mobile homes, have had the same under consideration and we recommend: That the Housing Committee striking amendment as amended (For amendment, see Journal, 95th Day, April 16, 1987.) be adopted with the exception of the following:

On page 5, strike lines 4 through 32 and on page 6, line 10 strike "creating a new section;"

And the House amendment to the committee amendment by Representative Nutley be rejected and the bill do pass as recommended by the Conference Committee.

Signed by Senators Warnke, West, Vognild; Representatives Todd, Nutley, J. Williams.

MOTION

On motion of Ms. Nutley, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 5814.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5814 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5814 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 5814 as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 116, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 116, modifying procedures for administrative approval of plats, have had the same under consideration and we recommend the bill be amended as follows and the bill do pass as amended by the Free Conference Committee:

On page 5, after line 11, strike all material down to and including line 24 on page 6 and insert the following:

NEW SECTION, Sec. 3. A new section is added to chapter 58.17 RCW to read as follows:

Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the legislative authority of the city, town, or county in which the subdivision is located. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

When the vacation application is specifically for a county road or city or town street, the procedures for road vacation or street vacation in chapter 36.87 or 35.79 RCW shall be utilized for the road or street vacation. When the application is for the vacation of the plat together with the roads and/or streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

The legislative authority of the city, town, or county shall give notice as provided in RCW 58.17.080 and 58.17.090 and shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, town, or county, shall be deeded to the city, town, or county unless the legislative authority shall set forth findings that the public use would not be served in retaining title to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the legislative authority has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the legislative authority. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

This section shall not be construed as applying to the vacation of any plat of state granted-tide or shore lands.

NEW SECTION, Sec. 4. A new section is added to chapter 58.17 RCW to read as follows:

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide

that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

Sec. 5. Section 6, chapter 271, Laws of 1969 ex. sess. as amended by section 3, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.060 are each amended to read as follows:

The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions (~~(or revision thereof)~~) or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in section 3 or 4 of this 1987 act. Such regulations shall be adopted by ordinance and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

NEW SECTION. Sec. 6. A new section is added to chapter 58.17 RCW to read as follows:

Whenever a survey of a proposed subdivision or short subdivision reveals a discrepancy, the discrepancy shall be noted on the face of the final plat or short plat. Any discrepancy shall be disclosed in a title report prepared by a title insurer and issued after the filing of the final plat or short plat. As used in this section, "discrepancy" means: (1) A boundary hiatus; (2) an overlapping boundary; or (3) a physical appurtenance, which indicates encroachment, lines of possession, or conflict of title.

NEW SECTION. Sec. 7. A new section is added to chapter 58.17 RCW to read as follows:

Any hearing required by section 3 or 4 of this act or RCW 58.17.060 may be administered by a hearing examiner as provided in RCW 58.17.330.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 114, Laws of 1953 and RCW 58.11.010;
- (2) Section 2, page 27, Laws of 1857, section 2, page 432, Laws of 1862, section 2, page 410, Laws of 1869, section 2334, Code of 1881 and RCW 58.11.020;
- (3) Section 3, page 27, Laws of 1857, section 3, page 433, Laws of 1862, section 3, page 410, Laws of 1869, section 2335, Code of 1881 and RCW 58.11.030;
- (4) Section 2336, Code of 1881 and RCW 58.11.040;
- (5) Section 5, page 28, Laws of 1857, section 5, page 433, Laws of 1862, section 5, page 411, Laws of 1869, section 2337, Code of 1881 and RCW 58.11.050;
- (6) Section 1, chapter 92, Laws of 1903, section 1, chapter 139, Laws of 1927 and RCW 58.12.010;
- (7) Section 2, chapter 92, Laws of 1903 and RCW 58.12.020;
- (8) Section 3, chapter 92, Laws of 1903 and RCW 58.12.030;
- (9) Section 4, chapter 92, Laws of 1903 and RCW 58.12.040;
- (10) Section 5, chapter 92, Laws of 1903 and RCW 58.12.050;
- (11) Section 6, chapter 92, Laws of 1903, section 1, chapter 136, Laws of 1909 and RCW 58.12.060;
- (12) Section 7, chapter 92, Laws of 1903 and RCW 58.12.065;
- (13) Section 8, chapter 92, Laws of 1903 and RCW 58.12.070; and
- (14) Section 9, chapter 92, Laws of 1903 and RCW 58.12.080."

On page 7, line 3 of the title amendment, after "58.17.060;" strike "and"

On page 7, line 4 of the title amendment, after "RCW" and before the period insert "; and repealing RCW 58.11.010, 58.11.020, 58.11.030, 58.11.040, 58.11.050, 58.12.010, 58.12.020, 58.12.030, 58.12.040, 58.12.050, 58.12.060, 58.12.065, 58.12.070, and 58.12.080"

Signed by Senators Halsan, McCaslin, Rasmussen; Representatives Haugen, Nutley, L. Smith.

MOTION

On motion of Ms. Haugen, the House adopted the report of the Free Conference Committee on Substitute House Bill No. 116.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 116 as amended by the Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 116 as amended by the Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute House Bill No. 116 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 135, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 22, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 135, changing provisions relating to the western library network, have had the same under consideration and we recommend the Senate Governmental Operations Committee amendments as amended (For amendments, see Journal, 87th Day, April 8, 1987.) be adopted with the following amendments and the bill as amended by the Free Conference Committee do pass:

On page 2 of the Senate committee amendment, after line 9, insert the following:

*Sec. 2, Section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 1, chapter 221, Laws of 1985 and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is

an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors:

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state:

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of the Washington tree fruit research commission;

(18) Officers and employees of the Washington state beef commission;

(19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) All employees of the marine employees' commission;

(26) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit;

(27) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982."

Renumber the sections following consecutively, and correct internal references accordingly.

On page 2 of the Senate committee amendment, after line 9, insert the following:

"Sec. 2. Section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 8, chapter 276, Laws of 1986 and RCW 42.30.110 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer."

Renumber the sections following consecutively, and correct internal references accordingly.

On page 5, line 15 of the senate committee amendment, after "27.26.020," insert "41.06.070,"

On page 5, line 15 of the senate committee amendment, after "27.26.020," insert "42.30.110,"

Signed by Senators DeJarnatt, Zimmerman, Halsan; Representatives Peery, H. Sommers, Hankins.

MOTION

On motion of Mr. Peery, the House adopted the report of the Free Conference Committee on House Bill No. 135.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of House Bill No. 135 as amended by the Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 135 as amended by the Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bungarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

House Bill No. 135 amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 364, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 364, changing provisions relating to contractor registration and disclosure, have had the same under consideration and we recommend the bill be amended as follows and the bill as amended by the Free Conference Committee do pass:

The Senate Commerce & Labor Committee amendments to page 1, line 6 (For committee amendments, see Journal, 99th Day, April 20, 1987,) be adopted and the bill be further amended as follows:

On page 4, after line 2 insert the following:

"NEW SECTION, Sec. 5. The sum of one hundred one thousand, five hundred dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of labor and industries for the purposes of section 1 of this act: PROVIDED, That the appropriation shall be limited to the amount generated during the biennium by the collection of fees under RCW 18.27.070."

On page 1, line 1 of the title after "RCW 18.27.210;" strike the remainder of the title and insert "adding new sections to chapter 18.27 RCW; and making an appropriation."

Signed by Senators Warnke, Lee, Smitherman; Representatives Wang, Cole, Patrick.

MOTION

On motion of Mr. Wang, the House adopted the report of the Free Conference Committee on Substitute House Bill No. 364.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 364 as amended by the Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 364 as amended by the Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute House Bill No. 364 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, regulating sales of health studio memberships, have had the same under consideration and we recommend:

Adopt the House Commerce & Labor Committee striking amendment as amended by Representative Wang on page 8, line 32; page 9, after line 5; page 6, line 22; page 6, after line 33 (For amendments, see Journal, 92nd Day, April 13, 1987.);

Further amend the committee striking amendment as follows:

On page 2, line 29 after "habits;" strike "and"

On page 2, line 36 after "corporation" insert "; and (f) a preexisting facility primarily offering aerobic classes, where the initiation fee is less than fifty dollars and no memberships are sold which exceed one year in duration. For purposes of this subsection, 'preexisting facility' means an existing building used for health studio services covered by the fees collected"

On page 3, line 9 after "activity;" insert "or"

On page 3, line 12 after "program" strike all material through "less" on line 16.

and do pass the bill as amended by the Free Conference Committee.

Signed by Senators Warnke, Lee, Smitherman; Representatives Wang, Patrick, Cole.

MOTION

On motion of Mr. Wang, the House adopted the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5838.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5838 as amended by the Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5838 as amended by the Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winslow, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Engrossed Substitute Senate Bill No. 5838 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 22, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, requiring advertising by contractors to carry the contractor's registration number, have had the same under consideration and we recommend the bill be amended as follows and the bill as amended by the Free Conference Committee do pass:

Strike everything after the enacting clause and insert the following:

Sec. 1. Section 2, chapter 77, Laws of 1963 as last amended by section 1, chapter 197, Laws of 1986 and RCW 18.27.020 are each amended to read as follows:

(1) Every contractor shall register with the department.

(2) It is a misdemeanor for any contractor having knowledge of the registration requirements of this chapter to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended; or

(c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor.

(3) All misdemeanor actions under this chapter shall be prosecuted in the county where the infraction occurs.

Sec. 2. Section 3, chapter 77, Laws of 1963 as amended by section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030 are each amended to read as follows:

An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(1) Employer social security number.

(2) Industrial insurance number.

(3) Employment security department number.

(4) State excise tax registration number.

(5) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(6) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection.

Registration shall be denied if the applicant has been previously registered as a sole proprietor, partnership or corporation, and was a principal or officer of the corporation, and if the applicant has unsatisfied final judgments or summons and complaints not dismissed that were filed pursuant to RCW 18.27.040, and that were incurred during a previous registration under this chapter.

Sec. 3. Section 10, chapter 77, Laws of 1963 as last amended by section 1, chapter 68, Laws of 1980 and RCW 18.27.100 are each amended to read as follows:

Except as provided in RCW 18.27.020 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity of a contractor under any other name unless such name also is registered hereunder. All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents (~~prepared by a contractor~~) which show a contractor's name or address shall show the contractor's name or address as registered hereunder. The alphabetized listing of contractors appearing in the advertising section of telephone books or other directories and all advertising (~~prepared by a contractor~~), including by airwave transmission, which shows or announces the contractor's name or address shall show or announce the contractor's current registration number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials (~~prepared by a contractor and~~) used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. No contractor shall advertise that he is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter. A contractor shall not falsify a registration number and use it in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto. Any person who is found to be in violation of this section by the director at a hearing held in accordance with the administrative procedure act, chapter 34.04 RCW, shall be required to pay a penalty of not more than ~~((one))~~ five thousand dollars as determined by the director. However, the penalty under this section shall not apply to a violation determined to be an inadvertent error.

NEW SECTION. Sec. 4. A new section is added to chapter 18.27 RCW to read as follows:

When determining a violation of RCW 18.27.100, the director and administrative law judge shall hold responsible the person who purchased the advertising.

NEW SECTION. Sec. 5. A new section is added to chapter 18.27 RCW to read as follows:

(1) If, upon investigation, the director or the director's designee has probable cause to believe that a person holding a registration, an applicant for registration, or an unregistered person acting in the capacity of a contractor who is not otherwise exempted from this chapter, has violated RCW 18.27.100 by unlawfully advertising for work covered by this chapter in an alphabetical or classified directory, the department may issue a citation under chapter 34.04 RCW containing an order of correction. Such order shall require the violator to cease the unlawful advertising.

(2) If the person to whom a citation is issued under subsection (1) of this section notifies the department in writing that he or she contests the citation, the department shall afford an opportunity for a hearing, under chapter 34.04 RCW, within thirty days after receiving the notification.

Sec. 6. Section 4, chapter 77, Laws of 1963 as last amended by section 18, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.040 are each amended to read as follows:

(1) Each applicant shall, at the time of applying for or renewing a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of six thousand dollars; if a specialty contractor, in the sum of four thousand dollars, conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so

long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) Any contractor registered as of the effective date of this 1983 act who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a bond, cash deposit, or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon such bond or deposit shall be commenced by filing the complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. Service of process in an action upon such bond shall be exclusively by service upon the department. Three copies of the complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the complaint. Such service shall constitute service on the registrant and the surety for suit upon the bond and the department shall transmit the complaint or a copy thereof to the registrant at the address listed in his application and to the surety within forty-eight hours after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Labor, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Material and equipment;
- (d) Taxes and contributions due the state of Washington;
- (e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

(5) In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished. If such bond becomes fully impaired, a new bond must be furnished at the increased rates prescribed by this section as now or hereafter amended.

(6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(7) Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(8) The director may promulgate rules necessary for the proper administration of the security."

On page 1, line 1, after "contractors;" strike the remainder of the title, and insert "amending RCW 18.27.020, 18.27.030, 18.27.100, and 18.27.040; and adding new sections to chapter 18.27 RCW."

Signed by Senators Warnke, Smitherman, Bluechel; Representatives Wang, Cole, Patrick.

MOTION

On motion of Mr. Wang, the House adopted the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5024.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5024 as amended by the Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024 as amended by the Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Engrossed Substitute Senate Bill No. 5024 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate refuses to recede from its amendments to ENGROSSED HOUSE BILL NO. 432, insists on its position and once again asks the House to concur in the Senate amendments, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Lux moved that the House do concur in the Senate amendments to Engrossed House Bill No. 432.

Representatives Lux, Winsley, Padden, Day and Nealey spoke in favor of the motion, and Representatives Niemi, Hine and Wineberry opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to Engrossed House Bill No. 432, and the motion was carried by the following vote: Yeas, 50; nays, 46; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Beck, Betzoff, Brooks, Brough, Bumgarner, Crane, Day, Doty, Ferguson, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Kremen, Lewis, Lux, May, McLean, Miller, Moyer, Nealey, O'Brien, Padden, Patrick, Peery, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sutherland, Taylor, Walk, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 50.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 46.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 432 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 432 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 68; nays, 28; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Brekke, Brooks, Brough, Bumgarner, Cooper, Crane, Day, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, King R, Kremen, Lewis, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rayburn, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sprenkle, Sutherland, Taylor, Todd, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 68.

Voting nay: Representatives Appelwick, Belcher, Braddock, Bristow, Cantwell, Cole, Dellwo, Ebersole, Fisher, Hine, Jesernig, King P, Leonard, Locke, Lux, Madsen, Meyers, Niemi, Nutley, Rasmussen, Rust, Sommers H, Spanel, Unsoeld, Valle, Wilson K, Wineberry, and Mr. Speaker - 28.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Engrossed House Bill No. 432 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5058 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5058, strengthening authority of the legislature over agency rule-making, have had the same under consideration and we recommend the bill be amended as follows:

On page 1 of the House committee amendment (For committee amendment, see Journal, 86th Day, April 7, 1987), strike everything beginning with line 6 through page 6, line 16 and insert the following:

"Sec. 1. Section 6, chapter 324, Laws of 1981 and RCW 34.04.220 are each amended to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the committee shall give the affected agency written notice of its decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.04.025(1)(a)(iii) ~~((as now or hereafter amended))~~. The notice shall include a statement of the review committee's findings and the reasons therefor. When the agency holds a hearing on the proposed rule, the agency shall consider the review committee's decision.

Sec. 2. Section 7, chapter 324, Laws of 1981 and RCW 34.04.230 to read as follows:

(1) All rules required to be filed pursuant to RCW 34.04.040, and emergency rules adopted pursuant to RCW 34.04.030 ~~((as now or hereafter amended))~~, are subject to selective review by the legislature.

(2) The rules review committee may review an agency's use of policy statements, guidelines, and issuances that are of general applicability, or their equivalents to determine whether or not an agency has failed to adopt a rule as defined in RCW 34.04.010(2).

(3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, ((or)) (b) that the rule has not been adopted in accordance with all applicable provisions of law, or (c) that an agency is using a policy statement, guideline, or issuance in place of a rule, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the ~~(rule in question))~~ rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for

advance notice of its rule-making proceedings as provided in RCW 34.04.025, as now or hereafter amended. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

~~((3))~~ (4) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements ~~(and)~~, (b) whether the rule was adopted in accordance with all applicable provisions of law, or (c) whether the agency is using a policy statement, guideline, or issuance in place of a rule.

Sec. 3. Section 8, chapter 324, Laws of 1981 and RCW 34.04.240 are each amended to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.04.220 or 34.04.230, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected or on a committee finding of the agency's failure to adopt rules. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members~~((:))~~: (a) That the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, or (b) that the agency is using a policy statement, guideline, or issuance in place of a rule, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) If the rules review committee makes an adverse finding under subsection (2) of this section, the committee may, by a two-thirds vote of its members, recommend suspension of an existing rule. Within seven days of such vote the committee shall transmit to the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session.

(4) The code reviser shall publish transmittals from the rules review committee~~((s notice of objection and statement of the reasons therefor))~~ or the governor issued pursuant to subsection (1) ((or), (2), or (3)) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears.

~~((4) Such notice))~~ (5) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

Sec. 4. Section 9, chapter 324, Laws of 1981 and RCW 34.04.250 are each amended to read as follows:

~~((+))~~ The rules review committee may recommend to the legislature that the original enabling legislation serving as authority for the promulgation of any rule reviewed by the committee be amended or repealed in such manner as the committee deems advisable.

~~((2) The rules review committee shall report on its activities, including findings and recommendations with respect to rule-making procedures of state agencies and institutions of higher education, thirty days prior to the convening of the regular session of the legislature in 1984:))~~

On line 1 of the title, after "rules;" strike the remainder of the title and insert "and amending RCW 34.04.220, 34.04.230, 34.04.240, and 34.04.250." and the substitute bill do pass as amended by the Free Conference Committee.

Signed by Senators Halsan, Deccio, Kreidler; Representatives H. Sommers, Hankins, Peery.

MOTION

On motion of Ms. H. Sommers, the House adopted the report of the Free Conference Committee on Substitute Senate Bill No. 5058.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5058 as amended by the Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5058 as amended by the Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 5058 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 5172, revising provisions relating to victims and witnesses of crimes, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, Halsan, Nelson; Representatives Locke, Scott, Padden.

MOTION

On motion of Mr. Armstrong, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

MESSAGES FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 170, and passed the bill without the Senate amendments, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 713, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 713, revising provisions of debt related securities, have had the same under consideration, and we recommend:

That the Senate Committee on Financial Institutions amendment (For committee amendment, see Journal, 102nd Day, April 23rd, 1987.) be adopted with the following exceptions:

On page 19, strike all of section 13 and on page 19, line 27 of the title strike "making an appropriation;" and the bill as recommended by the Conference Committee do pass.

Signed by Senators Moore, Pullen; Representatives Lux, Crane, Winsley.

MOTION

On motion of Mr. Lux, the House adopted the report of the Conference Committee on Engrossed House Bill No. 713.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 713 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 713 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Engrossed House Bill No. 713 as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 88, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 88, revising provisions governing personal service contracts, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Halsan, Zimmerman, Talmadge; Representatives H. Sommers, Peery, Hankins.

MOTION

On motion of Ms. H. Sommers, the Conference Committee report was adopted and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 931, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 931, regulating the possession and distribution of legend drug samples, have had the same under consideration, and we recommend the following:

The Senate Human Services & Corrections Committee amendments (For committee amendments, see Journal, 102nd Day, April 23, 1987.) be adopted on page 5, line 25; on page 5, line 26 and on page 5, line 28;

The Senate Human Services & Corrections Committee amendment on page 8, after line 29 not be adopted, and the bill be passed as recommended by the Conference Committee.

Signed by Senators Wojahn, Tanner, Deccio; Representatives Braddock, Leonard, Brooks.

MOTION

On motion of Ms. Leonard, the House adopted the report of the Conference Committee on Engrossed Substitute House Bill No. 931.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 931 as recommended by the Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 931 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Engrossed Substitute House Bill No. 931 as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 738 and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 738, transferring functions of corrections standards board to other state agencies, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Wojahn, Anderson, Tanner; Representatives H. Sommers, Peery, Hankins.

MOTION

Ms. H. Sommers moved that the House adopt the Conference Committee report and grant the committee powers of Free Conference.

Representatives Sayan, Taylor and K. Wilson spoke against the motion, and Representatives Hankins, Braddock and Padden spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion to adopt the Conference Committee report on Substitute House Bill No. 738 and grant the committee powers of Free Conference, and the motion was carried by the following vote: Yeas, 58; nays, 38; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cooper, Doty, Ferguson, Fisher, Fuhrman, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Kremen, Lewis, Locke, May, McLean, McMullen, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Peery, Rust, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Vekich, Walk, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Barnes, Baugher, Belcher, Brekke, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Gallagher, Grant, Haugen, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lux, Madsen, Meyers, Nelson, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Sayan, Scott, Taylor, Todd, Unsoeld, Valle, Wang, Wilson K, Wineberry - 38.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035 and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035, creating the rail development commission, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Hansen, Barr, Bender; Representatives Walk, Fisher, Schmidt.

MOTION

On motion of Mr. Baugher, the House adopted the report of the Conference Committee and granted the committee powers of Free Conference.

MESSAGES FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 5428, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5555, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5058, and has passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5814, and has passed the bill as recommended by the Conference Committee.

Sidney R. Snyder, Secretary.

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 5838, and has passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 24, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. This chapter shall be known and may be cited as the health care access act of 1987.

NEW SECTION, Sec. 2. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION, Sec. 3. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that

end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two hundred percent of the federal poverty guidelines who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

NEW SECTION. Sec. 4. As used in this chapter:

(1) 'Washington basic health plan' or 'plan' means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the board through participating managed health care systems, created by this chapter.

(2) 'Board' means the Washington basic health plan board.

(3) 'Managed health care system' means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the board and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) 'Enrollee' means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the board.

(5) 'Subsidy' means the difference between the amount of periodic payment the board makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the amount the board determines to be the enrollee's responsibility under section 10(2) of this act.

(6) 'Premium' means a periodic payment, based upon gross family income and determined under section 10(2) of this act, which an enrollee makes to the board as consideration for enrollment in the plan.

(7) 'Rate' means the per capita amount, negotiated by the board with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

NEW SECTION. Sec. 5. The basic health plan trust account is hereby established in the state treasury. All funds appropriated for this chapter shall be deposited in the basic health plan trust account and may be expended without further appropriation. Disbursements from other moneys in the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan board. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1988, the board shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety percent of the amounts anticipated to accrue in the account during the fiscal period.

NEW SECTION. Sec. 6. There is created the Washington basic health plan board, which shall be a separate and independent board of the state. The board shall be composed of five members appointed by the governor. The governor shall select one member to serve as chairman. Not more than one member may have any fiduciary obligation to any health care provider or facility or any material financial interest in the provision of health care services and one member shall have expertise in health care benefit design, as well as the administration of a health care benefits program by private employers.

Members of the board shall serve for four-year terms. However, of the members initially appointed after the effective date of this act, two shall be appointed to four-year terms, one to a three-year term, one to a two-year term, and one to a one-year term. Appointments shall require senate confirmation. No member of the board may serve for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

NEW SECTION. Sec. 7. Meetings of the board shall be held as frequently as its duties require. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Three members of the board constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless three members concur therein. The board may, consistent with the procedural

requirements of chapter 42.30 RCW, meet in executive session with representatives of prospective or participating managed health care systems to discuss matters of a proprietary or sensitive nature.

The members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 8. The board shall employ, subject to approval by the governor, a full-time executive director, who shall be the chief administrative officer of the board and shall be subject to its direction. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The executive director, medical director, and up to five other employees shall be exempt from the civil service law, chapter 41.06 RCW.

The board shall employ such other staff as are necessary to fulfill the responsibilities and duties of the board, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the board. The board may call upon other agencies of the state to provide available information as necessary to assist the board in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

The board may create committees from its membership, and may appoint such technical or other advisory committees as it deems necessary. The board shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their expenses in the same manner as members of the board.

The board may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

In the design, organization, and administration of the plan under this chapter, the board shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the board to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law.

NEW SECTION, Sec. 9. The board may promulgate and adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.04 RCW.

NEW SECTION, Sec. 10. The board has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the board. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the board shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the board deems appropriate.

(2) To design and implement a structure of periodic premiums due the board from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the board finds that there is danger of such an overexpenditure, the board shall close enrollment until the board finds the danger no longer exists.

(5) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in section 12 of this act.

In the selection of any area of the state for the initial operation of the plan, the board shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the board shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(6) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The board shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the board shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(7) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(8) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, as determined by the board under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to section 15 of this act, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. In the event a number of enrollees drop their enrollment for no apparent good cause, the board may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(9) To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the board shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.

(10) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the board shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the board finds relevant.

(11) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the board shall endeavor to minimize costs, both to the managed health care systems and to the board. The board shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(12) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as it deems appropriate.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

NEW SECTION, Sec. 11. The benefits available under the plan shall be subject to RCW 48.21.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

NEW SECTION, Sec. 12. On and after July 1, 1988, the board shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The board shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.

Thereafter, total enrollment shall not exceed the number established by the legislature in any act appropriating funds to the board.

Before July 1, 1988, the board shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan.

The board shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

NEW SECTION, Sec. 13. Any enrollee whose premium payments to the board are delinquent or who moves his or her residence out of an area served by the plan may be dropped from enrollment status. An enrollee whose premium is the responsibility of the department of social and health services under section 15 of this act may not be dropped solely because of nonpayment by the department. The board shall provide delinquent enrollees with advance written notice of their removal from the plan and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the board's decision to drop the enrollee from the plan. Upon removal of an enrollee from the plan, the board shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, if applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

NEW SECTION, Sec. 14. Managed health care systems participating in the plan shall do so by contract with the board and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the board on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The board may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the board to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The board shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the board shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

Any contract between a hospital and a participating managed health care system under this chapter is subject to the requirements of RCW 70.39.140(1) regarding negotiated rates.

Prior to negotiating with any managed health care system, the board shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state. In negotiating with managed health care systems for participation in the plan, the board shall adopt a uniform procedure that includes at least the following:

(1) The board shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The board shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The board may then select one or more systems to provide the covered services within a local area; and

(4) The board may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

NEW SECTION. Sec. 15. The department of social and health services shall make periodic payments to the board as an agent for the participating managed health care systems on behalf of any enrollee who is a recipient of medical assistance, medical care-limited casualty program, or medical care services under chapter 74.09 RCW, at the maximum rate allowable for federal matching purposes under Title XIX of the social security act, but not to exceed the rate negotiated by the board with the participating managed health care system for the services covered by the plan, and no premium or copayment may be charged to such an enrollee. Any enrollee on whose behalf the department of social and health services makes payments to the board under this section and chapter 74.09 RCW may continue as an enrollee, making premium payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended, as long as the enrollee remains eligible under this chapter. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the plan. The board and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of plan enrollees and payments on their behalf between the plan and the programs established under chapter 74.09 RCW.

NEW SECTION. Sec. 16. In addition to the powers and duties specified in sections 8 and 10 of this act, the board has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the board in its duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the board, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the board under this section shall be exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION. Sec. 17. The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW, except as provided in section 11 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify any person filing a claim under this chapter who resides in a local area served by the Washington basic health plan of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.— RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the commissioner of a closure of enrollment in the area. The commissioner shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate employment service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 19. A new section is added to chapter 51.28 RCW to read as follows:

The director shall notify persons receiving time-loss payments under this chapter of the availability of basic health care coverage to qualified enrollees under chapter 70.— RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the director of closure of enrollment in the plan. The director shall maintain supplies of Washington basic health plan enrollment application forms in all field service offices where the plan is available, which shall be provided in reasonably necessary quantities by the board for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 20. A new section is added to chapter 74.04 RCW to read as follows:

The department shall notify any applicant for public assistance who resides in a local area served by the Washington basic health plan and is under sixty-five years of age of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.— RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the department of a closure of enrollment in the area. The department shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each

appropriate community service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 21. The Washington basic health plan board shall be appointed and commence operations as promptly as practicable after the effective date of this section. Not later than January 1, 1988, the board shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 10 of this act;

(2) A descriptive listing of managed health care systems expected to participate in the Washington basic health plan, along with an identification of prospective local areas for initial participation in the plan;

(3) The approximate amount of funds estimated to be on deposit in the basic health plan trust account as of March 31 and June 30, 1988;

(4) A description of the sliding fee schedule for enrollee premium payments and copayments adopted by the board under section 10 of this act;

(5) An evaluation of the financial viability of rural hospitals and the availability of necessary health care services in such areas, based upon any contacts or negotiations either the board or staff may have had with providers in rural areas of the state, together with any specific recommendations they may wish to make;

(6) Any proposals for statutory changes which the board deems necessary to implement the purposes of this chapter; and

(7) Any other information which the board deems appropriate.

Not later than January 1, 1989, the board shall submit to the legislature a further progress report, updating its 1988 report, and covering the same items provided for therein, with projections based upon implementation of the plan to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 12 of this act. The board shall submit an annual report to the legislature by January 1 of each year thereafter.

NEW SECTION. Sec. 22. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services shall, to the extent that funds are specifically appropriated for this purpose, provide matching grants on a one-to-one state/local basis to hospitals that are designated by the hospital commission as meeting all of the following criteria:

(a) Providing an amount of charity care equal to or greater than two hundred fifty percent of the state average;

(b) A tertiary care center; and

(c) Providing ten percent of the tertiary care to patients from outside the county in which the hospital is located.

(2) Grants shall be allocated to eligible hospitals based on the hospital's relative amount of charity care.

(3) Local matching funds shall be from a nonrate-setting revenue source as defined by the hospital commission.

(4) The department shall seek matching federal Title XIX medicaid funds pursuant to the 'disproportionate share' provisions of the federal social security act. If necessary to obtain federal funds, the department may use the following provision in lieu of those set forth in subsections (1), (2), and (3) of this section: A hospital is eligible for a grant if it is designated by the hospital commission as having medical assistance charges exceeding twenty percent of the hospital's total rate-setting revenue during the preceding calendar year.

NEW SECTION. Sec. 23. The department of social and health services shall conduct an evaluation of the financial viability of those hospitals with a catchment area that is largely rural and, by January 1, 1989, provide the legislature with a report including recommendations or options that might be adopted that would assist such communities in preserving those valuable resources.

NEW SECTION. Sec. 24. Sections 1 through 17 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 25. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health plan board and its powers and duties shall be terminated on June 30, 1992, as provided in section 26 of this act.

NEW SECTION. Sec. 26. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

(1) Section 1 of this act and RCW 70.....;

(2) Section 2 of this act and RCW 70.....;

(3) Section 3 of this act and RCW 70.....;

(4) Section 4 of this act and RCW 70.....;

(5) Section 5 of this act and RCW 70.....;

(6) Section 6 of this act and RCW 70.....;

(7) Section 7 of this act and RCW 70.....;

(8) Section 8 of this act and RCW 70.....;

- (9) Section 9 of this act and RCW 70.....;
 (10) Section 10 of this act and RCW 70.....;
 (11) Section 11 of this act and RCW 70.....;
 (12) Section 12 of this act and RCW 70.....;
 (13) Section 13 of this act and RCW 70.....;
 (14) Section 14 of this act and RCW 70.....;
 (15) Section 15 of this act and RCW 70.....;
 (16) Section 16 of this act and RCW 70.....;
 (17) Section 17 of this act and RCW 70.....;
 (18) Section 18 of this act and RCW 50.20.....;
 (19) Section 19 of this act and RCW 51.28.....; and
 (20) Section 20 of this act and RCW 74.04.....

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "health care;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.28 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

Mr. Braddock moved that the House do not concur in the Senate amendments to Engrossed Second Substitute House Bill No. 477, and ask the Senate to recede therefrom.

POINT OF INQUIRY

Mr. Braddock yielded to question by Mr. Padden.

Mr. Padden: Representative Braddock, could you just explain this a little bit?

Mr. Braddock: This bill is the basic health plan that we sent over to the Senate. The Senate has taken some of, what we believed to be, the highest priority items--that is prenatal and medicaid--and we are asking the Senate to reconsider that.

The motion was carried.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate refuses to recede from its amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 454, insists on its position and again asks the House to concur in the Senate amendments, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Cooper, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 454.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 454 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 454 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden,

Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Engrossed Substitute House Bill No. 454 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5854, insists on its position and again asks the House to recede from its amendments, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Lux, the House insisted on its position on Substitute Senate Bill No. 5854, and again asked the Senate for a conference thereon.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has concurred in the House Environmental Affairs Committee amendments (For committee amendments, see Journal, 92nd Day, April 13, 1987.) to SUBSTITUTE SENATE BILL NO. 5978, except for the language in subsection (3) of the striking amendment to page 1, beginning on line 7, and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Ms. Rust, the House receded from subsection (3) of the committee amendments to Substitute Senate Bill No. 5978.

FINAL PASSAGE OF SENATE BILL WITHOUT CERTAIN HOUSE AMENDMENT

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5978 without subsection (3) of the committee amendments.

Representatives Rust and Miller spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5978 without subsection (3) of the House amendment, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzloff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 5978 without subsection (3) of the House amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 83 and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 83, including on a driver's record only accidents in which the driver was found to be at fault, have had the same under consideration and we recommend the following:

The Senate Transportation Committee striking amendments as amended (For committee amendments, see Journal, 102nd Day, April 23, 1987.) be adopted with the following changes:

On page 5 of the Senate Transportation Committee striking amendment beginning on line 24, strike all material down to and including "law." on page 7, line 32. Renumber the remaining sections consecutively.

On page 9, line 1 of the title amendment strike "46.52.030 and 46.52.120" and insert "and 46.52.030"

and the bill do pass as recommended by the Conference Committee.

Signed by Senators Peterson, Patterson; Representatives Walk, Baugher, Schmidt.

MOTION

On motion of Mr. Baugher, the House adopted the report of the Conference Committee.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 83 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 83 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Engrossed Substitute House Bill No. 83 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 927, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 927, revising the enforcement of judgments, have had the same under consideration, and we recommend the following:

The Senate Judiciary Committee amendment (For committee amendment, see Journal, 102nd Day, April 23, 1987.) be adopted with the following exceptions:

On page 123, beginning on line 2 strike all of section 1117. Renumber the sections consecutively and correct internal references accordingly.

On page 129 of the committee amendment, beginning on line 4 strike all material down to and including line 32 on page 140.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 141, line 32 strike "61.12.060."

On page 141, beginning on line 32 of the title amendment, after "51.24.060," strike all material down to and including "60.04.115;" on line 1 of page 142 and insert "and 51.48.150;" and the bill do pass as recommended by the Conference Committee.

Signed by Senators Bottiger, Pullen, Rinehart; Representatives Armstrong, Hargrove, Padden.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Conference Committee.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 927 as recommended by Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 927 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Sanders, Wang - 2.

Excused: Representative Chandler - 1.

Engrossed Substitute House Bill No. 927 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO.	26,
SUBSTITUTE HOUSE BILL NO.	47,
HOUSE BILL NO.	91,
SECOND SUBSTITUTE HOUSE BILL NO.	164,
HOUSE BILL NO.	171,
SECOND SUBSTITUTE HOUSE BILL NO.	221,
SUBSTITUTE HOUSE BILL NO.	226,
SUBSTITUTE HOUSE BILL NO.	274,
SUBSTITUTE HOUSE BILL NO.	325,

	SUBSTITUTE HOUSE BILL NO.	373,
	SUBSTITUTE HOUSE BILL NO.	413,
	SUBSTITUTE HOUSE BILL NO.	418,
	SUBSTITUTE HOUSE BILL NO.	420,
	SUBSTITUTE HOUSE BILL NO.	440,
	HOUSE BILL NO.	452,
	HOUSE BILL NO.	462,
	SUBSTITUTE HOUSE BILL NO.	498,
	SUBSTITUTE HOUSE BILL NO.	499,
	SUBSTITUTE HOUSE BILL NO.	523,
	HOUSE BILL NO.	551,
	SUBSTITUTE HOUSE BILL NO.	578,
SECOND	SUBSTITUTE HOUSE BILL NO.	586,
	SUBSTITUTE HOUSE BILL NO.	601,
	SUBSTITUTE HOUSE BILL NO.	611,
	SUBSTITUTE HOUSE BILL NO.	614,
	HOUSE BILL NO.	629,
	SUBSTITUTE HOUSE BILL NO.	630,
	SUBSTITUTE HOUSE BILL NO.	644,
	SUBSTITUTE HOUSE BILL NO.	646,
	SUBSTITUTE HOUSE BILL NO.	695,
	SUBSTITUTE HOUSE BILL NO.	739,
	SUBSTITUTE HOUSE BILL NO.	755,
	SUBSTITUTE HOUSE BILL NO.	767,
	SUBSTITUTE HOUSE BILL NO.	776,
	SUBSTITUTE HOUSE BILL NO.	786,
SECOND	SUBSTITUTE HOUSE BILL NO.	813,
	SUBSTITUTE HOUSE BILL NO.	833,
	SUBSTITUTE HOUSE BILL NO.	844,
	HOUSE BILL NO.	856,
	SUBSTITUTE HOUSE BILL NO.	857,
	SUBSTITUTE HOUSE BILL NO.	978,
SECOND	SUBSTITUTE HOUSE BILL NO.	1006,
	HOUSE BILL NO.	1016,
	SUBSTITUTE HOUSE BILL NO.	1097,
	SUBSTITUTE HOUSE BILL NO.	1156,
	SUBSTITUTE HOUSE BILL NO.	1160,
	HOUSE BILL NO.	1199,
	HOUSE BILL NO.	1205,
	HOUSE BILL NO.	1228,
	SUBSTITUTE HOUSE JOINT MEMORIAL NO.	4023.

MESSAGE FROM THE SENATE

April 21, 1987

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5115, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

Mr. Lux moved that the House refuse to recede from the amendments and ask the Senate for a conference thereon.

Ms. Silver moved that the House do recede from the amendments and pass the bill without the House amendments.

Representatives Silver and Barnes spoke in favor of the motion, and Representatives Lux, Meyers and Locke opposed it.

Ms. Silver spoke again in favor of the motion.

POINT OF INQUIRY

Ms. Silver yielded to question by Mr. Schoon.

Mr. Schoon: Representative Silver, could you explain just a little bit more about how intrafamily coverage does this?

Ms. Silver: The House amendments dealt with intrafamily coverage. The reason why it is in there is because the Washington State Supreme Court in 1982 held that insurance companies in automobile policies--only automobile policies--could not exclude coverage for intrafamily change. The reason the Supreme Court said that is, because in this state, we have financial responsibility laws that we put in and our financial responsibility laws do not address intrafamily. That is why the Supreme Court overturned that. In other insurance we do have intrafamily. In liability and other types of insurance we have intrafamily, but because of our financial responsibility laws the Supreme Court overturned it and that is where our problem is. This striking amendment puts in doubt all exclusions and limitations in auto policies, so that's why it is so important that we say yes to receding from the House amendments.

POINT OF INQUIRY

Mr. Locke yielded to question by Mr. Braddock.

Mr. Braddock: Representative Locke, it's late and it is a complex issue, but I would like to get a clarification of whether, if we accept the Senate request, we are maintaining current law or are we changing current law?

Mr. Locke: If we accept the Senate request we would be changing current practice in current law.

Representatives Meyers and Padden opposed the motion to recede.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House recede from its amendments to Substitute Senate Bill No. 5115, and the motion was lost by the following vote: Yeas, 34; nays, 62; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Day, Doty, Ferguson, Fuhrman, Hargrove, Holland, Jacobsen, May, McLean, Moyer, Nealey, Patrick, Peery, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Walker, Williams B, Williams J, Wilson S, Winsley - 34.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Padden, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 62.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

The Speaker stated the question before the House to be the motion that the House insist on its position and ask for a conference.

Mr. Lux spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Meyers, Lux and Silver as conferees on Substitute Senate Bill No. 5115.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1034 and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1034, establishing the rail development account, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Hansen, Barr, Bender; Representatives Walk, Fisher, Schmidt.

MOTION

On motion of Mr. Baugher, the House adopted the report of the Conference Committee and granted the committee powers of Free Conference.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 684 and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 684, revising provisions relating to criminal sentencing, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, Nelson, Halsan; Representatives Cooper, Brough.

POINT OF ORDER

Ms. Niemi: Mr. Speaker, I request a ruling on the scope and object of the Conference Committee amendment.

The Speaker announced that he would take the request under advisement for ruling at a further time.

POINT OF PARLIAMENTARY INQUIRY

Mr. Padden: Mr. Speaker, on Second Substitute House Bill 684, the Free Conference Report was read in at 6:00 p.m. tonight, how could it be properly before us? The twenty-four hours has not gone by and we have not suspended the twenty-four hour rule.

SPEAKER'S RULING

The Speaker: What is before us, Representative Padden, is not a motion but a message from the Senate which has been read in. The Free Conference Report is not before us.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Mr. Speaker, I recognize that you just made a ruling that you would take it under advisement without a motion being before us. Is that right?

The Speaker: If you would be more comfortable, Representative Brough, with a motion before us, we can accept a motion.

MOTION

Mr. Locke moved that the House adopt the report of the Conference Committee and grant the committee powers of Free Conference.

POINT OF ORDER

Ms. Niemi: Mr. Speaker, I would request a ruling on the scope and object of the Conference Committee amendment.

The Speaker announced he would take the matter under advisement and rule at a later time.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5678, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 5678, providing for tuition waivers for students in the regional education program for deaf students, have had the same under consideration and we recommend:

That the House committee amendment be rejected and the Senate bill be amended further as follows:

On page 2, line 1 after "for" insert "up to forty percent of the"

and that the bill do pass as amended by the Free Conference Committee.

Signed by Senators Fleming, Rinehart, Patterson; Representatives Jacobsen, Allen.

MOTION

On motion of Mr. Jacobsen, the House adopted the report of the Free Conference Committee on Senate Bill No. 5678.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Senate Bill No. 5678 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5678 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Senate Bill No. 5678 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 542 and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 542, prohibiting placement of traps on private property without permission, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Owen, Cantu, DeJarnatt; Representatives Sutherland, Meyers, Amondson.

MOTION

On motion of Mr. Sutherland, the House adopted the report of the Conference Committee and granted the committee powers of Free Conference.

SENATE AMENDMENTS TO HOUSE BILL

April 24, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. Washington's fish and wildlife resources are the responsibility of all residents of the state. We all benefit economically, recreationally, and aesthetically from these resources. Wildlife management should provide for healthy populations of all species. However, the wildlife management emphasis in the state of Washington shall not cause a reduction of recreational opportunity of traditional hunting and fishing activities. Adequate funding for proper management, now and for future generations, is the responsibility of everyone.

The intent of the legislature is: (1) To allow the governor to select the director of wildlife from a list of names submitted by the wildlife commission; (2) to retain the authority of the wildlife commission to establish the goals and objectives of the department; (3) to insure a high level of public involvement in the decision-making process; (4) to provide effective communications among the commission, the governor, the legislature, and the public; (5) to expand the scope of appropriate funding for the management, conservation, and enhancement of wildlife; (6) to not increase the cost of license, tag, stamp, permit, and punchcard fees; and (7) for the commission to carry out any other responsibilities prescribed by the legislature in this title.

Sec. 2. Section 1, chapter 10, Laws of 1979 as last amended by section 47, chapter 466, Laws of 1985 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of ~~((game))~~ wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of trade and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) the department of community development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 3. Section 2, chapter 10, Laws of 1979 as last amended by section 48, chapter 466, Laws of 1985 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of ~~((game))~~ wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) the director of community development.

Such officers, except the secretary of transportation (~~and the director of game~~), shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor: PROVIDED, That the director of wildlife shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041 (~~and the director of game shall be appointed by the game commission~~). There is appropriated from the general fund to the department of wildlife for the biennium ending June 30, 1989, the sum of eight million dollars: PROVIDED, That four million five hundred thousand dollars of this appropriation shall revert to the general fund if the comprehensive spending plan submitted to the legislature under section 7(2) of this 1987 act is rejected by the legislature in the 1988 session: PROVIDED FURTHER, That three million five hundred thousand dollars of this appropriation may be expended by the department of wildlife without regard to approval of the comprehensive spending plan.

Sec. 4. Section 77.04.020, chapter 36, Laws of 1955 as amended by section 3, chapter 78, Laws of 1980 and RCW 77.04.020 are each amended to read as follows:

The department of (~~game~~) wildlife consists of the state (~~game~~) wildlife commission and the director of (~~game~~) wildlife. The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law (~~and the commission~~) and shall carry out the basic goals and objectives prescribed pursuant to section 7 of this 1987 act.

Sec. 5. Section 77.04.030, chapter 36, Laws of 1955 as last amended by section 11, chapter 338, Laws of 1981 and RCW 77.04.030 are each amended to read as follows:

The state (~~game~~) wildlife commission consists of six registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 6. Section 77.04.040, chapter 36, Laws of 1955 as amended by section 5, chapter 78, Laws of 1980 and RCW 77.04.040 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of wildlife.

NEW SECTION. Sec. 7. A new section is added to chapter 77.04 RCW to read as follows:

(1) In addition to any other duties and responsibilities, the commission shall establish, and periodically review with the governor and the legislature, the department's basic goals and objectives to preserve, protect, and perpetuate wildlife and wildlife habitat: PROVIDED, That the commission shall not reduce the management emphasis placed on hunting and fishing recreational opportunities.

(2) By November 1, 1987, the department shall prepare and submit to the office of financial management the comprehensive and detailed departmental analyses and management plans specified in subsection (3) of this section. The governor shall submit a spending plan to the appropriate legislative committees by December 31, 1987.

(3) The comprehensive and detailed analyses and management plans shall include, but not be limited to:

(a) An analysis of each unique functional element, prioritized within each of the subprograms of the department, as to the element's purpose and role in the subprogram or agency mission, together with expenditures and staffing as of February 28, 1987, and a separate analysis, prioritized within the subprogram, of any revision in expenditure and staffing above the element's level as of February 28, 1987. However, any revision in expenditure or staffing will require specific justification, particularly as to fund source for the expenditure;

(b) An analysis of all hunting and fishing licenses and tags, stamps, or permits issued and the effect of increases or reductions of these fees;

(c) An analysis of the agency's management, organization, and productivity and a detailed plan for any revisions or improvements, if required;

(d) An analysis of the land management practices on department-owned and managed lands and a detailed plan for any improvements; and

(e) An analysis of the department's relationship with landowners, including wildlife damage to agricultural crops and a detailed plan for any improvements.

(4) The governor may also direct the use of personnel from the office of financial management and other state agencies to assist and participate as the governor deems necessary in any or all parts of the analyses or plans required in this section.

(5) The director of financial management shall inform the house of representatives and the senate bimonthly of the progress of the analyses and plans required in subsection (2) of this section.

(6) The analyses and plans, together with any supporting data, shall be made available to the natural resources and ways and means committees of the senate and house of representatives upon receipt by the office of financial management.

(7) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy wildlife.

(8) The commission shall prepare and submit to the governor and appropriate legislative committees by October 1, 1988, an analysis of the state's wildlife and wildlife recreation needs, looking at innovative management methods and alternatives to increased agency revenues, and make recommendations as to how those needs could be addressed.

Sec. 8. Section 77.04.060, chapter 36, Laws of 1955 as last amended by section 110, chapter 287, Laws of 1984 and RCW 77.04.060 are each amended to read as follows:

The commission shall hold ~~at least one regular meeting (s within the first ten days of January, April, July, and October of each year)~~ during the first two months of each calendar quarter, and special meetings when called by the chairman or by four members. Four members constitute a quorum for the transaction of business.

The commission at a meeting in each odd-numbered year shall elect one of its members as chairman and another member as vice chairman, each of whom shall serve for a term of two years or until a successor is elected and qualified.

~~((When a vacancy in the office of the director has occurred, the commission shall elect a director by approval of four members. The director shall hold office at the pleasure of the commission.))~~

Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

Sec. 9. Section 77.04.080, chapter 36, Laws of 1955 as amended by section 8, chapter 78, Laws of 1980 and RCW 77.04.080 are each amended to read as follows:

Persons eligible for appointment by the governor as director shall have practical knowledge of the habits and distribution of wildlife and shall have had experience as a hunter or sports fisherman or shall have demonstrated through words or actions a commitment to the need to foster, support, enhance, and responsibly manage hunting and sports fishing. When considering and selecting the director, the governor shall consult with and be advised by the commission on the qualifications, skills, and experience necessary to successfully discharge the duties of the position. The governor shall select the director from a list of at least three candidates submitted by the commission. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may ~~delegate (in writing)~~ to department personnel the duties and powers necessary for efficient operation and administration of the department. The department shall provide staff for the commission.

NEW SECTION, Sec. 10. A new section is added to chapter 77.04 RCW to read as follows:

The director shall provide a comprehensive annual report of all departmental operations to the governor, appropriate legislative committees, and the public, on or before October 1 of each year, to reflect the previous fiscal year. The report shall include, but not be limited to, descriptions of all departmental activities, including: Revenues generated, program costs, capital expenditures, personnel, department projects and research including cooperative projects, environmental controls, intergovernmental agreements, outlines of ongoing litigation, concluded litigation, and any major issues with the potential for state liability. The report shall describe the status of the resource and its recreational and tribal utilization.

In addition to the above elements, the commission shall prepare and submit to the governor, the appropriate legislative committees, and the public its own report and analysis on the condition of recreational hunting and fishing opportunities and wildlife and wildlife resources in the state and on the progress of the department in meeting goals and objectives set by the commission. The commission shall solicit public input in the preparation of this annual analysis.

Sec. 11. Section 77.08.010, chapter 36, Laws of 1955 as amended by section 9, chapter 78, Laws of 1980 and RCW 77.08.010 are each amended to read as follows:

As used in this title or rules ~~((of the commission))~~ adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) 'Director' means the director of ((game)) wildlife.
- (2) 'Department' means the department of ((game)) wildlife.
- (3) 'Commission' means the state ((game)) wildlife commission.

(4) 'Person' means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) 'Wildlife agent' means a person appointed and commissioned by the director, with authority to enforce laws ~~((of this title))~~ and rules ~~((of the commission))~~ adopted pursuant to this title, and other statutes as prescribed by the legislature.

(6) 'Ex officio wildlife agent' means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term 'ex officio wildlife agent' includes fisheries patrol officers, special agents of the national marine fisheries commission, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) 'To hunt' and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) 'To trap' and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) 'To fish' and its derivatives means an effort to kill, injure, harass, or catch a game fish.

(10) 'Open season' means those times, manners of taking, and ~~((areas))~~ places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. 'Open season' includes the first and last days of the established time.

(11) 'Closed season' means all times, manners of taking, and ~~((areas))~~ places or waters other than those established as an open season.

(12) 'Closed area' means a place where the ~~((commission has prohibited by rule the))~~ hunting of some species of wild animals or wild birds is prohibited.

(13) 'Closed waters' means all or part of a lake, river, stream, or other body of water, where ~~((the commission has prohibited by rule))~~ fishing for game fish is prohibited.

(14) 'Game reserve' means a closed area where ~~((the commission has prohibited by rule))~~ hunting for all wild animals and wild birds is prohibited.

(15) 'Bag limit' means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) 'Wildlife' means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term 'wildlife' does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified by the director of fisheries. The term 'wildlife' includes all stages of development and the bodily parts of wildlife members.

(17) 'Wild animals' means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term 'wild animal' does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) 'Wild birds' means those species of the class Aves whose members exist in Washington in a wild state.

(19) 'Protected wildlife' means wildlife designated by ~~((rule of))~~ the commission that shall not be hunted or fished.

(20) 'Endangered species' means wildlife designated by ~~((rule of))~~ the commission as seriously threatened with extinction.

(21) 'Game animals' means wild animals that shall not be hunted except as authorized by ~~((rule of))~~ the commission.

(22) 'Fur-bearing animals' means game animals that shall not be trapped except as authorized by ~~((rule of))~~ the commission.

(23) 'Game birds' means wild birds that shall not be hunted except as authorized by ~~((rule of))~~ the commission.

(24) 'Predatory birds' means wild birds that may be hunted throughout the year as authorized by ~~((rule of))~~ the commission.

(25) 'Deleterious exotic wildlife' means species of the animal kingdom not native to Washington and designated ~~((by rule of the commission))~~ as dangerous to the environment or wildlife of the state.

(26) 'Game farm' means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term 'game farm' does not include publicly owned facilities.

Sec. 12. Section 2, chapter 243, Laws of 1985 and RCW 77.08.045 are each amended to read as follows:

As used in this title or rules ~~((of the commission))~~ adopted pursuant to this title:

(1) 'Migratory waterfowl' means members of the family Anatidae, including brants, ducks, geese, and swans;

(2) 'Migratory waterfowl stamp' means the stamp that is required by RCW 77.32.350 to be in the possession of persons over sixteen years of age to hunt migratory waterfowl;

(3) 'Prints and artwork' means replicas of the original stamp design that are sold to the general public. Prints and artwork are not to be construed to be the migratory waterfowl stamp that is required by RCW 77.32.350. Artwork may be any facsimile of the original stamp design, including color renditions, metal duplications, or any other kind of design; and

(4) 'Migratory waterfowl art committee' means the committee created by RCW 77.12.680. The committee's primary function is to select the annual migratory waterfowl stamp design.

Sec. 13. Section 77.12.020, chapter 36, Laws of 1955 as last amended by section 13, chapter 78, Laws of 1980 and RCW 77.12.020 are each amended to read as follows:

(1) The ~~((commission))~~ director shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The commission may classify by rule wild animals as game animals and game animals as fur-bearing animals.

(3) The commission may classify by rule wild birds as game birds or predatory birds. All wild birds not otherwise classified are protected wildlife.

(4) In addition to those species listed in RCW 77.08.020, the commission may classify by rule as game fish other species of the class Osteichthyes that are commonly found in fresh water except those classified as food fish by the director of fisheries.

(5) ~~((If))~~ ~~The~~ ~~((commission determines))~~ director may recommend to the commission that a species of wildlife should not be hunted or fished(;;). ~~The commission may designate~~ ~~((If protected))~~ species of wildlife ~~((by rule))~~ as protected.

(6) If the ~~((commission))~~ director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, ~~the director may request its designation as an~~ endangered species. The commission may designate ~~((If))~~ an endangered species ~~((by rule)).~~

(7) If the ~~((commission))~~ director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, ~~the director may request its designation as~~ deleterious exotic wildlife. The commission may designate ~~((If))~~ deleterious exotic wildlife ~~((by rule)).~~

Sec. 14. Section 77.12.030, chapter 36, Laws of 1955 as last amended by section 2, chapter 240, Laws of 1984 and RCW 77.12.030 are each amended to read as follows:

The ~~((commission))~~ director may regulate the ~~((taking, possession,))~~ collection, ~~((distribution,))~~ importation, and ~~transportation~~~~((and sale))~~ of wildlife ~~((and deleterious exotic wildlife species)).~~

Sec. 15. Section 77.12.040, chapter 36, Laws of 1955 as last amended by section 3, chapter 240, Laws of 1984 and RCW 77.12.040 are each amended to read as follows:

The commission shall adopt, amend, or repeal, and enforce reasonable rules prohibiting or governing the time, place, and manner of taking or possessing game animals, game birds, or game fish. The commission may specify the quantities, species, sex, and size of game animals, game birds, or game fish that may be taken or possessed. The commission shall regulate the taking, sale, possession, and distribution of wildlife and deleterious exotic wildlife. The director may adopt emergency rules under RCW 77.12.150.

The commission may establish by rule game reserves and closed areas where hunting for wild animals or wild birds may be prohibited and closed waters where fishing for game fish may be prohibited.

Sec. 16. Section 17, chapter 78, Laws of 1980 as amended by section 2, chapter 155, Laws of 1985 and RCW 77.12.055 are each amended to read as follows:

(1) Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules ~~((of the commission))~~ adopted pursuant to this title pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the wildlife agent who is not an ex officio wildlife agent, the wildlife agent may enforce all criminal laws of the state. The wildlife agent must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Wildlife agents are peace officers.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a wildlife agent rests with the department ~~((of game))~~ unless the wildlife agent acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of game and another agency.

(4) Wildlife agents may serve and execute warrants and processes issued by the courts.

Sec. 17. Section 77.12.060, chapter 36, Laws of 1955 as last amended by section 18, chapter 78, Laws of 1980 and RCW 77.12.060 are each amended to read as follows:

The director, wildlife agents, and ex officio wildlife agents may serve and execute warrants and process issued by the courts to enforce the law and rules ~~((of the commission))~~ adopted pursuant to this title.

To enforce these laws or rules, they may call to their aid any ex officio wildlife agent or citizen and that person shall render aid.

Sec. 18. Section 77.12.070, chapter 36, Laws of 1955 as last amended by section 19, chapter 78, Laws of 1980 and RCW 77.12.070 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents within their respective jurisdictions shall enforce the law and rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 19. Section 77.12.080, chapter 36, Laws of 1955 as last amended by section 20, chapter 78, Laws of 1980 and RCW 77.12.080 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may arrest without warrant persons found violating the law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 20. Section 77.12.090, chapter 36, Laws of 1955 as amended by section 21, chapter 78, Laws of 1980 and RCW 77.12.090 are each amended to read as follows:

Wildlife agents, and ex officio wildlife agents may make a reasonable search without warrant of conveyances, vehicles, packages, game baskets, game coats, or other receptacles for wildlife, or tents, camps, or similar places which they have reason to believe contain evidence of a violation of law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 21. Section 77.12.100, chapter 36, Laws of 1955 as amended by section 23, chapter 78, Laws of 1980 and RCW 77.12.100 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may seize without warrant wildlife believed to have been unlawfully taken, killed, transported, or possessed, and articles or devices believed to have been unlawfully used or held with intent to unlawfully use in hunting or fishing. 'Articles or devices,' as used in this title or rules ~~((of the commission))~~ adopted pursuant to this title, means things used to hunt, fish for, possess, or transport wildlife and includes boats, other vehicles, and fishing and hunting equipment.

Sec. 22. Section 77.16.030, chapter 36, Laws of 1955 as last amended by section 71, chapter 78, Laws of 1980 and RCW 77.12.105 are each amended to read as follows:

Except as otherwise provided in this title, a person who has lawfully acquired possession of wildlife and who desires to retain or transfer it may do so in accordance with the rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 23. Section 77.12.140, chapter 36, Laws of 1955 as amended by section 28, chapter 78, Laws of 1980 and RCW 77.12.140 are each amended to read as follows:

The ~~((commission))~~ director, acting in a manner not inconsistent with criteria established by the commission, may obtain by purchase, gift, or exchange and may sell or transfer wildlife and their eggs for stocking, research, or propagation.

Sec. 24. Section 77.12.150, chapter 36, Laws of 1955 as last amended by section 4, chapter 240, Laws of 1984 and RCW 77.12.150 are each amended to read as follows:

By emergency rule only, and in accordance with ~~((rules of))~~ criteria established by the commission, the director may close or shorten a season for game animals, game birds, or game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game animals, game birds, or game fish during that season. The director shall advise the commission of the adoption of emergency rules. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

If the director finds that game animals have increased in numbers in an area of the state so that they are damaging public or private property or over-utilizing their habitat, the commission may establish ~~((by rule))~~ a special hunting season and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter. The director shall determine by random selection the identity of hunters who may hunt within the area and shall determine the conditions and requirements of the selection process. The ~~((commission))~~ director shall include notice of the special season in the rules establishing open seasons.

Sec. 25. Section 334, chapter 258, Laws of 1984 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state ~~((game))~~ wildlife fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the ~~((commission))~~ director under this title;
- (g) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; and

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 26. Section 2, chapter 56, Laws of 1979 as amended by section 66, chapter 78, Laws of 1980 and RCW 77.12.185 are each amended to read as follows:

The director may collect moneys to recover the reasonable costs of publication of informational materials by the department and shall deposit them in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 27. Section 77.12.190, chapter 36, Laws of 1955 as amended by section 34, chapter 78, Laws of 1980 and RCW 77.12.190 are each amended to read as follows:

Moneys in the state ~~((game))~~ wildlife fund may be used only for the purposes of this title.

Sec. 28. Section 77.12.200, chapter 36, Laws of 1955 as last amended by section 35, chapter 78, Laws of 1980 and RCW 77.12.200 are each amended to read as follows:

The commission may authorize the director to acquire by gift, purchase, lease, or condemnation lands, buildings, waters, or other necessary property for purposes consistent with this title, together with rights of way for access to the property so acquired. Except to clear title and acquire access rights of way, the power of condemnation may be exercised by the ~~((commission))~~ director only when an appropriation has been made by the legislature for the acquisition of a specific property.

Sec. 29. Section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 1, chapter 214, Laws of 1984 and by section 335, chapter 258, Laws of 1984 and RCW 77.12.201 are each reenacted and amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules ~~((of the commission))~~ adopted pursuant to this title and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 30. Section 77.12.210, chapter 36, Laws of 1955 as last amended by section 38, chapter 78, Laws of 1980 and RCW 77.12.210 are each amended to read as follows:

The ~~((commission))~~ director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The ~~((commission))~~ director may adopt rules for the operation~~(:)~~ and maintenance~~(-and use of and conduct on))~~ of the property.

The commission may authorize the director to sell timber, gravel, sand, and other materials or products from real property held by the department~~(-The commission))~~ and may authorize the director to sell or lease the ~~((departments'))~~ department's real or personal property or grant concessions or rights of way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife fund; PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the ~~((commission))~~ director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the ~~((state treasury to be credited to the))~~ state ~~((game))~~ wildlife fund.

Sec. 31. Section 77.12.220, chapter 36, Laws of 1955 as amended by section 39, chapter 78, Laws of 1980 and RCW 77.12.220 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, political subdivisions of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, ~~((tt))~~ the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

Sec. 32. Section 77.12.230, chapter 36, Laws of 1955 as amended by section 40, chapter 78, Laws of 1980 and RCW 77.12.230 are each amended to read as follows:

The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state ~~((game))~~ wildlife fund to the department.

Sec. 33. Section 77.12.240, chapter 36, Laws of 1955 as amended by section 41, chapter 78, Laws of 1980 and RCW 77.12.240 are each amended to read as follows:

The director may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.

The director or other employees of the department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Skins or furs shall be sold at public auction at a time and location determined by the director. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 34. Section 77.12.260, chapter 36, Laws of 1955 as amended by section 43, chapter 78, Laws of 1980 and RCW 77.12.260 are each amended to read as follows:

The ~~((commission))~~ director may make written agreements to prevent damage to private property by wildlife. The department may furnish money, material, or labor under these agreements.

Sec. 35. Section 77.16.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 355, Laws of 1985 and RCW 77.12.265 are each amended to read as follows:

The owner or tenant of real property may trap or kill on that property wild animals or wild birds, other than an endangered species, that is damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, 'emergency' means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate ~~((game))~~ department regional administrator to owners or tenants of real property to trap or kill on that property any deer, elk, or protected wildlife which is damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The ~~((commission))~~ director shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, 'crop' means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department ~~((of game))~~ has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.

Sec. 36. Section 77.12.270, chapter 36, Laws of 1955 as last amended by section 11, chapter 126, Laws of 1986 and RCW 77.12.270 are each amended to read as follows:

The ~~((commission))~~ director may compromise, adjust, settle, and pay claims for damages caused by deer or elk in accordance with RCW 77.12.280 through 77.12.300. Payments for claims shall not exceed two thousand dollars. The payment of a claim by the ~~((commission))~~ director constitutes full and final payment for the claim. The director shall advise the commission quarterly of all damage claims paid.

Sec. 37. Section 77.12.280, chapter 36, Laws of 1955 as last amended by section 12, chapter 126, Laws of 1986 and RCW 77.12.280 are each amended to read as follows:

(1) Claims under RCW 77.12.270 may be filed under RCW 4.92.040(5) if within one year of filing with the ((commission)) director the claim is not settled and paid. The risk management office shall recommend to the legislature whether the claim should be approved. If the legislature approves the claim, the department shall pay it from moneys appropriated for that purpose.

(2) If a claim for damages under RCW 77.12.270 has been refused or has not been settled and paid by the ((commission)) director within one hundred twenty days of the filing of the claim, either the claimant or the ((commission)) director may serve upon the other personally or by registered mail a notice of intent to arbitrate. The notice shall contain the name of an arbitrator. Within ten days of receiving the notice, the person served shall serve the name of an arbitrator personally or by registered mail upon the other party. The two arbitrators, within seven days of the naming of the second arbitrator, shall select a third arbitrator who shall not be an employee of the department or member of the commission. If the two arbitrators cannot agree upon a third arbitrator, either party may petition the superior court in the county in which the claim arose to select the third arbitrator. Upon receiving the petition, the court shall appoint a third arbitrator. Filing fees or court costs arising from the petition shall be shared equally by the claimant and the department.

(3) The award of the arbitrators is advisory only and shall be filed with the department within ninety days following the naming of the third arbitrator. Payment shall not be made by the ((commission)) director until the arbitrators have made their advisory award.

Sec. 38. Section 77.12.290, chapter 36, Laws of 1955 as last amended by section 47, chapter 78, Laws of 1980 and RCW 77.12.290 are each amended to read as follows:

Claims for damages under RCW 77.12.270 shall be filed in writing with the ((commission)) department in its office within ninety days following the discovery of the claimed damage. Failure to file the claim within the ninety-day period shall bar payment of damages. Payments shall not be made for damages occurring on lands leased by the claimant from a public agency.

Sec. 39. Section 77.12.300, chapter 36, Laws of 1955 as last amended by section 48, chapter 78, Laws of 1980 and RCW 77.12.300 are each amended to read as follows:

The ((commission)) director may adopt rules requiring and prescribing the form of affidavits to be furnished in proof of claims and specifying the time for examining and appraising the damages. The ((commission)) director may refuse to consider and pay claims of persons who have posted the property on which the claimed damages occurred against hunting during the season prior to the occurrence of the damages.

Sec. 40. Section 1, chapter 183, Laws of 1971 ex. sess. as amended by section 49, chapter 78, Laws of 1980 and RCW 77.12.315 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the ((commission)) director may declare by emergency rule that an emergency exists and specify the area where it is lawful for wildlife agents to take into custody or destroy the dogs if necessary. Wildlife agents who take into custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

Sec. 41. Section 77.12.320, chapter 36, Laws of 1955 as last amended by section 50, chapter 78, Laws of 1980 and RCW 77.12.320 are each amended to read as follows:

(1) The commission may make agreements with persons, political subdivisions of this state, or the United States or its agencies or instrumentalities, regarding wildlife-oriented recreation and the propagation, protection, conservation, and control of wildlife.

(2) The ((commission)) director may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for wildlife-oriented recreation. The ((commission)) director may adopt rules governing the conduct of persons in or on the real property.

(3) The ((commission)) director may accept compensation for wildlife losses or gifts or grants of personal property for use by the department.

Sec. 42. Section 15, chapter 10, Laws of 1982 and RCW 77.12.323 are each amended to read as follows:

(1) There is established in the state ((game)) wildlife fund a special wildlife account. Moneys received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The ((commission)) director may advise the state treasurer and the state investment board of a surplus in the special wildlife account above the current needs. The state investment board may invest and reinvest the surplus, as the commission deems appropriate, in an investment authorized by RCW 43.84.150 or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4). Income received from the investments shall be deposited to the credit of the special wildlife account.

Sec. 43. Section 77.12.370, chapter 36, Laws of 1955 as amended by section 55, chapter 78, Laws of 1980 and RCW 77.12.370 are each amended to read as follows:

Prior to the forwarding of a request needing endorsement under RCW 77.12.360, the ~~((commission))~~ director shall present the request to the legislative authority of the county in which the lands are located for its approval. The legislative authority, before acting on the request, may call a public hearing. The hearing shall take place within thirty days after presentation of the request to the legislative authority.

The ~~((commission))~~ director shall publish notice of the public hearing called by the legislative authority in a newspaper of general circulation within the county at least once a week for two successive weeks prior to the hearing. The notice shall contain a copy of the request and the time and place of the hearing.

The chairman of the county legislative authority shall preside at the public hearing. The proceedings shall be informal and all persons shall have a reasonable opportunity to be heard.

Within ten days after the hearing, the county legislative authority shall endorse its decision on the request for withdrawal. The decision is final and not subject to appeal.

Sec. 44. Section 77.12.380, chapter 36, Laws of 1955 as amended by section 56, chapter 78, Laws of 1980 and RCW 77.12.380 are each amended to read as follows:

Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the state ~~((game))~~ wildlife fund in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal.

Sec. 45. Section 77.12.390, chapter 36, Laws of 1955 as last amended by section 57, chapter 78, Laws of 1980 and RCW 77.12.390 are each amended to read as follows:

Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the state ~~((game))~~ wildlife fund in favor of the fund for which the withdrawn lands are held.

Sec. 46. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:

The ~~((commission))~~ director may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, and removing obstructions to migratory fish ~~(; and eradicating))~~. The eradication of undesirable fish ~~(;))~~ shall be authorized by the commission. The director may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

Sec. 47. Section 77.12.440, chapter 36, Laws of 1955 as last amended by section 2, chapter 26, Laws of 1982 and RCW 77.12.440 are each amended to read as follows:

The state assents to the act of congress entitled: 'An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes,' (64 Stat. 430; 16 U.S.C. Sec. 777). The department of ~~((game))~~ wildlife and the department of fisheries shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

Sec. 48. Section 67, chapter 78, Laws of 1980 and RCW 77.12.530 are each amended to read as follows:

The ~~((commission))~~ director shall ~~((adopt))~~ administer rules adopted by the commission governing the time, place, and manner of holding hunting and fishing contests and competitive field trials involving live wildlife for hunting dogs. The ~~((commission))~~ department shall prohibit contests and field trials that are not in the best interests of wildlife.

Sec. 49. Section 77.28.020, chapter 36, Laws of 1955 as last amended by section 22, chapter 457, Laws of 1985 and RCW 77.12.570 are each amended to read as follows:

The commission shall ~~((adopt rules specifying))~~ establish the ~~((procedures;))~~ qualifications ~~(;))~~ and conditions for issuing a game farm license ~~((and))~~. The director shall adopt rules governing the operation of game farms. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 50. Section 77.28.070, chapter 36, Laws of 1955 as amended by section 99, chapter 78, Laws of 1980 and RCW 77.12.580 are each amended to read as follows:

A licensed game farmer may purchase, sell, give away, or dispose of the eggs of game birds or game fish lawfully possessed as provided by rule of the ~~((commission))~~ director.

Sec. 51. Section 77.28.080, chapter 36, Laws of 1955 as last amended by section 23, chapter 457, Laws of 1985 and RCW 77.12.590 are each amended to read as follows:

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by rule of the ~~((commission))~~ director. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 52. Section 2, chapter 239, Laws of 1984 and RCW 77.12.650 are each amended to read as follows:

The department ((of game)) shall cooperate with other local, state, and federal agencies and governments to protect bald eagles and their essential habitats through existing governmental programs, including but not limited to:

(1) The natural heritage program managed by the department of natural resources under chapter 79.70 RCW;

(2) The natural area preserve program managed by the department of natural resources under chapter 79.70 RCW;

(3) The shoreline management master programs adopted by local governments and approved by the department of ecology under chapter 90.58 RCW.

Sec. 53. Section 4, chapter 243, Laws of 1985 and RCW 77.12.670 are each amended to read as follows:

The migratory waterfowl stamp to be produced by the department shall use the design as provided by the migratory waterfowl art committee.

All revenue derived from the sale of the stamps by the department shall be deposited in the state ((game)) wildlife fund and shall be used only for the cost of printing and production of the stamp and for those migratory waterfowl projects specified by the director of the department for the acquisition and development of migratory waterfowl habitat in the state and for the enhancement, protection, and propagation of migratory waterfowl in the state. Acquisition shall include but not be limited to the acceptance of gifts of real estate or any interest therein or the rental, lease, or purchase of real estate or any interest therein. If the department acquires any fee interest, leasehold, or rental interest in real property under this section, it shall allow the general public reasonable access to that property and shall, if appropriate, insure that the deed or other instrument creating the interest allows such access to the general public. If the department obtains a covenant in real property in its favor or an easement or any other interest in real property under this section, it shall exercise its best efforts to insure that the deed or other instrument creating the interest grants to the general public in the form of a covenant running with the land reasonable access to the property. The private landowner from whom the department obtains such a covenant or easement shall retain the right of granting access to the lands by written permission.

The department may produce migratory waterfowl stamps in any given year in excess of those necessary for sale in that year. The excess stamps may be sold to the migratory waterfowl art committee for sale to the public.

Sec. 54. Section 5, chapter 243, Laws of 1985 and RCW 77.12.680 are each amended to read as follows:

(1) There is created the migratory waterfowl art committee which shall be composed of nine members.

(2)(a) The committee shall consist of one member appointed by the governor, six members appointed by the director ((of game)), one member appointed by the chairman of the state arts commission, and one member appointed by the director of the department of agriculture.

(b) The member appointed by the director of the department of agriculture shall represent state-wide farming interests.

(c) The member appointed by the chairman of the state arts commission shall be knowledgeable in the area of fine art reproduction.

(d) The members appointed by the governor and the director ((of game)) shall be knowledgeable about waterfowl and waterfowl management. The six members appointed by the director ((of game)) shall represent, respectively:

(i) An eastern Washington sports group;

(ii) A western Washington sports group;

(iii) A group with a major interest in the conservation and propagation of migratory waterfowl;

(iv) A state-wide conservation organization;

(v) A state-wide sports hunting group; and

(vi) The general public.

The members of the committee shall serve three-year staggered terms and at the expiration of their term shall serve until qualified successors are appointed. Of the nine members, three shall serve initial terms of four years, three shall serve initial terms of three years, and three shall serve initial terms of two years. The appointees of the governor, the chairman of the state arts commission, and the director of agriculture shall serve the initial terms of four years. Vacancies shall be filled for unexpired terms consistent with this section. A chairman shall be elected annually by the committee. The committee shall review the director's ((of game's)) expenditures of the previous year of both the stamp money and the prints and related artwork money. Members of the committee shall serve without compensation.

Sec. 55. Section 6, chapter 243, Laws of 1985 and RCW 77.12.690 are each amended to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory waterfowl stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for

that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state ~~((game))~~ wildlife fund. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director ~~((of game))~~ to contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the ~~((game))~~ commission and to the natural resources committees of the house and senate.

NEW SECTION. Sec. 56. A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission in consultation with the director may authorize hunting of post-mature male trophy-quality animals from herds in areas not normally open to general public hunting. The director shall establish procedures for the hunt, which shall be called the Washington trophy hunt. The procedures may provide for an organization to contract with the department to sponsor the hunt. The procedures shall require that any permits or tags required for the hunt be sold at auction to raise funds for the department and the organization for wildlife conservation purposes. Representatives of the department may participate in the hunt upon the request of the commission to insure that the animals to be killed are properly identified.

(2) A wildlife conservation organization may request the commission to authorize a special hunt for post-mature trophy-quality male animals upon petition.

(3) In addition to any permit fee established under subsection (1) of this section, participants in the hunt shall obtain any required license, permit, or tag.

NEW SECTION. Sec. 57. A new section is added to chapter 77.12 RCW to read as follows:

The director shall employ a minimum of eighty-five field wildlife enforcement agents throughout the state to ensure full enforcement coverage in each county of the state.

Sec. 58. Section 77.16.010, chapter 36, Laws of 1955 as amended by section 69, chapter 78, Laws of 1980 and RCW 77.16.010 are each amended to read as follows:

It is unlawful to promote, conduct, hold, or sponsor a contest for the hunting or fishing of wildlife or a competitive field trial involving live wildlife for hunting dogs without first obtaining a hunting or fishing contest permit. Contests and field trials shall be held in accordance with established rules ~~((of the commission))~~.

Sec. 59. Section 77.16.020, chapter 36, Laws of 1955 as last amended by section 196, chapter 3, Laws of 1983 and RCW 77.16.020 are each amended to read as follows:

(1) It is unlawful to hunt, fish, possess, or control a species of game bird, game animal, or game fish during the closed season for that species except as provided in RCW 77.12.105.

(2) It is unlawful to kill, take, catch, possess, or control these species in excess of the number fixed as the bag limit for each species.

(3) It is unlawful to hunt within a game reserve or to fish for game fish within closed waters.

(4) It is unlawful to hunt wild birds or wild animals within a closed area except as authorized by rule of the commission.

(5) It is unlawful to hunt or fish for wildlife, practice taxidermy for profit, deal in raw furs for profit, act as a fishing guide, or operate a game farm, stock game fish, or collect wildlife for research or display, without having in possession the license, permit, tag, stamp, or punchcard required by chapter 77.32 RCW or rule of the ~~((commission))~~ department. The activities described in this subsection shall be conducted in accordance with rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 60. Section 77.16.040, chapter 36, Laws of 1955 as last amended by section 72, chapter 78, Laws of 1980 and RCW 77.16.040 are each amended to read as follows:

Except as authorized by law or rule ~~((of the commission))~~, it is unlawful to bring into this state, offer for sale, sell, possess, exchange, buy, transport, or ship wildlife or articles made from an endangered species. It is unlawful for a common or contract carrier knowingly to ship or receive for shipment wildlife or articles made from an endangered species.

Sec. 61. Section 77.16.060, chapter 36, Laws of 1955 as amended by section 74, chapter 78, Laws of 1980 and RCW 77.16.060 are each amended to read as follows:

It is unlawful to lay, set, or use a net or other device capable of taking game fish in the waters of this state except as authorized by ~~((rule of))~~ the commission or director of fisheries. Game fish taken incidental to a lawful season established by the director of fisheries shall be returned immediately to the water.

A landing net may be used to land fish otherwise legally hooked.

Sec. 62. Section 77.16.080, chapter 36, Laws of 1955 as amended by section 76, chapter 78, Laws of 1980 and RCW 77.16.080 are each amended to read as follows:

It is unlawful to lay, set, or use a drug, explosive, poison, or other deleterious substance that may endanger, injure, or kill wildlife except as authorized by law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 63. Section 78, chapter 78, Laws of 1980 and RCW 77.16.095 are each amended to read as follows:

It is unlawful to mutilate wildlife so that the size, species, or sex cannot be determined visually in the field or while being transported. The ~~((commission))~~ director may prescribe specific criteria for field identification to satisfy this section.

Sec. 64. Section 77.16.110, chapter 36, Laws of 1955 as amended by section 80, chapter 78, Laws of 1980 and RCW 77.16.110 are each amended to read as follows:

It is unlawful to carry firearms, other hunting weapons, or traps or to allow directly or negligently a dog upon a game reserve, except on public highways or as authorized by rule of the ~~((commission))~~ director.

Sec. 65. Section 77.16.130, chapter 36, Laws of 1955 as amended by section 82, chapter 78, Laws of 1980 and RCW 77.16.130 are each amended to read as follows:

It is unlawful to resist or obstruct wildlife agents or ex officio wildlife agents in the discharge of their duties while enforcing the law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 66. Section 77.16.150, chapter 36, Laws of 1955 as amended by section 83, chapter 78, Laws of 1980 and RCW 77.16.150 are each amended to read as follows:

Except as authorized by ~~((rule of))~~ the ~~((commission))~~ director, consistent with criteria established by the commission, it is unlawful to release wildlife or to plant aquatic plants or their seeds within the state.

Sec. 67. Section 77.16.180, chapter 36, Laws of 1955 as amended by section 86, chapter 78, Laws of 1980 and RCW 77.16.180 are each amended to read as follows:

It is unlawful to remove, possess, or damage printed matter or signs placed by authority of the ~~((commission))~~ director.

Sec. 68. Section 1, chapter 44, Laws of 1980 as amended by section 5, chapter 310, Laws of 1981 and RCW 77.16.320 are each amended to read as follows:

Except as authorized by law or rules ~~((of the commission))~~ adopted pursuant to this title, it is unlawful to hunt, offer for sale, sell~~((s))~~, possess, exchange, buy, transport, or ship an albino wild animal.

Sec. 69. Section 77.16.240, chapter 36, Laws of 1955 as last amended by section 1, chapter 31, Laws of 1982 and RCW 77.21.010 are each amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving big game or an endangered species is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both the fine and imprisonment. Each subsequent violation within a five-year period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020 or 77.16.120 involving big game or an endangered species, as defined by the ~~((Washington state game))~~ commission under the authority of RCW 77.04.090, shall be prosecuted and punished as a class C felony as defined in RCW 9A.20.020. In connection with each such felony prosecution, the director shall provide the court with an inventory of all articles or devices seized under this title in connection with the violation. Inventoried articles or devices shall be disposed of pursuant to RCW 77.21.040.

(2) A person violating or failing to comply with this title or ~~((a))~~ rules ~~((of the commission))~~ adopted pursuant to this title for which no penalty is otherwise provided is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five dollars or by imprisonment for not more than ninety days in the county jail or by both the fine and imprisonment.

(3) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

(4) The unlawful killing, taking, or possession of each wildlife member constitutes a separate offense.

(5) District courts have jurisdiction concurrent with the superior courts of misdemeanors and gross misdemeanors committed in violation of this title or rules ~~((of the commission))~~ adopted pursuant to this title and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

Sec. 70. Section 1, chapter 6, Laws of 1975 1st ex. sess. as amended by section 124, chapter 78, Laws of 1980 and RCW 77.21.020 are each amended to read as follows:

In addition to other penalties provided by law, the director shall revoke the hunting license of a person who is convicted of a violation of RCW 77.16.020 involving big game or RCW 77.16.050. Forfeiture of bail twice during a five-year period for these violations constitutes the basis for a revocation under this section.

A hunting license shall not be issued to the person for two years from the revocation ~~((unless the commission authorizes the issuance))~~.

A person who has had a license revoked or has been denied issuance pursuant to this section or RCW 77.21.030, may appeal the decision as provided in chapter 34.04 RCW.

Sec. 71. Section 77.32.280, chapter 36, Laws of 1955 as amended by section 123, chapter 78, Laws of 1980 and RCW 77.21.030 are each amended to read as follows:

The director shall revoke the hunting license of a person who shoots another person or domestic livestock while hunting. A hunting license shall not be issued to that person unless the ~~((commission))~~ director authorizes the issuance of a license, and damages caused by the wrongful shooting have been paid.

Sec. 72. Section 77.12.110, chapter 36, Laws of 1955 as amended by section 25, chapter 78, Laws of 1980 and RCW 77.21.040 are each amended to read as follows:

(1) In addition to other penalties provided by law, a court may forfeit, for the use of the ~~((commission))~~ department, wildlife seized under this title and proven, in either a criminal or civil action, to have been unlawfully taken, killed, transported, or possessed and articles or devices seized under this title and proven, in either a criminal or civil action, to have been unlawfully used or held with intent to unlawfully use. Unless forfeited by the court, the department shall return an item seized under this title to its owner after the completion of the case and all fines have been paid. If the owner of a seized item cannot be found, the court may forfeit that item after summons has been served by publication as in civil actions and a hearing has been held.

(2) Wildlife unlawfully taken or possessed remains the property of the state.

(3) The ~~((commission))~~ director may sell articles or devices seized and forfeited under this title by the court at public auction. The time, place, and manner of holding the sale ~~((is within the discretion of the commission))~~ shall be determined by the director. The director shall publish notice of the sale once a week for at least two consecutive weeks prior to the sale in at least one newspaper of general circulation in the county in which the sale is to be held. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 73. Section 77.32.260, chapter 36, Laws of 1955 as amended by section 122, chapter 78, Laws of 1980 and RCW 77.21.060 are each amended to read as follows:

Upon conviction of a violation of this title or rules ~~((of the commission))~~ adopted pursuant to this title, the court may forfeit a license, in addition to other penalties provided by law. Upon subsequent conviction, the forfeiture of the license is mandatory. The ~~((commission))~~ director may prohibit ~~((by rule))~~ issuance of a license to a person convicted two or more times or prescribe the conditions for subsequent issuance of a license.

Sec. 74. Section 3, chapter 8, Laws of 1983 1st ex. sess. as last amended by section 1, chapter 318, Laws of 1986 and RCW 77.21.070 are each amended to read as follows:

(1) Whenever a person is convicted of illegal killing or possession of wildlife listed in this subsection, the convicting court shall order the person to reimburse the state in the following amounts for each animal killed or possessed:

(a) Moose, antelope, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission	\$((+600)) <u>2,000</u>
(b) Elk, deer, black bear, and cougar	\$((500)) <u>1,000</u>
(c) Mountain caribou and grizzly bear	<u>\$5,000</u>

(2) The court shall order an additional amount not less than five percent and not exceeding ten percent of the applicable amount in this section to be placed in the state wildlife conservation reward fund.

(3) For the purpose of this section, the term 'convicted' includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine. No court may establish bail for illegal possession of wildlife listed in subsection (1) in an amount less than the bail established for hunting during the closed season plus the reimbursement value of wildlife set forth in subsection (1).

~~((3))~~ (4) If two or more persons are convicted of illegally possessing wildlife listed in this section, the reimbursement amount shall be imposed upon them jointly and separately.

~~((4))~~ (5) The reimbursement amount provided in this section shall be imposed in addition to and regardless of any penalty, including fines, or costs, that is provided for violating any provision of Title 77 RCW. The reimbursement required by this section shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. Nothing in this section may be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

~~((5))~~ (6) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including vacation of a deferral of sentencing or of a suspension of sentence.

NEW SECTION. Sec. 75. A new section is added to chapter 77.21 RCW to read as follows:

The state wildlife conservation reward fund is established in the custody of the state treasurer. The director shall deposit in the fund all moneys designated to be placed in the fund

under RCW 77.21.070(2) and otherwise designated by rule of the director. Moneys in the fund shall be spent to provide rewards to persons informing the department about violations of this title or rules adopted pursuant to this title. Disbursements from the fund shall be on the authorization of the director or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursement.

The amount of any reward shall not exceed the amount specified in RCW 77.21.070(2).

Sec. 76. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 25, chapter 457, Laws of 1985 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the ~~((commission))~~ director is required to:

- (a) Hunt for wild animals or wild birds or fish for game fish;
- (b) Practice taxidermy for profit;
- (c) Deal in raw furs for profit;
- (d) Act as a fishing guide;
- (e) Operate a game farm;
- (f) Purchase or sell anadromous game fish; or
- (g) Use department-managed lands or facilities as provided by rules ~~((of the commission))~~ adopted pursuant to this title.

(2) A permit issued by the director is required to:

(a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or

(c) Stock game fish.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department ~~((of game))~~.

Sec. 77. Section 77.32.050, chapter 36, Laws of 1955 as last amended by section 16, chapter 310, Laws of 1981 and RCW 77.32.050 are each amended to read as follows:

Licenses, permits, tags, stamps, and punchcards required by this chapter shall be issued under the authority of the commission. The ~~((commission))~~ director may authorize department personnel, county auditors, or other reputable citizens to issue licenses, permits, tags, stamps, and punchcards and collect the appropriate fees. The authorized persons shall pay on demand or before the tenth day of the following month the fees collected and shall make reports as required by the ~~((commission))~~ director. The ~~((commission))~~ director may adopt rules for issuing licenses, permits, tags, stamps, and punchcards, collecting and paying fees, and making reports.

Sec. 78. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 1, chapter 464, Laws of 1985 and RCW 77.32.060 are each amended to read as follows:

The ~~((commission))~~ director may adopt rules establishing the amount a license dealer may charge and keep for each license, tag, permit, stamp, or punchcard issued. The ~~((commission))~~ director shall establish the amount to be retained by dealers to be at least fifty cents for each license issued, and twenty-five cents for each tag, permit, stamp, or punchcard issued. The ~~((commission))~~ director shall report to the next regular session of the legislature explaining any increase in the amount retained by license dealers. Fees retained by dealers shall be uniform throughout the state.

Sec. 79. Section 77.32.070, chapter 36, Laws of 1955 as last amended by section 18, chapter 310, Laws of 1981 and RCW 77.32.070 are each amended to read as follows:

Applicants for a license, permit, tag, stamp, or punchcard shall furnish the information required by ~~((rule of the commission))~~ the director. The ~~((commission))~~ director may adopt rules requiring licensees or permittees to keep records and make reports concerning the taking of wildlife.

Sec. 80. Section 77.32.090, chapter 36, Laws of 1955 as last amended by section 19, chapter 310, Laws of 1981 and RCW 77.32.090 are each amended to read as follows:

The ~~((commission))~~ director may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, stamps, and punchcards required by this chapter.

Sec. 81. Section 1, chapter 17, Laws of 1957 as last amended by section 21, chapter 310, Laws of 1981 and RCW 77.32.155 are each amended to read as follows:

When purchasing a hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least six hours in the safe handling of firearms, safety, conservation, and sportsmanship.

The ~~((commission))~~ director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations.

The ~~((commission))~~ director shall prescribe the type of instruction and the qualifications of the instructors.

Upon successful completion of the course, a trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

Sec. 82. Section 1, chapter 43, Laws of 1977 as last amended by section 24, chapter 310, Laws of 1981 and RCW 77.32.197 are each amended to read as follows:

Persons purchasing a state trapping license for the first time shall present certification of completion of a course of instruction in safe, humane, and proper trapping techniques or pass an examination to establish that the applicant has the requisite knowledge.

The ~~((commission))~~ director shall establish a program for training persons in trapping techniques and responsibilities, including the use of trapping devices designed to painlessly capture or instantly kill. The ~~((commission))~~ director shall cooperate with national and state animal, humane, hunter education, and trapping organizations in the development of a curriculum. Upon successful completion of the course, trainees shall receive a trapper's training certificate signed by an authorized instructor. This certificate is evidence of compliance with this section.

Sec. 83. Section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 464, Laws of 1985 and RCW 77.32.211 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred fifty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred fifty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred fifty dollars for a resident and five hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the ~~((commission))~~ rules adopted pursuant to this title. The fee for this license is sixty dollars for the first year and forty dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty dollars.

(6) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is twenty dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the ~~((commission))~~ director. The fee for this license is one hundred fifty dollars.

Sec. 84. Section 77.32.220, chapter 36, Laws of 1955 as last amended by section 4, chapter 284, Laws of 1983 and RCW 77.32.220 are each amended to read as follows:

Licensed taxidermists, fur dealers, anadromous game fish buyers, fishing guides, game farmers, and persons stocking game fish or conducting a hunting, fishing, or field trial contest shall make reports as required by rules of the ~~((commission))~~ director.

Sec. 85. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 6, chapter 464, Laws of 1985 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years ~~((may receive upon application a state hunting and fishing license free of charge))~~ or a person whose service connected disabilities have been established as permanent in nature by the veterans administration and are rated from thirty to one hundred percent disabled as determined by the veterans administration shall receive upon application a permanent fishing and hunting license without charge.

Disabled veterans making application for a free fishing and hunting license shall provide the department with a copy of all documents verifying the disability from the veterans administration.

(2) Subject to subsection (7) of this section, a person seventy years of age or older who has been a resident for ten years may receive, upon application, a fishing license free of charge.

(3) A blind person, or a person with a developmental disability as defined in RCW 71.20-.016 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

(4) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

(5) A fishing license is not required for persons under the age of fifteen.

(6) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

(7) (a) By ~~((January 1, 1986))~~ June 30, 1989, the ~~((game))~~ wildlife commission shall adopt a policy determining the fee, if any is charged, and residency requirement for fishing licenses for residents seventy years of age or older. Prior to adopting any policy, the commission shall hold state-wide hearings to learn concerns of interested citizens. The commission shall consider the needs of low-income senior citizens and appropriate residency requirements for senior citizens. If the commission recommends a change in the fishing license fees for residents over seventy years of age, the commission shall report to the next regular session of the legislature the reasons for recommending the change.

(b) The department shall, in a timely manner, adopt by rule any fishing license fees and residency requirements recommended by the commission for persons seventy years of age or older.

Sec. 86. Section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 7, chapter 464, Laws of 1985 and RCW 77.32.256 are each amended to read as follows:

The ~~((commission))~~ director shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is eight dollars.

Sec. 87. Section 8, chapter 310, Laws of 1981 and RCW 77.32.320 are each amended to read as follows:

(1) A separate transport tag is required to hunt deer, elk, bear, cougar, sheep, mountain goat, or wild turkey.

(2) A transport tag may only be obtained subsequent to the purchase of a valid hunting license and must have permanently affixed to it the hunting license number and the supplemental stamp appropriate for the species being hunted.

(3) Persons who kill deer, elk, bear, cougar, mountain goat, sheep, moose, or wild turkey shall immediately validate and attach their own transport tag to the carcass as provided by rule of the ~~((commission))~~ director.

(4) Transport tags required by this section expire on March 31st following the date of issuance.

Sec. 88. Section 13, chapter 310, Laws of 1981 as amended by section 10, chapter 464, Laws of 1985 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is fifteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule ~~((of the commission))~~.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

(5) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is fifteen dollars.

(6) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

(7) Upland bird punchcards required under this section expire March 31st following the date of issuance.

Sec. 89. Section 14, chapter 310, Laws of 1981 as amended by section 7, chapter 240, Laws of 1984 and RCW 77.32.370 are each amended to read as follows:

(1) A special hunting season permit is required to hunt in each special season established under chapter 77.12 RCW.

(2) Applicants may apply for special hunting season permits as provided by rule of the ~~((commission))~~ director.

(3) The application fee to participate in a special hunting season is two dollars.

Sec. 90. Section 15, chapter 310, Laws of 1981 as amended by section 11, chapter 464, Laws of 1985 and RCW 77.32.380 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified ~~((game))~~ department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is eight dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use ~~((game))~~ department lands and access facilities when accompanied by the license holder.

Youth groups may use ~~((game))~~ department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified game department lands shall exhibit the required license.

Sec. 91. Section 6, chapter 232, Laws of 1983 as amended by section 1, chapter 153, Laws of 1986 and RCW 9.41.098 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state (~~game commission~~) department of wildlife for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 92. Section 6, chapter 120, Laws of 1967 as last amended by section 109, chapter 3, Laws of 1982 and RCW 43.51.675 are each amended to read as follows:

Nothing in RCW 43.51.650 through 43.51.685 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 be construed to interfere with the powers, duties and authority of the state department of (~~game or the state game commission~~) wildlife to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 93. Section 10, chapter 75, Laws of 1977 ex. sess. and RCW 43.51.955 are each amended to read as follows:

Nothing in RCW 43.51.946 through 43.51.956 shall be construed to interfere with the powers, duties, and authority of the state department of (~~game~~) wildlife or the state (~~game~~) wildlife commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 94. Section 75.16.060, chapter 12, Laws of 1955 as amended by section 12, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.055 are each amended to read as follows:

(1) The director ~~((and the state game))~~, and the director of wildlife with the concurrence of the wildlife commission, may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The director and the ~~((state game))~~ wildlife commission may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 95. Section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fisheries, the ~~((state game commission))~~ department of wildlife, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the ~~((game commission))~~ department of wildlife, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fisheries, the ~~((game commission))~~ department of wildlife, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first day of each regular session of the legislature during an odd-numbered year a report as to the implementation of its minimum flow setting program.

Sec. 96. Section 3, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.010 are each amended to read as follows:

The department of water resources may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of water resources shall, when requested by the department of fisheries or the ~~((game commission))~~ department of wildlife to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or by the water pollution control commission to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request. Any request submitted by the department of fisheries, ~~((game commission))~~ department of wildlife, or ~~((water pollution control commission))~~ department of ecology shall include a statement setting forth the need for establishing a minimum flow or level. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of ~~((water resources))~~ ecology in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

Sec. 97. Section 4, chapter 284, Laws of 1969 ex. sess. as last amended by section 1, chapter 196, Laws of 1985 and RCW 90.22.020 are each amended to read as follows:

Flows or levels authorized for establishment under RCW 90.22.010, or subsequent modification thereof by the department shall be provided for through the adoption of rules. Before the establishment or modification of a water flow or level for any stream or lake or other public water, the department shall hold a public hearing in the county in which the stream, lake, or other public water is located. If it is located in more than one county the department shall determine the location or locations therein and the number of hearings to be conducted. Notice of the hearings shall be given by publication in a newspaper of general circulation in the county or counties in which the stream, lake, or other public waters is located, once a week for two consecutive weeks before the hearing. The notice shall include the following:

- (1) The name of each stream, lake, or other water source under consideration;
- (2) The place and time of the hearing;
- (3) A statement that any person, including any private citizen or public official, may present his views either orally or in writing.

Notice of the hearing shall also be served upon the administrators of the departments of fisheries, social and health services, ~~((and))~~ natural resources, ~~((the game commission))~~ wildlife, and ~~((the department of))~~ transportation.

NEW SECTION, Sec. 98. Section 2, chapter 93, Laws of 1985 and RCW 77.04.110 are each repealed.

NEW SECTION, Sec. 99. All references in the Revised Code of Washington to the department of game, the game commission, the director of game, and the game fund shall mean, respectively, the department of wildlife, the wildlife commission, the director of wildlife, and the wildlife fund.

NEW SECTION, Sec. 100. Rules of the department of game existing prior to the effective date of this section shall remain in effect unless or until amended or repealed by the director of wildlife or the wildlife commission pursuant to Title 77 RCW. The director of game on the effective date of this section shall continue as the director of wildlife until resignation or removal in accordance with the provisions of RCW 43.17.020. The game commission on the effective date of this section shall continue as the wildlife commission.

NEW SECTION, Sec. 101. The legislature recognizes the need to mitigate the effects of sedimentary build-up and resultant damage to fish population in the Toutle river resulting from the Mt. St. Helens eruption. The state has entered into a contractual agreement with the United States army corps of engineers designed to minimize fish habitat disruption created by the sediment retention structure on the Toutle river, under which the corps has agreed to construct a fish collection facility at the sediment retention structure site conditional upon the state assuming the maintenance and operation costs of the facility. The department of game shall operate and maintain the fish collection facility on the Toutle river."

On page 1, beginning on line 1 of the title, after "wildlife," strike the remainder of the title and insert "amending RCW 43.17.010, 43.17.020, 77.04.020, 77.04.030, 77.04.040, 77.04.060, 77.04.080, 77.08.010, 77.08.045, 77.12.020, 77.12.030, 77.12.040, 77.12.055, 77.12.060, 77.12.070, 77.12.080, 77.12.090, 77.12.100, 77.12.105, 77.12.140, 77.12.150, 77.12.170, 77.12.185, 77.12.190, 77.12.200, 77.12.210, 77.12.220, 77.12.230, 77.12.240, 77.12.260, 77.12.265, 77.12.270, 77.12.280, 77.12.290, 77.12.300, 77.12.315, 77.12.320, 77.12.323, 77.12.370, 77.12.380, 77.12.390, 77.12.420, 77.12.440, 77.12.530, 77.12.570, 77.12.580, 77.12.590, 77.12.650, 77.12.670, 77.12.680, 77.12.690, 77.16.010, 77.16.020, 77.16.040, 77.16.060, 77.16.080, 77.16.095, 77.16.110, 77.16.130, 77.16.150, 77.16.180, 77.16.320, 77.21.010, 77.21.020, 77.21.030, 77.21.040, 77.21.060, 77.21.070, 77.32.010, 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.155, 77.32.197, 77.32.211, 77.32.220, 77.32.230, 77.32.256, 77.32.320, 77.32.360, 77.32.370, 77.32.380, 9.41.098, 43.51.675, 43.51.955, 75.08.055, 90.03.247, 90.22.010, and 90.22.020; reenacting and amending RCW 77.12.201; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.21 RCW; creating new sections; repealing RCW 77.04.110; and making an appropriation." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Sutherland, the House refused to concur in the Senate amendments to Engrossed Second Substitute House Bill No. 758, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sutherland, Belcher and B. Williams as conferees on Engrossed Second Substitute House Bill No. 758.

SPEAKER'S RULING

The Speaker: The Speaker is now ready to rule on the point of order raised on Second Substitute House Bill 684. The Speaker had a ruling on the original 684 before the Conference Committee. I found then that House Bill 684 is "An Act relating to criminal sentencing...." It changes the format in chapter 9.94A RCW. I ruled the Senate amendment then outside the scope and object because I found that it dealt with many matters outside the area of the criminal sentencing format. The Speaker has examined the report of the conferees on Second Substitute House Bill 684, and finds again that in the Conference Committee report there are many matters outside the sentencing format, including the establishment of public types of crime ratings relating to sexual offenders and minors. I find, Representative Niemi, that your point is well taken, the Conference Committee report is beyond the scope and object of Second Substitute House Bill 684.

MOTION

Mr. Locke moved that the House request a further conference on Second Substitute House Bill No. 684.

POINT OF PARLIAMENTARY INQUIRY

Mr. Padden: Mr. Speaker, doesn't the Senate also have to be asked to recede from their amendments?

The Speaker: Representative Padden, this is a Conference Committee report which has been declared outside the scope and object. I find that the effect of that ruling is the same as if the House had rejected adoption of that Conference Committee report. It is properly stated in Representative Locke's motion to ask for additional conference.

The motion carried.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5380, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 5380, providing cost-of-living adjustment of retirement benefits, have had the same under consideration and we recommend that the bill be amended as follows and the bill as amended by the Free Conference Committee do pass:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 96, Laws of 1979 ex. sess. as amended by section 2, chapter 306, Laws of 1986 and RCW 41.32.485 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ((1986)) 1987, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than thirteen dollars and fifty cents per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by thirteen dollars and fifty cents. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 41.32.520 or 41.32.550 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 41.32.499(6) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

(3) The provisions of subsections (1) and (2) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825.

Sec. 2. Section 1, chapter 96, Laws of 1979 ex. sess. as amended by section 3, chapter 306, Laws of 1986 and RCW 41.40.198 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ~~((1986))~~ 1987, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than thirteen dollars and fifty cents per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by thirteen dollars and fifty cents. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) The provisions of subsection (1) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.40.220(1), 41.44.170(5), or 41.40.610 through 41.40.740. For persons who served as elected officials and whose accumulated employee contributions and credited interest was less than seven hundred fifty dollars at the time of retirement, the minimum benefit under subsection (1) of this section shall be ten dollars per month for each year of creditable service.

NEW SECTION. Sec. 3. A new section is added to chapter 41.32 RCW to read as follows:

Beginning July 1, 1988, and every year thereafter, the department shall determine the following information for the minimum retirement allowance provided by RCW 41.32.485(1):

(1) The dollar amount of the minimum retirement allowance as of July 1, 1988;

(2) The index for the 1986 calendar year, to be known as 'index A';

(3) The index for the calendar year prior to the date of determination, to be known as 'index B'; and

(4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the minimum retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(a) Produce a retirement allowance which is lower than the minimum retirement allowance as of July 1, 1987;

(b) Exceed three percent in the initial annual adjustment; or

(c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, 'index' means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 4. A new section is added to chapter 41.40 RCW to read as follows:

Beginning July 1, 1988, and every year thereafter, the department shall determine the following information for the minimum retirement allowance provided by RCW 41.40.198(1):

(1) The dollar amount of the minimum retirement allowance as of July 1, 1988;

(2) The index for the 1986 calendar year, to be known as 'index A';

(3) The index for the calendar year prior to the date of determination, to be known as 'index B'; and

(4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the minimum retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(a) Produce a retirement allowance which is lower than the minimum retirement allowance as of July 1, 1987;

(b) Exceed three percent in the initial annual adjustment; or

(c) Differ from the previous year's annual adjustment by more than three percent.

Persons who served as elected officials and whose accumulated employee contributions and credited interest were less than seven hundred fifty dollars at the time of retirement shall not receive the benefit provided by this section.

For the purposes of this section, 'index' means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 5. The legislature reserves the right to amend or repeal sections 3 and 4 of this act in the future and no member or retiree has a contractual right to receive any cost-of-living adjustments not granted prior to that time.

Sec. 6. Section 6, chapter 151, Laws of 1967 as amended by section 3, chapter 32, Laws of 1973 2nd ex. sess. and RCW 41.32.4931 are each amended to read as follows:

(1) ~~((Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance for service or disability on July 1, 1967, shall upon application approved by the board of trustees of the retirement system receive a pension of five dollars and fifty cents per month for each year of creditable service established with the retirement system. PROVIDED, That such former members who were retired pursuant to option 2 or option 3 of RCW 41.32.530 shall upon like application receive a pension which is actuarially equivalent under said option to the benefits provided in this section. PROVIDED FURTHER, That))~~ The benefits provided under subsection (2) of this section shall be available only to former members who have reached age sixty-five or are disabled for further public school service

and are not receiving federal old age, survivors or disability benefit payments (social security) and are not able to qualify for such benefits (~~PROVIDED FURTHER, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1967~~).

(2) Effective ~~((the first day of the month following the effective date of this 1973 amendatory act)) July 1, 1987~~, former members who ~~((have qualified for and have been granted benefits under))~~ receive the minimum retirement allowance provided by RCW 41.32.485(1) and who meet the requirements of subsection (1) of this section shall receive an additional special pension of ~~((three))~~ ten dollars per month per year of service credit. ~~((Such special pension shall be in addition to the minimum pension provided by RCW 41.32.497 and the cost-of-living increases provided under section 9, chapter 189, Laws of 1973 1st ex. sess., RCW 41.32.499.))~~

NEW SECTION. Sec. 7. There is appropriated two hundred thousand dollars, or so much thereof as may be necessary, from the general fund for the teachers' retirement fund for the biennium ending June 30, 1989, for the purposes of section 6 of this act.

NEW SECTION. Sec. 8. There is appropriated six million nine hundred thousand dollars, or so much thereof as may be necessary, from the general fund for the biennium ending June 30, 1989, for the purposes of paying the cost-of-living adjustments provided in sections 1 through 4 of this act. Of this amount, three million seven hundred thousand dollars shall be deposited in the teachers' retirement fund and three million two hundred thousand dollars shall be deposited in the public employees' retirement fund.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, beginning on line 2 of the title, after "benefits," strike the remainder of the title and insert "amending RCW 41.32.485, 41.40.198, and 41.32.4931; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating a new section; making appropriations; providing an effective date; and declaring an emergency."

Signed by Senators Gaspard, McDermott, Bailey; Representatives Hine, Unsoeld, Silver.

MOTION

On motion of Ms. Hine, the House adopted the report of the Free Conference Committee on Senate Bill No. 5380.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5380 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5380 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Senate Bill No. 5380 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5035, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5035, extending the interagency committee for outdoor recreation, have had the same under consideration and we recommend that the bill be amended as follows:

On page 1, line 11 of the House State Government Committee amendment (For committee amendment, see Journal, 86th Day, April 7, 1987.) strike "1988" and insert "1989"

On page 1, line 14 of the House State Government Committee amendment strike "1988" and insert "1989"

and recommend the bill do pass as amended by the Free Conference Committee.

Signed by Senators: Kreidler, Rinehart, Kiskaddon; Representatives H. Sommers, Hankins, Peery.

MOTION

On motion of Ms. H. Sommers, the House adopted the report of the Free Conference Committee on Engrossed Senate Bill No. 5035.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5035 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5035 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Engrossed Senate Bill No. 5035 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 6012, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 6012, revising provisions relating to indecent exposure, have had the same under consideration and we recommend that the bill be amended as follows:

On page 4, line 25 of the House amendment by Representative L. Smith (For amendment, see Journal, 92nd Day, April 13, 1987.) strike "public indecency" and insert "indecent exposure" and the bill do pass as amended by the Free Conference Committee.

Signed by Senators Moore, Tanner, McCaslin; Representatives Crane, Heavey, L. Smith.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Free Conference Committee on Engrossed Senate Bill No. 6012.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6012 as amended by Free Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6012 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Engrossed Senate Bill No. 6012 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1158, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1158, establishing a liquor license for qualified duty free exporters to sell beer and wine to vessels for consumption outside the state of Washington, have had the same under consideration and we recommend that the bill be amended as follows and the bill do pass as amended by the Free Conference Committee:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a class S license to qualified duty free exporters authorizing such exporters to sell beer and wine to vessels for consumption outside the state of Washington.

(2) To qualify for a license under subsection (1) of this section, the exporter shall have:

(a) An importer's basic permit issued by the United States bureau of alcohol, tobacco, and firearms and a customs house license in conjunction with a common carriers bond;

(b) A customs bonded warehouse, or be able to operate from a foreign trade zone; and

(c) A notarized signed statement from the purchaser stating that the product is for consumption outside the state of Washington.

(3) The license for qualified duty free exporters shall authorize the duty free exporter to purchase from a brewery, winery, beer wholesaler, wine wholesaler, beer importer, or wine importer licensed by the state of Washington.

(4) Beer and/or wine sold and delivered in this state to duty free exporters for use under this section shall be considered exported from the state.

(5) The fee for this license shall be one hundred dollars per annum.

NEW SECTION. Sec. 2. A new section is added to chapter 66.24 RCW to read as follows:

The board may by rule, establish procedures for the sale, in accordance with normal commercial practices, of nonliquor products as defined in RCW 82.08.0293 by persons licensed under this chapter.

Sec. 3. Section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 5, chapter 78, Laws of 1984 and RCW 66.04.010 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) 'Alcohol' is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term 'alcohol' does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) 'Beer' means any malt beverage or malt liquor as these terms are defined in this chapter.

(3) 'Brewer' means any person engaged in the business of manufacturing beer and malt liquor.

(4) 'Board' means the liquor control board, constituted under this title.

(5) 'Club' means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(6) 'Consume' includes the putting of liquor to any use, whether by drinking or otherwise.

(7) 'Dentist' means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(8) 'Distiller' means a person engaged in the business of distilling spirits.

(9) 'Druggist' means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(10) 'Drug store' means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) 'Employee' means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) 'Fund' means 'liquor revolving fund.'

(13) 'Hotel' means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(14) 'Imprisonment' means confinement in the county jail.

(15) 'Liquor' includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(16) 'Manufacturer' means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(17) 'Malt beverage' or 'malt liquor' means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as 'strong beer.'

(18) 'Package' means any container or receptacle used for holding liquor.

(19) 'Permit' means a permit for the purchase of liquor under this title.

(20) 'Person' means an individual, copartnership, association, or corporation.

(21) 'Physician' means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(22) 'Prescription' means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(23) 'Public place' includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(24) 'Regulations' means regulations made by the board under the powers conferred by this title.

(25) 'Restaurant' means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(26) 'Sale' and 'sell' include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

(27) 'Soda fountain' means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(28) 'Spirits' means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

(29) 'Store' means a state liquor store established under this title.

(30) 'Tavern' means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(31) 'Vendor' means a person employed by the board as a store manager under this title.

(32) 'Winery' means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(33) 'Domestic winery' means a place where wines are manufactured or produced within the state of Washington.

(34) 'Wine' means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing less than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as 'table wine,' and any beverage containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as 'fortified wine.' However, 'fortified wine' shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain fourteen percent or more alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation 'table wine' or 'fortified wine.'

(35) 'Beer wholesaler' means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(36) 'Wine wholesaler' means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 4. Section 23-R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 42, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.370 are each amended to read as follows:

(1) There shall be a wine retailer's license to be designated as class F license to sell, subject to subsection (2) of this section, table and fortified wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: PROVIDED, Such licensee shall pay to the state liquor stores for wines purchased from such stores the current retail price; fee seventy-five dollars per annum: PROVIDED, FURTHER, That a holder of a class A or class B license shall be entitled to the privileges permitted in this section by paying an annual fee of twenty-five dollars for each store.

(2) In counties with a population over three hundred thousand, the board shall issue a restricted class F license, authorizing the licensee to sell only table wine, if the board finds upon issuance or renewal of the license that the sale of fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing fortified wine at the establishment; and

(c) Whether the sale of fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of fortified wine by the licensee would be against the public interest is on those persons objecting.

(3) Licensees under this section whose business is primarily the sale of wine at retail may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion.

NEW SECTION. Sec. 5. A new section is added to chapter 66.16 RCW to read as follows:

No state liquor store in a county with a population over three hundred thousand may sell fortified wine if the board finds that the sale would be against the public interest based on the factors in RCW 66.24.370. The burden of establishing that the sale would be against the public interest is on those persons objecting.

Sec. 6. Section 1, chapter 55, Laws of 1967 as last amended by section 1, chapter 306, Laws of 1985 and RCW 66.24.490 are each amended to read as follows:

(1) There shall be a retailer's license to be designated as a class I license; this shall be a special occasion license to be issued to the holder of a class H license to extend the privilege of selling and serving spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, to members and guests of a society or organization on special occasions at a specified date and place when such special occasions of such groups are held on premises other than the class H licensed premises and for consumption on the premises of such outside location. The holder of such special occasion license shall be allowed to remove from the liquor stocks at the licensed class H premises, liquor for sale and service at such special occasion locations. Such special class I license shall be issued for a specified date and place and upon payment of a fee of twenty-five dollars per day or, upon proper application to the liquor control board, an annual class I license may be issued to the holder of a class H license upon payment of a fee of three hundred fifty dollars.

(2) The holder of an annual class I license shall obtain prior board approval for each event at which the class I license will be utilized. When applying for such board approval, the class I licensee shall provide to the board all necessary or requested information concerning the society or organization which will be holding the function at which the class I license will be utilized.

(3) Upon receipt of a request for utilization of a class I license at a particular time and place, the board shall give notification of the pending request to the chief executive officer of the incorporated city or town, if the function is to be held within an incorporated city or town, or to the county legislative authority if the function is to be held outside the boundaries of incorporated cities or towns. ~~(Each such city, town, or county, through the official or employee selected by it, shall have ten days from the date of receipt of said notification in which to file written objections to the utilization of the class I license at the particular time and place specified in the request.)~~

(4) If attendance at the function, for which class I license utilization approval is requested, will be open to the general public, board approval may only be given where the society or organization sponsoring the function is within the definition of 'society or organization' in RCW

66.24.375. If attendance at the function will be limited to members and invited guests of the sponsoring society or organization, board approval may be given even though the sponsoring society or organization is not within the definition of "society or organization" in RCW 66.24.375.

(5) Where the applicant for either a daily or annual class I license is a class H club licensee, the board shall not issue the class I license, or approve the use of a previously issued class I license, unless the following requirements are met:

(a) The gross food sales of the class H club exceed its gross liquor sales; and
 (b) The event for which the class I license will be used is hosted by a member of the class H licensed club.

NEW SECTION, Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, and the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.04.010, 66.24.370, and 66.24.490; adding a new section to chapter 66.16 RCW; adding new sections to chapter 66.24 RCW; and declaring an emergency."

Signed by Senators Warnke, Newhouse, Vognilid; Representatives Wang, Cole, Walker.

MOTION

On motion of Mr. Wang, the House adopted the report of the Free Conference Committee on Substitute House Bill No. 1158.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1158 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1158 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 93; nays, 3; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Brekke, Lux, Nelson - 3.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute House Bill No. 1158 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SENATE BILL NO. 5463. The President has appointed the following members as conferees: Senators Fleming, Craswell and Gaspard, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5463, establishing a program to increase students' awareness of other nations, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Fleming, Gaspard; Representatives Ebersole, Locke.

MOTION

Mr. Ebersole moved that the House adopt the report of the Conference Committee and grant the committee powers of Free Conference.

Mr. Padden opposed the motion and Mr. Ebersole spoke in favor of it.

The motion carried.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5846, establishing boating safety regulations, have had the same under consideration and we recommend that the House Ways & Means Committee amendment as amended (For amendment, see Journal, 92nd Day, April 13, 1987.) be adopted with the exception of the following:

On page 4 of the adopted committee amendment after line 31 strike all of section 5.

and that the substitute bill do pass as recommended by the Conference Committee.

Signed by Senators Kreidler, Kiskaddon, Rinehart; Representatives Belcher, Hine, May.

MOTION

On motion of Ms. Belcher, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 5846.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5846 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5846 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 5846 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5249, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5249, clarifying payment of court filing fees, have had the same under consideration and we recommend that the bill be amended as follows and the bill do pass as amended by the Free Conference Committee:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 331, Laws of 1981 and RCW 2.32.070 are each amended to read as follows:

The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for their official services:

Upon filing his first paper or record and making an appearance, the appellant or petitioner shall pay to the clerk of said court a docket fee of one hundred twenty-five dollars.

For copies of opinions, twenty cents per folio: PROVIDED, That counsel of record and criminal defendants shall be supplied a copy without charge.

For certificates showing admission of an attorney to practice law ~~((two))~~ five dollars, except that there shall be no fee for an original certificate to be issued at the time of his admission.

For filing a petition for review of a court of appeals decision terminating review, one hundred dollars.

The foregoing fees shall be all the fees connected with the appeal or special proceeding.

No fees shall be required to be advanced by the state or any municipal corporation, or any public officer prosecuting or defending on behalf of such state or municipal corporation.

Sec. 2. Section 110, chapter 299, Laws of 1961 as last amended by section 309, chapter 258, Laws of 1984 and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of ~~((twenty))~~ twenty-five dollars. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action.

Sec. 3. Section 3, chapter 56, Laws of 1987 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of ~~((seventy))~~ seventy-eight dollars except in proceedings filed under RCW 26.50.030 or 49.60.____ (section 2, chapter 56, Laws of 1987) where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from ~~((justice))~~ a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of ~~((seventy))~~ seventy-eight dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a ~~((justice))~~ district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors.

~~((6))~~ (7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in ~~((his))~~ the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect two dollars.

~~((7))~~ (8) For preparing, transcribing or certifying any instrument on file or of record in ~~((his))~~ the clerk's office, with or without seal, for the first page or portion thereof, a fee of two

dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

((6)) (9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

((7)) (10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

((8)) (11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

((9)) (12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((seventy))~~ seventy-eight dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (12) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

((10)) (13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of ~~((seventy))~~ seventy-eight dollars.

((11)) (14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

((12)) (15) For the preparation of a passport application there shall be a fee of four dollars.

((13)) (16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

((14)) (17) Upon conviction or plea of guilty ~~((or))~~, upon failure to prosecute ~~((his))~~ an appeal from a (lower) court of limited jurisdiction as provided by law, or upon affirmation of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of seventy dollars.

((15)) (18) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

((16)) (19) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 2.32.070, 3.62.060, and 36.18.020."

Signed by Senators Talmadge, Nelson, Moore; Representatives Heavey, Crane, Padden.

MOTION

On motion of Mr. Heavey, the House adopted the report of the Free Conference Committee on Substitute Senate Bill No. 5249.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5249 as amended by Free Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5249 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Baillard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Wang - 1.
 Absent: Representatives Sanders, Schmidt - 2.
 Excused: Representative Chandler - 1.

Substitute Senate Bill No. 5249 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the second report of the Conference Committee on HOUSE BILL NO. 698, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 698, authorizing collection by county treasurers of various local government charges, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Halsan, Zimmerman, DeJarnatt; Representatives Haugen, Nutley, L. Smith.

MOTION

Ms. Haugen moved that the House adopt the second report of the Conference Committee on House Bill No. 698 and grant the powers of Free Conference.

POINT OF ORDER

Mr. Braddock: Mr. Speaker, I would request a ruling on the scope and object of the Conference Committee report.

The Speaker announced he would take the point of order under advisement and give his ruling at a later time.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 419, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 419, providing for administrative determination of paternity, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, Halsan; Representatives Armstrong, Padden.

MOTION

On motion of Mr. Armstrong, the report of the Conference Committee was adopted and the committee was granted powers of Free Conference.

SPEAKER'S RULING

The Speaker: The Speaker has examined House Bill 698; it is a bill authorizing local governments to collect taxes. The Conference Committee report deals with

various property tax exemptions. I find your point to be well taken, Representative Braddock, the committee report is outside the scope and object of the original bill.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5217,
 SUBSTITUTE SENATE BILL NO. 5219,
 SUBSTITUTE SENATE BILL NO. 5225,
 SUBSTITUTE SENATE BILL NO. 5801,
 SUBSTITUTE SENATE BILL NO. 5850.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 773, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 773, allowing county auditors to investigate and cancel invalid voter registration, have had the same under consideration and we recommend that the bill be amended as follows:

That the Senate amendments to page 1, line 19 and page 2, line 7 be adopted, and that the bill be further amended as follows:

On page 1, line 24 strike "forty-fifth" and insert "sixtieth"

On page 2, line 1 strike "forty-five" and insert "sixty"

and the bill do pass as amended by the Free Conference Committee.

Signed by Senators Halsan, Pullen, Rinehart; Representatives Fisher, Pruitt, Sanders.

MOTION

On motion of Ms. Fisher, the House adopted the report of the Free Conference Committee on Substitute House Bill No. 773.

FINAL PASSAGE OF HOUSE BILL
 AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 773 as amended by Free Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 773 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sanders - 1.

Excused: Representative Chandler - 1.

Substitute House Bill No. 773 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 24,
 SUBSTITUTE HOUSE BILL NO. 80,
 HOUSE BILL NO. 94,
 SUBSTITUTE HOUSE BILL NO. 168,
 SUBSTITUTE HOUSE BILL NO. 341,
 SUBSTITUTE HOUSE BILL NO. 388,
 HOUSE BILL NO. 396,
 SUBSTITUTE HOUSE BILL NO. 476,
 HOUSE BILL NO. 549,
 HOUSE BILL NO. 701,
 HOUSE BILL NO. 748,
 SUBSTITUTE HOUSE BILL NO. 790,
 HOUSE BILL NO. 795,
 SUBSTITUTE HOUSE BILL NO. 876,
 SUBSTITUTE HOUSE BILL NO. 920,
 SUBSTITUTE HOUSE BILL NO. 928,
 SUBSTITUTE HOUSE BILL NO. 982,
 SUBSTITUTE HOUSE BILL NO. 995,
 SUBSTITUTE HOUSE BILL NO. 1012,
 SUBSTITUTE HOUSE BILL NO. 1065,
 HOUSE BILL NO. 1087,
 SUBSTITUTE HOUSE BILL NO. 1098,
 SUBSTITUTE HOUSE BILL NO. 1132,
 HOUSE BILL NO. 1137,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1241 by Representatives Allen, Rust, Unsoeld, Miller, Brough, Lux, Wang, Belcher, Leonard, Valle, Jacobsen, Hankins, Fuhrman, Bristow, Grimm and Brekke

AN ACT Relating to plastic packaging of food products; adding a new chapter to Title 69 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1242 by Representatives Lewis, Wineberry, Hargrove, Amondson, Grimm, Bristow, Padden, Bumgarner, L. Smith, Heavey, Nealey, Chandler, J. Williams, S. Wilson, Betrozoff, Schmidt, Ferguson, D. Sommers, Patrick, Fuhrman, Ballard, Moyer, Brooks, B. Williams, Silver, Brough and P. King

AN ACT Relating to the investment of public pension and retirement funds in countries with communist policies; amending RCW 43.33A.020, 43.33A.110, 43.33A.130, 43.33A.140, 43.84.061, and 43.84.150; adding new sections to chapter 43.33A RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Mr. McMullen, the bills on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

MOTION

On motion of Mr. McMullen, the House adjourned until 1:00 p.m., Sunday, April 26, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-FIFTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Sunday, April 26, 1987

The House was called to order at 1:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Chandler, Crane, Ferguson, Hargrove, Sanders, Sayan, Schmidt, Scott, Valle and Winsley. Representative Chandler was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Kanyo and Marci Larsson. Prayer was offered by The Reverend Ernie Gjelten, Minister of Gloria Dei Lutheran Church of Olympia.

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

MESSAGES FROM THE SENATE

April 24, 1987

Mr. Speaker:

The President has signed:

HOUSE BILL NO.	24,
SUBSTITUTE HOUSE BILL NO.	80,
HOUSE BILL NO.	94,
SUBSTITUTE HOUSE BILL NO.	168,
SUBSTITUTE HOUSE BILL NO.	341,
SUBSTITUTE HOUSE BILL NO.	388,
HOUSE BILL NO.	396,
SUBSTITUTE HOUSE BILL NO.	476,
HOUSE BILL NO.	549,
HOUSE BILL NO.	701,
HOUSE BILL NO.	748,
SUBSTITUTE HOUSE BILL NO.	790,
HOUSE BILL NO.	795,
SUBSTITUTE HOUSE BILL NO.	876,
SUBSTITUTE HOUSE BILL NO.	920,
SUBSTITUTE HOUSE BILL NO.	928,
SUBSTITUTE HOUSE BILL NO.	982,
SUBSTITUTE HOUSE BILL NO.	995,
SUBSTITUTE HOUSE BILL NO.	1012,
SUBSTITUTE HOUSE BILL NO.	1065,
HOUSE BILL NO.	1087,
SUBSTITUTE HOUSE BILL NO.	1098,
SUBSTITUTE HOUSE BILL NO.	1132,
HOUSE BILL NO.	1137,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 25, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO.	5061,
SENATE BILL NO.	5110,
SENATE BILL NO.	5159,
SUBSTITUTE SENATE BILL NO.	5393,
SENATE BILL NO.	5549,

SENATE BILL NO. 5556,
 SUBSTITUTE SENATE BILL NO. 5570,
 SUBSTITUTE SENATE BILL NO. 5622,
 SUBSTITUTE SENATE BILL NO. 5632,
 SECOND SUBSTITUTE SENATE BILL NO. 5871,
 SUBSTITUTE SENATE BILL NO. 5977,
 SUBSTITUTE SENATE BILL NO. 6064,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

HB 1243 by Representatives Lux and Sprenkle

AN ACT Relating to the regulation of speech-language pathologists and audiologists; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; providing an effective date; and making an appropriation.

Referred to Committee on Health Care.

MESSAGES FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 451. The President has appointed the following members as Conferees: Senators Gaspard, Benitz and Fleming.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, and has passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5550, and has passed the bill as recommended by the Conference Committee.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5825, and has passed the bill as recommended by the Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 758. The President has appointed the following members as Conferees: Senators Owen, DeJarnatt and Metcalf.

Bill Gleason, Assistant Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, and has passed the bill as recommended by the Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 5035, and has passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE BILL NO. 5120 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SENATE BILL NO. 5380, and has passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SENATE BILL NO. 5678, and has passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5846, and has passed the bill as recommended by the Conference Committee.

Bill Gleason, Assistant Secretary.

April 25, 1987

Mr. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED SENATE BILL NO. 5546. The President has appointed the following members as Conferees: Senators Talmadge, Nelson and Halsan and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5546, revising provisions relating to assault, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, Halsan; Representatives Locke, Armstrong, Padden.

MOTION

On motion of Mr. Locke, the Conference Committee report was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5479, providing for the improvement of teachers and schools, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Gaspard, Bailey, Bauer; Representatives Ebersole, Peery, Berozoff.

MOTION

On motion of Mr. Ebersole, the Conference Committee report was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 435, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 435, revising provisions on inactive real estate licenses, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, McCaslin, Tanner; Representatives Wang, Cole, Patrick.

MOTION

On motion of Mr. Wang, the Conference Committee report was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, changing provisions relating to dangerous waste, have had the same under consideration and we recommend:

That the House Environmental Affairs Committee amendments as amended (For amendments, see Journal, 87th Day, April 8, 1987.) be adopted with the exception of the following:

On page 7, beginning on line 11 of the amendment strike everything through "laws." on page 8, line 11.

On page 8, line 20 of the title amendment after "70.105.060;" strike everything through "43.21A RCW;" on line 21.

and the bill do pass as recommended by the Conference Committee.

Signed by Senators Bottiger, Kreidler, Bluechel; Representatives Rust, Jesernig, Walker.

MOTION

On motion of Ms. Rust the House adopted the report of the Conference Committee on Engrossed Substitute Senate Bill No. 5071.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5071 as recommended by Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5071 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 88; absent, 9; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 88.

Absent: Representatives Crane, Ferguson, Hargrove, Sanders, Sayan, Schmidt, Scott, Valle, Winsley - 9.

Excused: Representative Chandler - 1.

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

Representative Schmidt appeared at the bar of the House.

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406, creating joint committee on ocean and marine resources, have had the same under consideration and we recommend the resolution do pass with the following amendment:

On page 1, line 1, after "WHEREAS," strike the remainder of the resolution and insert the following: "Washington has an active interest in marine resources and ocean policy, a heightened awareness of the importance of the marine environment, and a belief that a strong, coherent, and scientifically based policy towards our marine environment is in the best interests of economic development and environmental management; and

WHEREAS, The marine sector plays a vital role in Washington's economy through commercial and sports fishing; public and private aquaculture; seafood processing; recreation; beaches and resorts; boating and marinas; shipping; shipbuilding; port-related enterprise; technology development; marine trades; support services; law; banking and insurance; marine research; and resource management and consulting, which all depend, whether totally or in part, on the richness of our marine resources and its health; and

WHEREAS, Washington's marine interests extend far beyond state waters and agency jurisdictions, and some of the activities taking place, or planned to take place outside of state waters may affect communities and private and public interests within Washington; and

WHEREAS, A strong research, education, and information base is vital to maintaining and improving existing marine enterprises and to enhancing opportunities for development of new ones, and is essential to the legislature to deal effectively with the many complex problems associated with the marine environment; and

WHEREAS, The legislature has created the Joint Select Committee on Marine and Ocean Resources which will coordinate the exchange of information among states and the Pacific

Fisheries Legislative Task Force will serve as a means of exchanging information among legislators from the states affected by management of Pacific Ocean resources;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the President of the Senate and the Speaker of the House of Representatives, joining with the presiding officers of the other jurisdictions shall appoint, respectively, two senators and two representatives to represent Washington on the Pacific Fisheries Legislative Task Force, which shall operate as a clearinghouse for opinions from all the various interests involved in Pacific fishing, and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions, and to the state delegations in the United States Congress concerning means of protecting and fostering Pacific fishing in the participating jurisdictions: PROVIDED, That representatives of the state of Washington shall attend no more than four meetings annually and shall report to the Joint Select Committee on Marine and Ocean Resources; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the presiding officers of the legislatures of Alaska, California, Idaho, and Oregon."

Signed by Senators Rasmussen, Metcalf, Stratton; Representatives Haugen, Basich, S. Wilson.

MOTION

On motion of Ms. Haugen, the House adopted the report of the Free Conference Committee on Engrossed Senate Concurrent Resolution No. 8406.

FINAL PASSAGE OF SENATE CONCURRENT RESOLUTION AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Senate Concurrent Resolution No. 8406 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 8406 as amended by Free Conference Committee, and the resolution was adopted by the following vote: Yeas, 89; absent, 8; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Crane, Ferguson, Hargrove, Sanders, Sayan, Scott, Valle, Winsley - 8.

Excused: Representative Chandler - 1.

Engrossed Senate Concurrent Resolution No. 8406 as amended by Free Conference Committee, having received the constitutional majority, was declared adopted.

Representatives Crane and Valle appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441, authorizing establishment of local reemployment centers, have had the same under consideration and we recommend that the second substitute bill do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature finds and declares that:

(1) The number of unemployment compensation claimants in the state who have exhausted their benefits has more than doubled in the past seven years;

(2) Many of the unemployed have emotional, medical, and financial problems as a direct result of their unemployment;

(3) Many communities in this state have inadequate and poorly coordinated resources and programs to assist the unemployed in coping with problems that are associated with unemployment;

(4) The lack of coordinated and effective services for the unemployed seriously hampers their ability to conduct an effective work search and may have the effect of prolonging their unemployment; and

(5) A locally-based worker assistance program will result in long-term savings to the state and local communities by providing the unemployed with accessible rapid intervention services and by preventing economic hardships.

NEW SECTION, Sec. 2. It is the intent of the legislature to assist in the creation of pilot local reemployment centers which would increase the capacity of local communities to aid their unemployed. The pilot centers are intended to supplement but not supplant the efforts of the local job service centers of the employment security department. The legislature intends that the reemployment centers established by this chapter shall give first priority to those unemployed persons who have been unemployed a minimum of fifteen weeks.

NEW SECTION, Sec. 3. (1) The department of community development shall issue requests for proposals to nonprofit agencies or to local government agencies to serve as the local reemployment centers under this chapter. The requests for proposals shall authorize the selected agencies to receive state funds as authorized by law for a two-year period.

(2) The department shall issue requests for proposals for three centers. One center shall be located in Eastern Washington, one center shall be located in King county, and one center shall be located in Western Washington outside King county.

(3) The department shall establish standards to govern the selection of the reemployment centers. At a minimum, each local reemployment center shall raise matching funds in an amount equal to any state grant.

(4) Each local reemployment center designated by the department pursuant to this section shall share equally in any funding provided in an appropriations act for the purposes of sections 1 through 7 of this act.

NEW SECTION, Sec. 4. The local reemployment centers shall provide direct or referral services to the unemployed. To avoid duplication of existing services, preference shall be given to providing services by referral where appropriate programs are reasonably available to the unemployed. The referrals shall be made to agencies which provide any of the following services:

- (1) Reemployment assistance;
- (2) Medical services;
- (3) Social services including marital counseling;
- (4) Psychotherapy;
- (5) Mortgage foreclosure and utilities problems counseling;
- (6) Drug and alcohol abuse services;
- (7) Credit counseling; and
- (8) Other services as deemed appropriate.

The local reemployment centers shall demonstrate the utilization of the services of volunteers to maximize the effectiveness of the centers' programs, and outreach efforts to encourage the unemployed to seek assistance.

NEW SECTION, Sec. 5. The employment security department and the department of social and health services shall each locate one or more workers on a full or part-time basis at each local reemployment center if locating the employees within the center will increase the effectiveness of coordinating the services offered to unemployed workers by the agencies.

NEW SECTION, Sec. 6. The department of community development shall require each local center that receives state funds under this chapter to submit semiannual reports to the department documenting the effectiveness of the center's activities.

NEW SECTION, Sec. 7. The referrals and services provided by the centers shall be confidential. Reporting and recordkeeping necessary to file the required reports with the department of community development shall be conducted in a manner which will maintain the confidentiality of the client-provider relationship.

NEW SECTION, Sec. 8. (1) The employment security department shall implement a reemployment bonus demonstration project to provide reemployment incentives for qualified unemployment compensation claimants if federal or private funding is available. The reemployment bonus demonstration project shall provide for the payment of lump sum amounts to qualified unemployment compensation claimants who return to work within the time limits established by the department and who retain employment for a four-month period. For the purposes of this subsection, a qualified unemployment compensation claimant is one who

accepts the employment security department's invitation to participate in the reemployment bonus demonstration project and who subsequently fulfills the enrollment requirements established by the department for participation in the project.

(2) The employment security department shall submit a report to the governor and to the commerce and labor committees of the house of representatives and the senate prior to the start of the 1989 legislative session, assessing the effectiveness of the reemployment bonus demonstration project.

(3) The reemployment bonus demonstration project shall cease to exist on June 30, 1989, unless extended by law for an additional fixed period of time.

Sec. 9. Section 31, chapter 1, Laws of 1973 as last amended by section 7, chapter 276, Laws of 1986 and by section 25, chapter 299, Laws of 1986 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records of local reemployment centers established under chapter 50.-- RCW (sections 1 through 7 of this 1987 act) if such records identify individual clients.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of

this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION, Sec. 10. The department of community development shall submit a report to the governor and to the commerce and labor committees of the house of representatives and the senate prior to the start of the 1989 legislative session. The report shall assess the effectiveness of the local reemployment centers in delivering services and in creating cost savings to the participating workers, communities, and the state.

NEW SECTION, Sec. 11. Sections 1 through 7 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION, Sec. 12. Sections 1 through 7 of this act shall expire on March 15, 1989, unless extended by law for an additional fixed period of time.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "reenacting and amending RCW 42.17.310; adding a new chapter to Title 50 RCW; creating a new section; and providing an expiration date."

Signed by Senators Warnke, Smitherman; Representatives Wang, Sayan, Patrick.

MOTION

On motion of Mr. Wang, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5441 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5441 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 91; absent, 6; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Ferguson, Hargrove, Sanders, Sayan, Scott, Winsley - 6.

Excused: Representative Chandler - 1.

Engrossed Second Substitute Senate Bill No. 5441 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Hargrove appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5163, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5163, changing provisions relating to midwives, have had the same under consideration and we recommend that the House Health Care Committee striking amendment as amended (For amendment, see Journal, 94th Day, April 15, 1987.) be adopted with the following amendments:

On page 9 of the committee amendment, line 6 after "for" strike "any professions with fewer than one hundred active licensees" and insert "midwives, as licensed in chapter 18.50 RCW"

On page 2, line 24 after "January," strike "1989" and insert "1988"

On page 5, starting on line 15 insert:

"(3) Notwithstanding subsections (1) and (2) of this section, the department shall adopt rules to provide credit toward the educational requirements for licensure before July 1, 1988, of nonlicensed midwives, including rules to provide:

(a) Credit toward licensure for documented deliveries;

(b) The substitution of relevant experience for classroom time; and

(c) That experience lay midwives may sit for the licensing examination without completing the required coursework."

and the bill do pass as amended by the Free Conference Committee.

Signed by Senators Wojahn, Anderson, Garrett; Representatives Braddock, Spanel, Brooks.

MOTION

Mr. Braddock moved that the House adopt the report of the Free Conference Committee on Substitute Senate Bill No. 5163.

POINT OF INQUIRY

Mr. Braddock yielded to question by Mr. Brooks.

Mr. Brooks: Representative Braddock, the conference report restores Senate language deleted by the House that would have the Department of Licensing establish rules and regulations allowing lay midwives to substitute practical experience for course work in preparation for sitting for the midwives exam. SSB 5163, as amended in the conference report, also calls for a study to determine whether or not lay midwives should be required to be licensed at all. The report is to be completed and submitted to the legislature by January, 1988. Is it your understanding that the study by the department is to be completed prior to the promulgation of rules and regulations waiving their classroom educational requirements?

Mr. Braddock: Yes, Representative Brooks, it is my understanding that the department is to complete the study and report to the legislature to determine whether or not lay midwives must be licensed prior to the promulgation or implementation of any rules waiving their educational requirement.

The motion to adopt the Free Conference Committee report was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5163 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5163 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 92; absent, 5; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Ferguson, Sanders, Sayan, Scott, Winsley - 5.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 5163 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTION HOUSE BILL NO. 738, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 738, transferring functions of corrections standards board to other state agencies, have had the same under consideration and we recommend that the bill do pass with the following amendments by the Free Conference Committee:

On page 11, line 19, after "1988," insert "Cities and towns shall adopt the standards after considering guidelines established collectively by the cities and towns of the state; counties shall adopt the standards after considering guidelines establishing collectively by the counties of the state."

On page 13, after line 12, insert the following:

"Sec. 21. Section 22, chapter 136, Laws of 1981 and RCW 72.09.180 are each amended to read as follows:

The corrections standards board shall cease to exist (~~six years after July 1, 1981, unless extended by law. The legislative budget committee shall review the board and recommend to the legislature by January of 1987 whether or not the board should be extended~~) on January 1, 1988."

Renumber the sections consecutively and correct internal references accordingly.

On page 13, strike line 20 and renumber the subsections consecutively.

On page 14, line 24, strike "Section 15" and insert "Sections 15 and 21"

On page 14, line 24, after "institutions," strike the remainder of the section and insert "Subsection 5 of section 21 shall take effect immediately. All other portions of this act shall take effect July 1, 1989."

On page 14, beginning on line 26, strike "July 1, 1987" and insert "January 1, 1988"

On page 1, line 4 of the title, strike "and 70.48A.040" and insert "70.48A.040, and 72.09.180"

On page 1, line 7 of the title, strike "72.09.180."

Signed by Senators Wojahn, Anderson, Tanner; Representatives H. Sommers, Peery, Hankins.

MOTION

On motion of Ms. H. Sommers, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 738 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 738 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 84; nays, 8; absent, 5; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cooper, Crane, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rasmussen, Rayburn, Rust, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Brekke, Cole, Day, Dellwo, Holm, Nelson, Patrick, Pruitt - 8.

Absent: Representatives Ferguson, Sanders, Sayan, Scott, Winsley - 5.

Excused: Representative Chandler - 1.

Substitute House Bill No. 738 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Ferguson, Sanders, Sayan and Winsley appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate adheres to its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 63, will not recede from its amendments or grant a conference and for the third time asks the House to concur in the Senate amendments, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

Ms. Haugen moved that the House insist on its position and again ask the Senate to recede from their amendments.

Ms. Unsoeld moved that the House concur in the Senate amendments.

Representatives Unsoeld, Sayan, Madsen and Sanders spoke in favor of the motion to concur, and Representatives Bumgarner, Haugen, Ferguson and Cole opposed it.

Ms. Unsoeld spoke again in favor of the motion and Representatives Haugen and Bumgarner again opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House concur in the Senate amendments to Substitute House Bill No. 63, and the motion was carried by the following vote: Yeas, 58; nays, 38; absent, 1; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sanders, Sayan, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 58.

Voting nay: Representatives Amondson, Ballard, Basich, Baugher, Beck, Betrozoff, Brooks, Bumgarner, Cole, Cooper, Doty, Ferguson, Fuhrman, Haugen, Heavey, Holland, King P, Lewis,

May, McLean, Moyer, Nealey, Nelson, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Vekich, Williams J, Wilson S, Zellinsky - 38.

Absent: Representative Scott - 1.

Excused: Representative Chandler - 1.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 63 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 63 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; nays, 35; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Niemi, Nutley, O'Brien, Peery, Pruiitt, Rasmussen, Rust, Sanders, Sayan, Schoon, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Brooks, Bumgarner, Cole, Cooper, Doty, Ferguson, Fuhrman, Haugen, Heavey, Holland, King P, Lewis, May, McLean, Moyer, Nealey, Nelson, Padden, Patrick, Prince, Rayburn, Schmidt, Silver, Smith C, Smith L, Sommers D, Taylor, Williams J, Wilson S, Zellinsky - 35.

Absent: Representative Scott - 1.

Excused: Representative Chandler - 1.

Substitute House Bill No. 63 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1034, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1034, establishing the rail development account, have had the same under consideration and we recommend that the bill do pass with the following amendments by the Free Conference Committee:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added as a new chapter to Title 47 RCW to read as follows:

There is hereby established in the state treasury the rail development account. Money in the account shall be used, after appropriation, for local rail passenger and rail freight purposes. All earnings of investments of any balances in the rail development account shall be credited to the rail development account.

Sec. 2. Section 8, chapter 255, Laws of 1969 ex. sess. as amended by section 2, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.273 are each amended to read as follows:

~~((On or after July 1, 1971:))~~ Any municipality within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county is authorized to levy and collect a special excise tax not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (5) and (6), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. Any other municipality is authorized to levy and collect a special excise tax not exceeding one percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150(5)

and (6), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020: PROVIDED, That before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for 'corridor public hearings' and 'design public hearings' as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

A 'corridor public hearing' is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

A 'design public hearing' is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 3. Section 1, chapter 87, Laws of 1972 ex. sess. as last amended by section 13, chapter 35, Laws of 1982 1st ex. sess. and by section 20, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.44.150 are each reenacted and amended to read as follows:

(1) The director of licensing shall on the twenty-fifth day of February, May, August, and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of licensing during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.020(5)((:)) and 82.44.030, ((and 82.44.070;)) from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(5)((:)) and 82.44.030, ((and 82.44.070;)) from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(5). A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to two percent of all motor vehicle excise tax receipts, except taxes collected under RCW 82.44.020(5), shall be allocable to the county sales and use tax equalization account under RCW 82.14.200; a sum equal to four and two-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax at a rate not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality shall be deposited in the rail development account established in section 1 of this 1987 act; and a sum equal to seventy percent of all motor vehicle excise tax receipts shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by RCW 28A.47.760 through 28A.47.774 in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred from the state school equalization fund to the 1963 public school building bond retirement fund.

(b) Any remaining amounts in the state school equalization fund from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 1 of the title, strike everything after "account;" and insert "amending RCW 35.58.273; reenacting and amending RCW 82.44.150; adding a new section to Title 47 RCW; providing an effective date; and declaring an emergency."

Signed by Senators Hansen, Barr, Bender; Representatives Walk, Fisher, Schmidt.

MOTION

On motion of Mr. Walk, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1034 as amended by Free Conference Committee.

Representatives Fisher and Schmidt spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1034 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 84; nays, 12; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Barnes, Bumgarner, Hankins, Lewis, Locke, Nealey, Padden, Prince, Schoon, Silver, Smith C, Williams B - 12.

Absent: Representative Scott - 1.

Excused: Representative Chandler - 1.

Engrossed House Bill No. 1034 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Scott appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has failed to adopt the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 419, and the bill together with the report are herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to Substitute House Bill No. 419.

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

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 419 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 419 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Heavey, Locke - 2.

Excused: Representative Chandler - 1.

Substitute House Bill No. 419 amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, and has passed the bill as recommended by the Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE BILL NO. 5120 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 6012, and passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

April 26, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 6053 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate adheres to its position on HOUSE BILL NO. 277, refuses to recede from its amendments and again asks the House to concur, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Wang, the House insisted on its position on House Bill No. 277, and again asked the Senate to recede from its amendments.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 4:00 p.m.

SECOND AFTERNOON SESSION

The House was called to order at 4:00 p.m. by the Speaker (Mr. O'Brien presiding).

MESSAGES FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, and passed the bill as recommended by the Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5163, and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5249, and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5978 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the second report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 684, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF SECOND CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 684, revising provisions relating to criminal sentencing, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, Halsan; Representatives Cooper, Locke.

MOTION

On motion of Mr. Cooper, the second report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

POINT OF PARLIAMENTARY INQUIRY

Ms. Haugen: Mr. Speaker, being that the Conference Committee report on House Bill No. 698 was ruled out of scope and object, can we take action on the original bill?

The Speaker (Mr. O'Brien presiding): Representative Haugen, since the question of scope and object has been settled, you can take further action. You are not precluded from taking further action on this bill.

MOTION

On motion of Ms. Haugen, the House insisted on its position on House Bill No. 698 and asked the Senate to recede from its amendments.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758, establishing the department of wildlife, have had the same under consideration and we report that we are unable to agree and we respectfully request powers of Free Conference in order to amend the bill.

Signed by Senators DeJarnatt, Owen; Representatives B. Williams, Sutherland, Belcher.

MOTION

Mr. Sutherland moved that the report of the Conference Committee be adopted and the committee be granted powers of Free Conference.

POINT OF ORDER

Mr. S. Wilson: Mr. Speaker, I challenge the composition of the Conference Committee according to Reed's Rule 240.

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): It appears to us, Representative Wilson, that your timeliness in questioning this composition of the conferees is not taken in order. The conferees have been acting and at the time of appointment, it seems to me, is the time you should have raised the question of whether or not the minority position was represented on the Conference Committee. Since they have already acted, it appears to me that your question now is out of order.

The motion was carried.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5439, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5439, an act relating to the department of natural resources, have had the same under consideration and we recommend that the bill do pass with the following amendments by the Free Conference Committee:

On page 1, after line 4, insert the following:

*Sec. 1. Section 1, chapter 210, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1985 and RCW 43.51.270 are each amended to read as follows:

(1) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of the trust lands withdrawn as of August 9, 1971 pursuant to law for park purposes and included within the state parks listed in subsection (2) of this section: PROVIDED, That the sale shall be by contract with a pay-off period of not less than ten years, a price of eleven million twenty-four thousand seven hundred forty dollars or the fair market value, whichever is higher, for the land value, and interest not to exceed six percent. All fees collected by the commission beginning in the 1973-1975 biennium shall be applied to the purchase price of the trust lands listed in subsection (2) of this section: the acquisition of the property described in subsections (3) and (4) of this section, and all reasonable costs of acquisition, described in subsection ((4)) (5) of this section: the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks; the maintenance and operation of state parks; and any cost of collection pursuant to appropriations from the trust land purchase account created in RCW 43.51.280. The department of natural resources shall not receive any management fee pursuant to the sale of the trust lands listed in subsections (2) and (4) of this section. Timber on the trust lands which are the subject of subsections (2), (3), and (4) of this section shall continue to be under the management of the department of natural resources until such time as the legislature appropriates funds to the parks and recreation commission for purchase of said timber. The state parks which include trust lands which shall be the subject of this sale pursuant to this section are:

- (2) (a) Penrose Point
- (b) Kopachuck
- (c) Long Beach
- (d) Leadbetter Point
- (e) Nason Creek
- (f) South Whidbey
- (g) Blake Island
- (h) Rockport
- (i) Mt. Pilchuck

- (j) Ginkgo
- (k) Lewis & Clark
- (l) Rainbow Falls
- (m) Bogachiel
- (n) Sequim Bay
- (o) Federation Forest
- (p) Moran
- (q) Camano Island
- (r) Beacon Rock
- (s) Bridle Trails
- (t) Chief Kamiakin (formerly Kamiak Butte)
- (u) Lake Wenatchee
- (v) Fields Springs
- (w) Sun Lakes
- (x) Scenic Beach.

(3) The board of natural resources and the state parks and recreation commission shall negotiate a mutually acceptable transfer for adequate consideration to the state parks and recreation commission to be used for park and recreation purposes:

(a) All the state-owned Heart Lake property, including the timber therein, located in section 36, township 35 north, range 1E, W.M. in Skagit county;

(b) The Moran Park Additions, including the timber thereon, located in sections 16, 17, 19, 26, and 30, township 37 north, range 1W, W.M.;

(c) The Fort Ebey Addition (Partridge Point), including the timber thereon, located in section 36, township 32 north, range 1W, W.M. and section 6, township 31 north, range 1E, W.M.;

(d) The South Whidbey Addition (Classic U), including the timber thereon, located in section 29, township 30 north, range 2E, W.M.; and

(e) The Larrabee Addition, including the timber thereon, located in section 29, township 37 north, range 3E, W.M.

(4) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission of the lands and timber thereon identified in the joint study under section 4, chapter 163, Laws of 1985, and commonly referred to as:

(a) The Packwood trust property, Lewis county -- located on the Cowlitz river at Packwood;

(b) The Iron Horse (Bullfrog) trust property -- adjoining the John Wayne Pioneer Trail at Iron Horse State Park;

(c) The Lake Sammamish (Providence Heights) trust property, King county -- adjacent to Hans Jensen Youth Camp area at Lake Sammamish State Park;

(d) The Point Lawrence trust property, San Juan county -- on the extreme east point of Orcas Island;

(e) The Huckleberry Island trust property, Skagit county -- between Guemes Island and Saddlebag Island State Park;

(f) The Larrabee trust property addition, Whatcom county -- northeast of Larrabee State Park and Chuckanut Mountain;

(g) The Hoypus Hill trust property, Island county -- south of the Hoypus Point natural forest area at Deception Pass State Park;

Payment for the property described in this subsection shall be derived from the trust land purchase account established pursuant to RCW 43.51.280. Timber conservation and management practices provided for in RCW 43.51.045 and 43.51.395 shall govern the management of land and timber transferred under this subsection as of the effective date of the transfer.

(5) The funds from the trust land purchase account designated for the acquisition of the property described in subsections (3) and (4) of this section, and the reasonable costs of acquisition, shall be deposited in the park land trust revolving fund, hereby created, to be utilized by the department of natural resources for the exclusive purpose of acquiring real property as a replacement for the property described in subsections (3) and (4) of this section to maintain the land base of the common school trust lands and for the reimbursement of the department of natural resources for all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the property described in subsections (3) and (4) of this section. Disbursements from the park land trust revolving fund to acquire replacement property, and pay for all reasonable costs of acquisition, for the property described in subsections (3) and (4) of this section shall be on the authorization of the board of natural resources. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures and payment of obligations from the fund. The state treasurer shall be custodian of the revolving fund.

The department of natural resources shall pay all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the

property described in subsection (3) of this section from funds provided in the trust land purchase account. Any agreement for the transfer of the property described in subsection (3) of this section shall not have an interest rate exceeding ten percent.

The parks and recreation commission is authorized to accept, receive, disburse, and administer grants or funds or gifts from any source including private individuals, public entities, and the federal government to supplement the funds from the trust land purchase account for the purchase of the property described in subsection (3) of this section.

Sec. 2. Section 2, chapter 210, Laws of 1971 ex. sess. as last amended by section 34, chapter 57, Laws of 1985 and by section 2, chapter 163, Laws of 1985 and RCW 43.51.280 are each reenacted and amended to read as follows:

There is hereby created the trust land purchase account in the state treasury. Any revenues accruing to this account shall be used for the purchase of the property described in RCW 43.51.270(3)(a), to include all reasonable costs of acquisition, and a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium. Any funds remaining in the account shall be used for the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks and for the maintenance and operation of state parks in the 1981-83 biennium. Thereafter, the funds shall not be used for such purposes until the money in the account satisfies the payment required to be made in the contract for sale of lands in RCW 43.51.270(2), the acquisition of the property described in RCW 43.51.270(3)(a), those amounts necessary to pay for the remaining trust assets of timber situated on the lands described in RCW 43.51.270(2), and for the acquisition of the property described in RCW 43.51.270(3) (b), (c), (d), and (e) and 43.51.270(4) on a schedule satisfactory to the board of natural resources. Payments may be delayed for property described in RCW 43.51.270(3) (b), (c), (d), and (e) until the existing contract for purchase of lands in RCW 43.51.270(2) has been paid off. Payments for the property in RCW 43.51.270(4) may be delayed until contracts for purchase of lands and timber described in RCW 43.51.270 (2) and (3) have been paid off. Payments from the account for those parcels included in RCW 43.51.270(4) shall be established on a schedule which is mutually acceptable to the board of natural resources and the parks and recreation commission. All earnings of investments of balances in the trust land purchase account shall be credited to the general fund.

NEW SECTION, Sec. 3. A new section is added to chapter 43.51 RCW to read as follows:

The parks and recreation commission and the department of natural resources may periodically conduct a joint review of trust lands managed by the department to identify those parcels which may be appropriate for transfer to the commission for public recreation purposes."

Renumber the following sections consecutively and correct internal references accordingly:

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "RCW" insert "43.51.270,"

On page 1, line 3 of the title, after "58.24.070" insert "; reenacting and amending RCW 43.51.280; and adding a new section to chapter 43.51 RCW"

Signed by Senators Owen, Metcalf, DeJarnatt; Representatives Sutherland, Spanel, S. Wilson.

MOTION

On motion of Mr. Sutherland, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5439 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5439 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott,

Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Engrossed Substitute Senate Bill No. 5439 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5479, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5479, providing for the improvement of teachers and schools, have had the same under consideration and we recommend that the bill do pass with the following amendments by the Free Conference Committee:

Strike everything after the enacting clause and insert the following:

*PART I-A

SCHOOLS FOR THE TWENTY-FIRST CENTURY

NEW SECTION. Sec. 101. (1) A schools for the twenty-first century pilot program is established to foster change in the state common school system. The program will enable educators and parents of selected schools or school districts to restructure certain school operations and to develop model school programs which will improve student performance. The program shall include an evaluation of the projects and be accountable for student progress. The purpose of the program is to determine whether increasing local decision-making authority will produce more effective learning.

(2) The legislature intends to encourage educational creativity, professionalism, and initiative by: (a) providing schools an opportunity to develop new methods and procedures, through the temporary waiver of certain state statutes or administrative rules, and (b) providing selected public schools or school districts with the technology, services, and staff essential to enhance learning.

NEW SECTION. Sec. 102. The state board of education, with the assistance of the superintendent of public instruction, shall develop a process for schools or school districts to apply to participate in the schools for the twenty-first century pilot program. The board shall review and select projects for grant awards, and monitor and evaluate the schools for the twenty-first century pilot program. The board shall develop criteria to evaluate the need for the waivers of state statutes or administrative rules as identified under section 109 of this act.

NEW SECTION. Sec. 103. (1) The governor shall appoint a task force on schools for the twenty-first century. The task force shall assist and cooperate with the state board of education in the development of the process, and review and selection of projects under section 102 of this act and with the state board's duties under section 111 of this act. The state board is directed, in developing the criteria for waivers, to take into consideration concerns and recommendations of the task force.

(2) The task force of ten people shall be appointed by the governor. Appointed members who are not legislators shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Appointed members who are members of the legislature shall be reimbursed for travel expenses under RCW 44.04.120. Members of the task force shall serve for a period of six years.

NEW SECTION. Sec. 104. The process, review, and selection of projects to be developed in section 102 of this act shall be approved by the state board of education. The governor's task force on schools for the twenty-first century shall recommend projects for approval to the state board of education.

NEW SECTION. Sec. 105. Initial applications to participate in the schools for the twenty-first century pilot program shall be submitted by the school district board of directors to the state board of education not later than March 31, 1988. Subject to available funding, additional applications may be submitted for board consideration by November 1 of subsequent years. Each application shall contain a proposed plan which:

- (1) Enumerates specific activities to be carried out as part of the pilot school(s) project;

(2) Commits all parties to work cooperatively during the term of the pilot project;

(3) Includes provisions for certificated school staff, and classified school employees whose primary duties are the daily educational instruction of students, to be employed on supplemental contracts with additional compensation for a minimum of ten additional days beyond the general state funded school year allocations, and staff development time as provided by legislative appropriation, and, notwithstanding the provisions of RCW 28A.58.095(1), district resources may be used to fund the employment of staff beyond the ten additional days for the purposes of the pilot project;

(4) Includes budget plans for the project and additional anticipated sources of funding, including private grants and contributions, if any;

(5) Identifies the technical resources desired, the potential costs of those resources, and the institutions of higher education, educational service districts, or consultants available to provide such services;

(6) Identifies the evaluation and accountability processes to be used to measure school-wide student and project performance, and identifies a model which provides the basis for a staff incentive pay system. Implementation of the staff incentive pay system is not required;

(7) Justifies each request for waiver of specific state statutes or administrative rules during at least the first two years of the project;

(8) Includes a written statement that school directors and administrators are willing to exempt the pilot school(s) from specifically identified local rules, as needed;

(9) Includes a written statement that the school directors and the local bargaining agents will modify those portions of their local agreements as applicable for the pilot school(s) project; and

(10) Includes written statements of support from the district's board of directors, the district superintendent, the principal and staff of the building requesting to become a pilot school; and statements of support, willingness to participate, or concerns from any interested parent, business, or community organization.

NEW SECTION. Sec. 106. The board, and the task force, after reviewing project proposals, shall, subject to money being appropriated by the legislature for this purpose, select:

(1) Not more than twenty-one projects during each biennium for the schools for the twenty-first century pilot program;

(2) At least one entire school district if the application is consistent with the requirements under sections 102 and 105 of this act;

(3) Projects which reflect a balance among elementary, junior high or middle schools, and high schools. They should also reflect, as much as possible, a balance among geographical areas and school characteristics and sizes.

NEW SECTION. Sec. 107. (1) The superintendent of public instruction shall administer sections 102 and 104 through 114 of this act and is authorized to award grant funding, subject to money being appropriated by the legislature for this purpose for pilot projects selected by the state board of education under section 106 of this act.

(2) The superintendent of public instruction shall distribute the initial award grants by July 1, 1988. The initial schools for the twenty-first century pilot projects shall commence with the 1988-89 school year.

(3) The twenty-first century pilot school projects may be conducted for up to six years, if funds are so provided. Subject to state board approval and continued state funding, pilot projects initially funded for two years may be extended for a total period not to exceed six years. Future funding shall be conditioned on a positive evaluation of the project.

NEW SECTION. Sec. 108. (1) The superintendent of public instruction may accept, receive, and administer for the purposes of sections 102 through 114 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 102 through 114 of this act.

(2) The schools for the twenty-first century pilot program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of sections 102 through 114 of this act. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 109. The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, is authorized to grant waivers to pilot project districts from the provisions of statutes or administrative rules relating to: The length of the school year; teacher contact hour requirements; program hour offerings; student to teacher ratios; salary lid compliance requirements; the commingling of funds appropriated by the legislature on a categorical basis for such programs as, but not limited to, highly capable students, transitional bilingual instruction, and learning assistance; and other administrative rules which in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order to implement a pilot project proposal.

NEW SECTION. Sec. 110. State rules dealing with public health, safety, and civil rights, including accessibility by the handicapped, shall not be waived. A school district may request the state board of education or the superintendent of public instruction to ask the United States department of education or other federal agencies to waive certain federal regulations necessary to fully implement the proposed pilot project.

NEW SECTION. Sec. 111. The board shall ensure that successful applicant school districts will be afforded resource and special support assistance, as specified in legislative appropriations, in undertaking schools for the twenty-first century pilot program activities. The board shall develop a process that coordinates and facilitates linkages among participating school districts and colleges and universities. Staff from schools or districts selected to participate in the schools for the twenty-first century pilot program shall be given priority consideration for participation in state sponsored staff development programs and summer institutes which are directly related to the goals of the selected projects.

NEW SECTION. Sec. 112. (1) The state board of education may adopt rules under chapter 34.04 RCW as necessary to implement its duties under sections 102 and 104 through 114 of this act.

(2) The superintendent of public instruction may adopt rules under chapter 34.04 RCW as necessary to implement the superintendent's duties under sections 102 and 104 through 114 of this act.

NEW SECTION. Sec. 113. (1) The state board of education shall report to the legislature on the progress of the schools for the twenty-first century pilot program by January 15 of each odd-numbered year, including a recommendation on the number of additional pilot schools which should be authorized and funded. The first report shall be submitted by January 15, 1989.

(2) Each school district selected to participate in the schools for the twenty-first century pilot project shall submit an annual report to the state board of education on the progress of the pilot project as a condition of receipt of continued funding.

NEW SECTION. Sec. 114. The superintendent of public instruction, through the state clear-house for education information, shall collect and disseminate to all school districts and other interested parties information about the schools for the twenty-first century pilot projects.

NEW SECTION. Sec. 115. Sections 101 through 114 of this act shall expire June 30, 1994.

NEW SECTION. Sec. 116. Sections 101 through 114 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

PART I-B

PRIMARY BLOCK EDUCATION PROGRAMS

NEW SECTION. Sec. 117. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall develop a model plan for providing support and technical assistance to schools or school districts deciding to develop and implement programs in 'continuous progress' or 'primary block' education in grades kindergarten through three. The model shall be designed to provide support and technical assistance for district-developed or building-developed programs that emphasize student progress in and through grades kindergarten through three based on ability and skill rather than age.

NEW SECTION. Sec. 118. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction may establish a program to award funds on a grant basis to school districts for pilot primary block education programs. If the superintendent establishes the program, the superintendent shall adopt rules under chapter 34.04 RCW establishing evaluative criteria for the selection of pilot primary block education programs and the award of grants for the programs. The superintendent of public instruction may appoint an advisory committee to assist in establishing the criteria for the selection of pilot primary block education programs and to make recommendations to the superintendent regarding the award of grants.

NEW SECTION. Sec. 119. A new section is added to Title 28A RCW to read as follows:

(1) Pursuant to the establishment of a program to award grants to school districts for pilot primary block education programs as provided under section 118 of this act, school districts shall be required to submit written grant applications to the superintendent of public instruction no later than May 1 of any state fiscal year in which funds may be available for purposes of awarding grants for pilot primary block education programs.

(2) The advisory committee that the superintendent of public instruction may appoint under section 118 of this act, if appointed, shall, no later than May 20 of any state fiscal year in which funds may be available for the purposes of awarding grants for pilot primary block education programs, review the grant applications and make recommendations to the superintendent regarding the award of grants.

(3) The superintendent of public instruction shall select school districts for pilot primary block education program grant awards no later than June 1 of any state fiscal year in which funds may be available for such purposes.

NEW SECTION. Sec. 120. A new section is added to Title 28A RCW to read as follows:

(1) The superintendent of public instruction may accept, receive, and administer for the purposes of sections 118 through 122 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 118 through 122 of this act.

(2) The primary block education grant program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of sections 118 through 122 of this act. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursement.

NEW SECTION. Sec. 121. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction may allocate state funds as may be appropriated or funds otherwise made available for the purposes of sections 117 through 122 of this act.

NEW SECTION. Sec. 122. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall submit, biennially, a report to the legislature evaluating the achievement of students who participate in pilot primary block education programs as may be funded through grants awarded by the superintendent of public instruction under sections 118 and 119 of this act.

PART II

TEACHING AS A PROFESSION

NEW SECTION. Sec. 201. The legislature intends to enhance the education of the state's youth by improving the quality of teaching. The legislature intends to establish a framework for teacher and principal preparation programs and to recognize teaching as a profession.

The legislature finds that the quality of teacher preparation programs is enhanced when a planned, sequenced approach is used that provides for the application of practice to academic course work.

The legislature supports better integration of the elements of teacher preparation programs including knowledge of subject matter, teaching methods, and actual teaching experiences.

The legislature finds that establishing: (1) A teaching internship program; (2) a post-baccalaureate program resulting in a masters degree; (3) stronger requirements for earning principal credentials; and (4) a review of the preparation standards for school principals and educational staff associates are appropriate next steps in enhancing the quality of educational personnel in Washington.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.04 RCW to read as follows:

(1) No person may be admitted to a professional teacher preparation program within Washington state without first demonstrating that he or she is competent in the basic skills required for oral and written communication and computation.

(2) After June 30, 1989, no person shall be admitted to a teacher preparation program who has a combined score of less than the state-wide median score for the prior school year scored by all persons taking the Washington precollege test or who has achieved an equivalent standard score on comparable portions of other standardized tests. The state board of education shall develop criteria and adopt rules for exemptions from this subsection.

(3) The state board of education shall adopt rules to implement this section.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.70 RCW to read as follows:

The state board of education shall require a uniform state exit examination for teacher certification candidates. Commencing August 31, 1993, teacher certification candidates completing a teacher preparation program shall be required to pass an exit examination before being granted an initial certificate. The examination shall test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, and student behavior and development. The examination shall consist primarily of essay questions. The state board of education shall adopt such rules as may be necessary to implement this section.

NEW SECTION. Sec. 204. The state board of education shall, no later than January 15, 1990, recommend to the legislature whether all teacher candidates should be required to pass a written subject matter examination. Before making its recommendations, the board shall provide for the administration of sample endorsement subject matter examinations to a sample number of teacher candidates who qualify to receive endorsements on the basis of other criteria. A limited number of endorsement areas shall be selected for sample testing. The results of such tests shall be made available to the legislature.

NEW SECTION. Sec. 205. (1) The state board of education shall establish the requirements for a two-year pilot program to enhance the student teaching component of teacher preparation programs to support innovative ways to expand student teaching experiences for prospective teacher candidates and to expand opportunities for student teacher placements in school districts throughout the state. The state board shall adopt necessary rules under chapter 34.04 RCW to carry out this program.

(2) In developing the pilot program requirements, the state board shall include a requirement that each grant application be jointly developed through a process including participation by school building and school district personnel, teacher preparation program personnel, program unit members, and other personnel as appropriate. Primary administration for each grant project shall be the responsibility of one or more of the cooperating grant project participants, as determined by the grant project participants.

NEW SECTION. Sec. 206. As used in sections 205 through 208 of this act, the term "student teaching" includes all field experiences and opportunities for observation, tutoring, micro-teaching, and extended practicums; clinical and laboratory experiences; and internship experiences in educational settings.

NEW SECTION. Sec. 207. (1) The superintendent of public instruction is authorized to award grant funding on a competitive grant basis.

(2) Each grant application shall include provisions for providing appropriate and necessary training in observation and supervision and assistance skills and techniques for each participating school district cooperating teacher, and other building or district personnel who may be participants in a team concept to support the student teacher, and for each individual who is affiliated with a teacher preparation program or programs as a field-based supervisor of student teachers.

(3) In developing the grant proposals, grant requestors are encouraged but not required to consider such models or model components as:

(a) Contracting or otherwise cooperating with an educational service district to base a supervisor or supervisors in the educational service district to supervise student teachers placed into school districts located within the educational service district;

(b) Contracting or otherwise cooperating with a community college district to base a supervisor or supervisors in the community college district to supervise student teachers placed into school districts located within the boundaries of the community college district;

(c) Training cooperating teachers to serve also as the supervisor for participating institutions;

(d) Contractual or other cooperative arrangements between teacher preparation programs to allow one institution to serve a geographic area of the state not normally served by that institution; and

(e) Contractual or other cooperative arrangements between two or more teacher preparation programs to jointly serve a geographic area of the state not normally served by the institutions.

(4) In approving grant applications for funding, the state board of education shall assure that if no more than one grant project is approved such project shall be of a nature as suggested in subsection (3)(a) of this section. The state board shall also give priority consideration to approving grant projects as suggested in subsection (3) (b) and (e) of this section.

(5) The state board of education shall give priority consideration to approving grant applications designed to involve unserved or underserved school districts and shall assure, to the extent possible, that the grant projects approved for funding reflect a geographic sampling of the state.

NEW SECTION. Sec. 208. Any compensation provided to certificated school district employees pursuant to the pilot program established under sections 205 through 209 of this act shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.58.095.

NEW SECTION. Sec. 209. The state board of education shall evaluate the pilot projects and submit a report to the legislature not later than January 15, 1990, including findings and recommendations.

NEW SECTION. Sec. 210. Sections 205 through 209 of this act shall expire January 16, 1990.

NEW SECTION. Sec. 211. Sections 205 through 209 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 212. A new section is added to chapter 28A.70 RCW to read as follows:

(1) The state board of education shall adopt rules providing that all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.04.120 (1) and (2). However, candidates for grades preschool through six certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

(2) The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.

(3) The initial certificate shall be valid for two years.

(4) Certificate holders may renew the certificate for a three-year period by providing proof of acceptance and enrollment in an approved masters degree program. A second

renewal, for a period of two years, may be granted upon recommendation of the degree-granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two-year extension period. Under no circumstances may an initial certificate be valid for a period of more than seven years.

NEW SECTION, Sec. 213. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education shall review the board's current teacher preparation program field experience requirements and the state teacher assistance program as it relates to beginning teachers, and adopt rules as necessary to assure that these programs are coordinated.

(2) The state board of education shall study the concept of 'internship' both as it relates to the programs identified in subsection (1) of this section and as it relates to current state board teacher preparation program approval standards. Based on the study findings the board may develop and recommend to the legislature appropriate standards for a teacher internship as a requirement for initial-level teacher certification. Pursuant to any such standards the board may develop, the board shall indicate if the internship is intended to replace or be in addition to both the board's current teacher preparation program field experience requirements and the state teacher assistance program as it relates to beginning teachers.

The state board shall consider providing for a paid internship and, as necessary, recommend payment options to the legislature.

(3) The state board shall submit to the legislature by January 15, 1990, a report relating to the provisions of subsection (2) of this section.

NEW SECTION, Sec. 214. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education and the higher education coordinating board shall work cooperatively to develop by January 15, 1990, the standards for the implementation of a post-baccalaureate professional teacher preparation program that results in the acquisition of a masters degree in teaching. The program shall: (a) Build upon the program of courses required for teacher certification as provided by RCW 28A.04.120 (1) and (2); and (b) provide for the application of academic theory to classroom practice.

(2) In developing the standards under subsection (1) of this section, the state board of education shall consult with institutions of higher education offering teacher preparation programs, the higher education coordinating board, and other groups or organizations having an interest in teacher preparation issues.

NEW SECTION, Sec. 215. A new section is added to chapter 28A.70 RCW to read as follows:

The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1992, shall possess, as a requirement of professional status, a masters degree in teaching, or a masters degree in the arts, sciences, and/or humanities.

NEW SECTION, Sec. 216. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education shall review and develop by January 15, 1990, standards which address the minimum professional educational requirements necessary for initial or professional certification for persons entering education from other fields, and for other persons who want to enter education. The standards shall include:

(1) An internship or field experience requirement that is coordinated with the state teacher assistance program as it relates to beginning teachers. The board shall consider providing for a paid internship and, as necessary, recommend payment options to the legislature;

(2) Completion of professional education coursework equivalent to that required for initial-level teacher certification and which may be taken as part of or in conjunction with a masters degree program required under section 215 of this act; and

(3) Teaching experience as determined by the state board.

NEW SECTION, Sec. 217. In developing the standards under sections 205 through 216 and 220 through 224 of this act, the state board of education shall review ways to strengthen program unit functions and processes to enhance cooperative agreements between public or private institutions of higher education and schools or school districts.

NEW SECTION, Sec. 218. Notwithstanding state board of education rules governing the length of time by which individuals must have obtained a standard or continuing certificate pursuant to standards of the state board of education in effect prior to 1978, in order to qualify for a continuing certificate under standards effective in 1978, any applicant who completed all requirements within the stated length of time for obtaining a certificate shall have an additional year to apply for such certificate.

NEW SECTION, Sec. 219. A new section is added to Title 28A RCW to read as follows:

The legislature finds that effective principals have high degrees of skill as managers and instructional leaders. The legislature intends to support the continued development of these skills by:

(1) Providing for the review of the preparation standards for school principals;

(2) Requiring the adoption of further rules regarding principal certification by the state board of education; and

(3) Establishing an administrators' academy.

NEW SECTION. Sec. 220. The state board of education shall review the requirements of preparation programs for school principals and educational staff associates. The results of this review shall be reported to the legislature on or before December 15, 1988, and shall address:

(1) The appropriateness of existing preparation standards as they relate to the needs of persons fulfilling the role of principal or any one of the educational staff associate roles.

(2) Procedures for selection of persons to attend principal preparation programs.

(3) Procedures for recruitment and selection of principal candidates who reflect the racial, ethnic, and gender composition of the school population; and

(4) Provisions for an internship program for principal candidates, the provision of release time equivalent to not less than one academic semester from normal duties for the interns, and the establishment of mentor principals and supervision by faculty from a public or independent institution of higher education.

(5) This section shall expire December 16, 1988.

NEW SECTION. Sec. 221. A new section is added to Title 28A RCW to read as follows:

The state board of education shall develop, in cooperation with an academy advisory committee, the standards for the implementation of an administrators' academy.

(1) The state board of education shall establish the academy advisory committee which shall be comprised of at least twelve members appointed by the state board of education and which shall include persons representing the state board, school administrators, classroom teachers, local school directors, principals, and institutions of higher education offering school administrator training programs.

(2) The superintendent of public instruction shall appoint an individual to serve as director for the academy and as ex officio chairperson of the advisory committee with full voting privileges.

(3) The state board of education shall adopt rules as necessary for the establishment and operation of the administrators' academy and the academy advisory committee.

NEW SECTION. Sec. 222. A new section is added to Title 28A RCW to read as follows:

The school administrators' academy shall focus on methods of developing and refining the administrative, evaluation, and leadership skills of school administrators. The academy program shall complement other staff development programs offered by professional associations and higher education school administrator training programs. The academy may operate in conjunction with such programs. The state board of education is directed to include in the academy program components that will provide for:

(1) A needs assessment for each academy participant;

(2) An academy curriculum designed to meet the needs established by the assessment of the participants;

(3) Continued opportunity to review and reinforce the skills learned as a result of participation in the academy;

(4) Cost-sharing provisions for participating administrators; and

(5) Procedures for evaluation of the administrators' academy.

NEW SECTION. Sec. 223. A new section is added to Title 28A RCW to read as follows:

The state board of education shall submit a report on the implementation and progress of the school administrators' academy to the legislature by January 15, 1989.

NEW SECTION. Sec. 224. A new section is added to Title 28A RCW to read as follows:

The state board of education shall adopt rules requiring candidates for administrative certification to complete the following requirements in addition to others that may be established by the board:

(1) After August 31, 1992, the candidate shall hold a valid professional level teacher or educational staff associate certificate at the time of application for the initial level principal certificate.

(2) The candidate for a professional level principal certificate shall complete a course of study approved by the state board of education and offered by institutions of higher education, or complete a course of study approved by the state board of education and offered by specialized or general professional associations, or complete a course of study through the administrators' academy. All such courses of study shall comply with section 222 (1), (2), and (3) of this act.

NEW SECTION. Sec. 225. The state board of education shall monitor the development of studies for establishing a national teacher assessment and certification process and advise the legislature on the applicability of a national teacher assessment and certification process and creation of a national board for professional teaching standards for this state and report to the legislature by January 15, 1990.

NEW SECTION. Sec. 226. The state board of education and the office of the superintendent of public instruction shall review the provisions of the interstate agreement on qualifications of educational personnel under chapter 28A.93 RCW, and advise the governor and the legislature on which interstate reciprocity provisions will require amendment to be consistent with sections 212 through 216 and 220 through 224 of this act by January 1, 1992.

NEW SECTION. Sec. 227. The superintendent of public instruction shall provide technical assistance to the state board of education in the conduct of the activities described in sections 202 through 232 of this act.

NEW SECTION. Sec. 228. The higher education coordinating board and the state board of education shall develop recommended legislation to enhance the masters degree requirement under section 215 of this act and report to the legislature by December 1, 1988. Recommendations for programs to be implemented beginning with the 1989 school year shall include but not be limited to:

(1) Graduate scholarships for candidates for a masters degree leading to professional-level teacher certification, especially minorities, the disadvantaged, and the needy.

(2) Work study programs for persons intending to enter a teacher preparation program leading to initial-level teacher certification or a masters degree program leading to professional-level teacher certification.

This section shall expire December 15, 1988.

NEW SECTION. Sec. 229. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the state board of education.

NEW SECTION. Sec. 230. A new section is added to chapter 28A.04 RCW to read as follows:

The award for the teacher educator shall include:

(1) A certificate presented to the teacher educator by the governor, the president of the state board of education, and the superintendent of public instruction at a public ceremony; and

(2) A grant to the teacher program unit of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under section 232 of this act.

NEW SECTION. Sec. 231. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education shall adopt rules under chapter 34.04 RCW to carry out the purposes of sections 229 through 232 of this act. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation program. The state board of education is encouraged to consult with teacher educators, deans, and program unit members in developing the selection criteria.

NEW SECTION. Sec. 232. A new section is added to chapter 28A.04 RCW to read as follows:

The teacher program unit for the institution from which the teacher educator has been selected to receive an award shall be eligible to apply for an educational grant as provided under section 230 of this act. The state board of education shall award the grant after the state board has approved the grant application as long as the written grant application is submitted to the state board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

NEW SECTION. Sec. 233. A new section is added to Title 28B RCW to read as follows:

The state's public and private institutions of higher education offering teacher preparation programs and school districts are encouraged to explore ways to facilitate faculty exchanges, and other cooperative arrangements, to generate increased awareness and understanding by higher education faculty of the common school teaching experience and increased awareness and understanding by common school faculty of the teacher preparation programs.

NEW SECTION. Sec. 234. Sections 202 through 233 of this act shall be known as the professional educator excellence act of 1987.

PART III STAFF DEVELOPMENT

Sec. 301. Section 2, chapter 189, Laws of 1977 ex. sess. as last amended by section 1, chapter 214, Laws of 1985 and RCW 28A.71.210 are each amended to read as follows:

The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.04 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: PROVIDED, That each district requesting such funds shall have:

(1) Conducted a district needs assessment, including plans developed at the building level, to be reviewed and updated at least every two years, of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program;

(2) Demonstrate that the plans are consistent with the goals of basic education;

(3) Established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in identifying in-service training needs and goals; and

((3)) (4) Demonstrated to the superintendent of public instruction its intention to implement the recommendations of the needs assessment and thereafter the progress it has made in providing in-service training as identified in the needs assessment.

The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education, in such numbers as shall be established by the school district board of directors or educational service district board of directors.

NEW SECTION. Sec. 302. (1) The superintendent of public instruction shall appoint a temporary task force to: (a) Survey or otherwise identify state and local district requirements on teachers to complete various forms; (b) recommend to school districts ways in which local reporting requirements might be combined and streamlined; and (c) develop ways in which state reporting requirements might be combined and streamlined.

(2) This section shall expire June 30, 1988.

NEW SECTION. Sec. 303. Section 4, chapter 422, Laws of 1985 (uncodified) is hereby repealed.

NEW SECTION. Sec. 304. Section 303 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 15, 1987.

NEW SECTION. Sec. 305. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 28A.71.210; adding new sections to chapter 28A.04 RCW; adding new sections to chapter 28A.70 RCW; adding new sections to Title 28A RCW; adding a new section to Title 28B RCW; creating new sections; repealing section 4, chapter 422, Laws of 1985 (uncodified); providing expiration dates; providing an effective date; and declaring an emergency."

Signed by Senators Gaspard, Bailey, Bauer; Representatives Ebersole, Peery, Betrozoff.

MOTION

Mr. Ebersole moved that the House adopt the report of the Free Conference Committee.

Representatives Ebersole, Betrozoff and Taylor spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5479 as amended by Free Conference Committee.

Representatives Ebersole, Pruitt and Peery spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5479 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Engrossed Substitute Senate Bill No. 5479 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 707, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 22, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 707, increasing the goals and duties of the Washington conservation corps, have had the same under consideration and we recommend that the Senate Parks & Ecology Committee amendment as amended (For amendment, see Journal, 94th Day, April 15, 1987.) be adopted with the following amendment by the Free Conference Committee:

On page 4, line 5 of the Senate committee amendment strike "Recruitment" and insert "Up to fifteen percent of funds spent for recruitment"

and the bill do pass as amended by the Free Conference Committee.

Signed by Senators Rinehart, Tanner, Bluechel; Representatives Vekich, Sayan, Beck.

MOTION

On motion of Mr. Vekich, the House adopted the report of the Free Conference Committee.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 707 as amended by Free Conference Committee.

Representatives Sayan and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 707 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

House Bill No. 707 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035, creating the rail development commission, have had the same under consideration and we recommend that the Senate Transportation Committee amendment (For committee amendment, see Journal, 100th Day, April 21, 1987.) be adopted with the following amendment and the bill do pass as amended by the Free Conference Committee:

On page 1 of the Senate committee amendment, line 12 after "elected" strike "by"

Signed by Senators Hansen, Barr, Bender; Representatives Walk, Fisher, Schmidt.

MOTION

Mr. Walk moved that the House adopt the report of the Free Conference Committee.

Representatives Walk and Fisher spoke in favor of the motion.

POINT OF INQUIRY

Ms. Fisher yielded to question by Ms. Schmidt.

Ms. Schmidt: Representative Fisher, you told us what the bill did and, of course, that was the original bill as it went through here, but going to Free Conference is a very complex issue and we have made major changes in this bill. Can you explain the major changes that took place through the Free Conference Committee?

Ms. Fisher: I can. The staff made a mistake. The word "by" has to be removed from this bill and we had to go to Free Conference to do it.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1035 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1035 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 87; nays, 10; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayer, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Betrozoff, Doty, Fuhrman, Hankins, Lewis, May, Padden, Sanders, Silver, Williams B - 10.

Excused: Representative Chandler - 1.

Engrossed Substitute House Bill No. 1035 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

April 26, 1987

Mr. Speaker:

The President has ruled the Free Conference Committee report on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441 beyond the scope and object of the bill.

Bill Gleason, Assistant Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 435, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 435, revising provisions on inactive real estate licenses, have had the same under consideration, and we recommend the bill do pass with the following amendments by the Free Conference Committee:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 370, Laws of 1977 ex. sess. as amended by section 4, chapter 162, Laws of 1985 and RCW 18.85.215 are each amended to read as follows:

(1) Any license issued under this chapter and not otherwise revoked shall be deemed 'inactive' at any time it is delivered to the director. Until reissued under this chapter, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be renewed on the same terms and conditions as an active license, and failure to renew shall result in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with this chapter and the rules adopted pursuant thereto. If a holder has an inactive license for more than three years, the holder must show proof of successfully completing a thirty clock hour course in real estate within one year prior to the application for active status. Holders employed by the state and conducting real estate transactions on behalf of the state are exempt from this course requirement.

(4) The provisions of this chapter relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

NEW SECTION. Sec. 2. A new section is added to chapter 18.85 RCW to read as follows:

No person licensed under this chapter who is employed by the state and who is conducting real estate transactions on behalf of the state may hold an active license under this chapter.

NEW SECTION. Sec. 3. The legislature recognizes the value of an analytical review, removed from the political process, of proposals for increased regulation of real estate and other business professions which the legislature already regulates, as well as of proposals for regulation of professions not currently regulated. The legislature further finds that policies and standards set out for regulation of the health professions in chapter 18.120 RCW have equal applicability to other professions. To further the goal of governmental regulation only as necessary to protect the public interest and to promote economic development through employment, the legislature expands the scope of chapter 18.120 RCW to apply to business professions. The legislature intends that the reviews of proposed business profession regulation be conducted by the department of licensing's policy and research rather than regulatory staff and that the reviews be conducted and recommendations made in an impartial manner. Further, the legislature intends that the department of licensing provide sufficient staffing to conduct the reviews.

NEW SECTION. Sec. 4. (1) The purpose of sections 5 through 7 of this act is to establish guidelines for the regulation of the real estate profession and other business professions which may seek legislation to substantially increase their scope of practice or the level of regulation of the profession, and for the regulation of business professions not licensed or regulated on the effective date of this section: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to the effective date of this section, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or state board of education under RCW 28A.04-.120 and 28A.70.005; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before the effective date of this section; and (e) apply to proposals relating solely to continuing education. The legislature believes that all individuals should be permitted to enter into a business profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall be imposed upon any business profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a business profession for the first time should be reviewed according to the following criteria. A business profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a business profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the business profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

NEW SECTION, Sec. 5. The definitions contained in this section shall apply throughout sections 4 through 7 of this act unless the context clearly requires otherwise.

(1) 'Applicant group' includes any business professional group or organization, any individual, or any other interested party which proposes that any business professional group not presently regulated be regulated or which proposes legislation to substantially increase the scope of practice or the level of regulation of the profession.

(2) 'Business professions' means those business occupations or professions which are not health professions under chapter 18.120 RCW and includes, in addition to real estate brokers and salespersons under chapter 18.85 RCW, the following professions and occupations: Accountancy under chapter 18.04 RCW; architects under chapter 18.08 RCW; auctioneering under chapter 18.11 RCW; cosmetologists, barbers, and manicurists under chapter 18.16 RCW; contractors under chapter 18.27 RCW; debt adjusting under chapter 18.28 RCW; engineers and surveyors under chapter 18.43 RCW; escrow agents under chapter 18.44 RCW; landscape architects under chapter 18.96 RCW; water well construction under chapter 18.104 RCW; plumbers under chapter 18.106 RCW; and art dealers under chapter 18.110 RCW.

(3) 'Certificate' and 'certification' mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use 'certified' in the title or designation to perform prescribed professional tasks.

(4) 'Grandfather clause' means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(5) 'Inspection' means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) 'Legislative committees of reference' means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate business professions not previously regulated.

(7) 'License', 'licensing', and 'licensure' mean permission to engage in a business profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed professional tasks and for the use of a particular title.

(8) 'Professional license' means an individual, nontransferable authorization to carry on an activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) 'Practitioner' means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified business profession.

(10) 'Public member' means an individual who is not, and never was, a member of the business profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the business professional service being regulated or an activity directly related to the profession being regulated.

(11) 'Registration' means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the business activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) 'Regulatory entity' means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) 'State agency' includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

NEW SECTION. Sec. 6. After the effective date of this section, if appropriate, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

- (1) A definition of the problem and why regulation is necessary:
 - (a) The nature of the potential harm to the public if the business profession is not regulated, and the extent to which there is a threat to public health and safety;
 - (b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the profession; and
 - (c) The extent of autonomy a practitioner has, as indicated by:
 - (i) The extent to which the profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and
 - (ii) The extent to which practitioners are supervised;
 - (2) The efforts made to address the problem:
 - (a) Voluntary efforts, if any, by members of the profession to:
 - (i) Establish a code of ethics; or
 - (ii) Help resolve disputes between practitioners and consumers; and
 - (b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;
 - (3) The alternatives considered:
 - (a) Regulation of business employers or practitioners rather than employee practitioners;
 - (b) Regulation of the program or service rather than the individual practitioners;
 - (c) Registration of all practitioners;
 - (d) Certification of all practitioners;
 - (e) Other alternatives;
 - (f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and
 - (g) Why licensing would serve to protect the public interest;
 - (4) The benefit to the public if regulation is granted:
 - (a) The extent to which the incidence of specific problems present in the unregulated profession can reasonably be expected to be reduced by regulation;
 - (b) Whether the public can identify qualified practitioners;
 - (c) The extent to which the public can be confident that qualified practitioners are competent;
 - (i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;
 - (ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;
 - (iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;
 - (iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; and
 - (v) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs

exist in this state; if there will be an experience requirement; whether the experience must be acquired under a registered, certificated, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met;

(d) Assurance of the public that practitioners have maintained their competence:

(i) Whether the registration, certification, or licensure will carry an expiration date; and

(ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(a) The extent to which regulation will restrict entry into the profession:

(i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and

(ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification, and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and

(b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation:

(6) The maintenance of standards:

(a) Whether effective quality assurance standards exist in the profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and

(b) How the proposed legislation will assure quality:

(i) The extent to which a code of ethics, if any, will be adopted; and

(ii) The grounds for suspension or revocation of registration, certification, or licensure;

(7) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(8) The expected costs of regulation:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public; and

(b) The cost to the state and to the general public of implementing the proposed legislation.

NEW SECTION. Sec. 7. Applicant groups shall submit a written report explaining the factors enumerated in section 6 of this act to the legislative committees of reference. Applicant groups, other than state agencies created prior to the effective date of this section, shall submit copies of their written report to the department of licensing for review and comment. The department of licensing shall make recommendations based on the report to the extent requested by the legislative committees.

Sec. 8. Section 28A.45.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 93, Laws of 1981 and RCW 82.45.010 are each amended to read as follows:

As used in this chapter, the term 'sale' shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person by his direction, which title is retained by the vendor as security for the payment of the purchase price.

The term shall not include a transfer by gift, devise, or inheritance, a transfer of any leasehold interest other than of the type mentioned above, a cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage or the assumption by a grantee of the balance owing on an obligation which is secured by a mortgage or deed in lieu of forfeiture of the vendee's interest in a contract of sale where no consideration passes otherwise or a transfer where no consideration passes to the vendor other than relief from debt for which the property transferred has been used as security, or the partition of property by tenants in common by agreement or as the result of a court decree, any transfer, conveyance, or assignment of property or interest in property from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement incident thereto, the assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved, transfers by appropriation or decree in condemnation proceedings brought by the

United States, the state or any political subdivision thereof, or a municipal corporation, a mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof, any transfer or conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage, a conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration, nor a transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed, nor the sale of any grave or lot in an established cemetery, nor a sale by or to the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

The term sale shall further not include a transfer to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or children: PROVIDED, That if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within five years of the original transfer to which this exemption applies, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

NEW SECTION. Sec. 9. Sections 4 through 7 of this act are each added to chapter 18.85 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. There is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1989, the sum of eighty-four thousand three hundred seventy-two dollars, or so much thereof as may be necessary, to carry out the purposes of sections 4 through 7 of this act."

On page 1, line 1 of the title, after "salesmen;" strike the remainder of the title and insert "amending RCW 18.85.215 and 82.45.010; adding new sections to chapter 18.85 RCW; creating a new section; and making an appropriation."

Signed by Senators Warnke, McCaslin, Tanner; Representatives Wang, Cole, Patrick.

MOTION

Mr. Wang moved that the House adopt the report of the Free Conference Committee on Engrossed House Bill No. 435.

POINT OF ORDER

Mr. J. Williams: Mr. Speaker, I would request a ruling on the scope and object of the Free Conference Committee amendment.

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

The Speaker (Mr. O'Brien presiding) called the House to order.

With the consent of the House, Mr. J. Williams withdrew his Point of Order.

Mr. Wang spoke in favor of the motion to adopt the Free Conference Committee report and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 435 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 435 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch,

Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Engrossed House Bill No. 435 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The President has signed:

	SUBSTITUTE HOUSE BILL NO.	26.
	SUBSTITUTE HOUSE BILL NO.	47.
	HOUSE BILL NO.	91.
SECOND	SUBSTITUTE HOUSE BILL NO.	164.
	HOUSE BILL NO.	171.
SECOND	SUBSTITUTE HOUSE BILL NO.	221.
	SUBSTITUTE HOUSE BILL NO.	226.
	SUBSTITUTE HOUSE BILL NO.	274.
	SUBSTITUTE HOUSE BILL NO.	325.
	SUBSTITUTE HOUSE BILL NO.	373.
	SUBSTITUTE HOUSE BILL NO.	413.
	SUBSTITUTE HOUSE BILL NO.	418.
	SUBSTITUTE HOUSE BILL NO.	420.
	SUBSTITUTE HOUSE BILL NO.	440.
	HOUSE BILL NO.	452.
	HOUSE BILL NO.	462.
	SUBSTITUTE HOUSE BILL NO.	498.
	SUBSTITUTE HOUSE BILL NO.	499.
	SUBSTITUTE HOUSE BILL NO.	523.
	HOUSE BILL NO.	551.
	SUBSTITUTE HOUSE BILL NO.	578.
SECOND	SUBSTITUTE HOUSE BILL NO.	586.
	SUBSTITUTE HOUSE BILL NO.	601.
	SUBSTITUTE HOUSE BILL NO.	611.
	SUBSTITUTE HOUSE BILL NO.	614.
	HOUSE BILL NO.	629.
	SUBSTITUTE HOUSE BILL NO.	630.
	SUBSTITUTE HOUSE BILL NO.	644.
	SUBSTITUTE HOUSE BILL NO.	646.
	SUBSTITUTE HOUSE BILL NO.	695.
	SUBSTITUTE HOUSE BILL NO.	739.
	SUBSTITUTE HOUSE BILL NO.	755.
	SUBSTITUTE HOUSE BILL NO.	767.
	SUBSTITUTE HOUSE BILL NO.	776.
	SUBSTITUTE HOUSE BILL NO.	786.
SECOND	SUBSTITUTE HOUSE BILL NO.	813.
	SUBSTITUTE HOUSE BILL NO.	833.
	SUBSTITUTE HOUSE BILL NO.	844.
	HOUSE BILL NO.	856.
	SUBSTITUTE HOUSE BILL NO.	857.
	SUBSTITUTE HOUSE BILL NO.	978.
SECOND	SUBSTITUTE HOUSE BILL NO.	1006.
	HOUSE BILL NO.	1016.
	SUBSTITUTE HOUSE BILL NO.	1097.
	SUBSTITUTE HOUSE BILL NO.	1156.
	SUBSTITUTE HOUSE BILL NO.	1160.

HOUSE BILL NO. 1199,
HOUSE BILL NO. 1205,
HOUSE BILL NO. 1228,

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4023,
and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5453, modifying provisions relating to respite care projects, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Wojahn, Deccio, Tanner; Representatives Braddock, Brooks, Sprengle.

MOTION

On motion of Mr. Braddock, the House adopted the report of the Conference Committee and granted the committee powers of Free Conference.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5172, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 5172, revising provisions relating to victims and witnesses of crimes, have had the same under consideration and we recommend:

That the House amendment by Representative McMullen on page 4, after line 3 (For amendment, see Journal, 92nd Day, April 13, 1987.) be adopted with the following amendment by the Free Conference Committee:

On page 1 of the amendment, line 21 after "43.08.250." insert "Moneys deposited under this section shall be used to compensate victims of crimes through the crime victims compensation fund."

The Senate bill be further amended as follows:

On page 7, after line 16, insert the following:

"Sec. 5. Section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 11, chapter 443, Laws of 1985 and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

(1) 'Department' means the department of labor and industries.

(2) 'Criminal act' means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state, except as follows:

(a) The operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a 'criminal act' unless:

(i) The injury or death was intentionally inflicted;

(ii) The operation thereof was part of the commission of another non-vehicular criminal act as defined in this section; or

(iii) The death or injury was the result of the operation of a motor vehicle after July 24, 1983, and a ((conviction)) preponderance of the evidence establishes that the death was the result of vehicular homicide under RCW 46.61.520, or a conviction of vehicular assault under RCW 46.61.522, has been obtained; PROVIDED, That in cases where a probable criminal defendant has died in perpetration of vehicular assault or, because of physical or mental infirmity or disability the perpetrator is incapable of standing trial for vehicular assault, the department may, by a preponderance of the evidence, establish that a vehicular assault had been committed and authorize benefits:

(b) Neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal

character of the acts giving rise to such claim or proceeding, except as provided for in subsection (2)(a)(iii) of this section;

(c) Evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; and

(d) Acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct are deemed to be criminal conduct within the meaning of this chapter.

(3) 'Victim' means a person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, 'victim' is interchangeable with 'employee' or 'workman' as defined in chapter 51.08 RCW as now or hereafter amended.

(4) 'Child,' 'accredited school,' 'dependent,' 'beneficiary,' 'average monthly wage,' 'director,' 'injury,' 'invalid,' 'permanent partial disability,' and 'permanent total disability' have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) 'Gainfully employed' means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) 'Private insurance' means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) 'Public insurance' means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

NEW SECTION. Sec. 6. The 1987 amendments to RCW 7.68.020 by section 5 of this act apply only to vehicular assault under RCW 46.61.522 or vehicular homicide under RCW 46.61.520 that occurs after the effective date of this section.

Sec. 7. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 15, chapter 443, Laws of 1985 and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations, and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act:

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of

three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children:

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable

cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than fifteen thousand dollars (~~may~~) shall be granted as a result of (~~any~~) a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed twenty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for (~~any one injury or death for loss of earnings, those benefits payable pursuant to subsection (7) of this section, or for loss of future earnings, those benefits payable pursuant to subsection (5) of this section, or for loss of support, those benefits payable pursuant to subsection (4))~~ total temporary disability under subsection (7) of this section, shall be limited to ten thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter."

Renumber the sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title, after "9.94A.142," strike "and 13.40.190;" and insert "13.40.190, 7.68.020, and 7.68.070; creating a new section;"

and the Senate bill do pass as amended by the Free Conference Committee.

Signed by Senators Talmadge, Halsan, Nelson; Representatives Locke, Scott, Padden.

MOTION

On motion of Mr. Armstrong, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Senate Bill No. 5172 as amended by Free Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5172 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Senate Bill No. 5172 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 161, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We of your Conference Committee, to whom was referred Engrossed House Bill No. 161, requiring motorcycle helmets, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Peterson, Wojahn; Representatives Fisher, Ferguson.

MOTION

On motion of Ms. Fisher, the House adopted the report of the Conference Committee on Engrossed House Bill No. 161 and granted said committee the powers of Free Conference.

MESSAGES FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5479, and has passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

April 26, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5854. The President has appointed the following members as Conferees: Senators Moore, Kreidler and Johnson, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5854, regulating continuing care retirement communities, have had the same under consideration and we recommend the following amendment and the bill as amended by the Free Conference Committee do pass:

On page 1 of the House committee amendment, as amended 4/16/87 (For amendment, see Journal, 95th Day, April 16, 1987), beginning on line 7, strike the remainder of the amendment and insert the following:

NEW SECTION, Sec. 1. This chapter shall be known and may be cited as the 'continuing care retirement community act.'

NEW SECTION, Sec. 2. The legislature finds that continuing care retirement communities can provide a valued option in meeting long-term residential, social, and health needs for many of Washington's senior citizens. However, consumers in Washington and nationwide have encountered serious, documented problems in dealing with some retirement communities, generally stemming from long-term financial instability of the community, or insufficient disclosure to consumers. Because existing law does not provide for financial oversight or disclosure, the legislature has determined that any entity offering continuing care contracts should be certified and regulated in accordance with the provisions of this chapter.

NEW SECTION, Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Commissioner' means the insurance commissioner.
- (2) 'Continuing care contract' means a contract to provide a person, for the duration of such person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and service involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.
- (3) 'Department' means the department of social and health services.
- (4) 'Member' means an individual who has signed a continuing care contract with a retirement community.

(5) 'Nursing, medical, health-related, or personal care services' includes, but is not limited to, nursing home care, home health services or assistance with activities of daily living.

(6) 'Provider' means a retirement community as defined in subsection (7) of this section.

(7) 'Retirement community' means a person, association, or organization of any kind which provides, or proposes to provide, shelter and services pursuant to a continuing care contract.

(8) 'Shelter' means lodging with or without meals.

(9) 'Waiting list deposit' means a fee, whether refundable or not, which a provider requires of an individual seeking to become a member as a condition of being placed on a waiting list of those seeking a continuing care contract with a provider.

NEW SECTION. Sec. 4. (1) Waiting list deposits shall be the subject of a separate formal contract between the retirement community and a person seeking to become a member which specifies at least: The amount of the deposit; the amount refundable in the event the application is withdrawn, rejected, or accepted; the maximum time in which a refund will be made; and what interest will be paid on the applicant's funds, if any.

(2) Waiting list deposit contract forms shall be subject to prior approval by the department. On or after December 30, 1988, a contract form used without the prior approval of the department shall render a contract entered into on such unapproved form voidable at the option of the person seeking to become a member.

NEW SECTION. Sec. 5. Retirement community members have the right to organize a resident council, including the right to collectively represent the concerns of members in dealings with the retirement community administration.

NEW SECTION. Sec. 6. The legislature declares that the purchase of continuing care contracts and the exercise of rights under such contracts vitally affect the public interest. Any violation of this act is an unfair method of competition and an unfair or deceptive act or practice in the conduct of a trade or commerce, as specifically contemplated by RCW 19.86.020, and is a violation of the consumer protection act, chapter 19.86 RCW. Any person injured as a result of a violation of a provision of this act shall be entitled to maintain an action pursuant to chapter 19.86 RCW against the provider or other person who violated a provision of this act and shall be entitled to all of the rights and remedies afforded by chapter 19.86 RCW. Any successful claimant under this section shall also be entitled to reasonable attorneys' fees.

NEW SECTION. Sec. 7. (1) Nothing contained in this chapter shall alter any other statutory obligation of the department of social and health services, or any rule or regulation promulgated thereunder, including, but not limited to, obligations under the following:

- (a) Chapter 18.20 RCW (boarding homes);
- (b) Chapter 18.51 RCW (nursing homes);
- (c) Chapter 43.190 RCW (long-term care ombudsman program);
- (d) Chapter 70.38 RCW (health planning and resources development);
- (e) Chapter 70.40 RCW (hospital and medical facilities survey and construction act);
- (f) Chapter 70.41 RCW (hospital licensing and regulation);
- (g) Chapter 70.62 RCW (transient accommodations - licensing - inspections);
- (h) Chapter 70.124 RCW (abuse of patients - nursing homes, state hospitals);
- (i) Chapter 70.126 RCW (home health care and hospice care);
- (j) Chapter 74.34 RCW (abuse of vulnerable adults);
- (k) Chapter 74.42 RCW (nursing homes - resident care, operating standards); and
- (l) Chapter 74.46 RCW (nursing home auditing and cost reimbursement act of 1980).

(2) All benefits promised in continuing care contracts must be consistent with state licensing and other regulatory requirements for the facilities and service entities by which these benefits are to be provided.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act shall take effect on July 1, 1988.*

On page 34, beginning on line 19, strike the committee title amendment and insert the following: On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and providing an effective date."

Signed by Senators Kreidler, Johnson; Representatives Lux, Braddock, Betrozoff.

MOTION

Mr. Lux moved that the House adopt the report of the Conference Committee on Substitute Senate Bill No. 5854.

Representatives Lux and Betrozoff spoke in favor of the motion.

POINT OF INQUIRY

Mr. Lux yielded to question by Mr. Barnes.

Mr. Barnes: Representative Lux, the concern of many of us about this bill the first time it went through was the fees that had worried some managers of long term facilities, retirement homes and so forth. Is that still in the bill?

Mr. Lux: Representative Barnes, the wording was sufficient. All the fees are out, including the appropriations of any kind. There are no fees and no appropriation.

The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5854 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5854 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 5854 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5463, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5463, establishing a program to increase students' awareness of other nations, have had the same under consideration and we recommend:

That the House Ways & Means Committee amendment as amended (For amendment, see Journal, 92nd Day, April 13, 1987.) be adopted with the following amendment:

On page 3 of the engrossed amendment, after line 5 strike all the material down to and including "purposes." on line 22 and insert "The superintendent of public instruction may grant funds to selected school districts for purposes of developing and implementing international education programs. The grants shall be in such amounts as determined by the superintendent of public instruction. The sum of all grants awarded shall not exceed the amount appropriated by the legislature for such purposes."

and we recommend that the bill do pass as amended by the Free Conference Committee.

Signed by Senators Fleming, Gaspard; Representatives Ebersole, Locke.

MOTION

Mr. Ebersole moved that the House adopt the report of the Free Conference Committee.

Representatives Ebersole, Locke, Rasmussen and Taylor spoke in favor of the motion and Representatives Betzoff, Padden and Hargrove opposed it.

Mr. Ebersole spoke again in favor of the motion.

The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5463 as amended by Free Conference Committee.

Representatives Ebersole and Lux spoke in favor of passage of the bill, and Representatives Betzoff and Barnes spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5463 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 60; nays, 37; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Haugen, Hine, Holm, Jacobsen, Jesernig, King R, Leonard, Locke, Lux, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, and Mr. Speaker - 60.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Bristow, Bumgarner, Cooper, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Heavey, Holland, King P, Kremen, Lewis, Madsen, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Walker, Williams B, Williams J, Winsley, Zellinsky - 37.

Excused: Representative Chandler - 1.

Engrossed Senate Bill No. 5463 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 542, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 542, prohibiting placement of traps on private property without permission, have had the same under consideration and we recommend that the following Free Conference Committee amendments be adopted and the bill be passed as amended by the Free Conference Committee:

On page 1, line 19 of the amendment, after "trapper" strike "without permission from the owner"

On page 1, line 23 of the amendment, after "with" insert "either the game department identification number of the trapper or"

On page 1, after line 26, insert the following:

"When an individual presents a trapper identification number to the department of game and requests identification of the trapper, the department of game shall provide the individual with the name and address of the trapper. Prior to disclosure of the trapper's name and

address, the department of game shall obtain the name and address of the requesting individual in writing and after disclosing the trapper's name and address to the requesting individual, the requesting individual's name and address shall be disclosed in writing to the trapper whose name and address was disclosed."

On page 3, line 9 of the amendment, after "tenant" strike everything through "dollars," on line 13 and insert "where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner, is guilty of the misdemeanor of trespass as defined and established in RCW 9A.52.010 and 9A.52.080 and shall be punished for each offense by a fine of not less than two hundred fifty dollars."

On page 4, beginning on line 6, strike "written"

On page 4, line 7 of the amendment, after "tenant" insert "where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner"

On page 4, line 19 of the amendment, after "commission" strike "shall" and insert "may"

Signed by Senators Owen, Cantu, DeJarnatt; Representatives Sutherland, Meyers, Amondson.

MOTION

On motion of Mr. Sutherland, the House adopted the report of the Free Conference Committee.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 542 as amended by Free Conference Committee.

Representatives Sutherland and Amondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 542 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Niemi - 1.

Excused: Representative Chandler - 1.

Substitute House Bill No. 542 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 28A.47.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.060 are each amended to read as follows:

The state board of education shall have the power and it shall be its duty (1) to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant facilities but such rules shall be consistent with and may be subject to ratification under section 5 of this 1987 act; (2) to approve allotments to districts that apply for state assistance in conformance with this

chapter whenever the board deems such action advisable and in so doing to give due consideration to the findings, reports, and recommendations of the superintendent of public instruction pertaining thereto; (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the state board.

Sec. 2. Section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 18, chapter 154, Laws of 1980 and RCW 28A.47.801 are each amended to read as follows:

(1) Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment as computed for the purposes of RCW 28A.41.140 and the provisions of RCW 28A.47.800 through 28A.47.811 (~~PROVIDED, That~~). In calculating allotments other than for modernization or replacement of facilities, the state board shall not recognize facility needs created solely by the redesignation of facilities' grade level spans during the five years before the proposed allotment, unless the state board finds that these needs cannot feasibly be met through modernization or replacement.

(2) No allotment shall be made to a school district (~~for the purpose aforesaid~~) until such district has provided matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW 28A.47.803, with the following exceptions:

(a) The state board may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015 (~~or such lesser amount as may be required by the state board of education; PROVIDED FURTHER, That~~).

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the handicapped access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 3. Section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st ex. sess. and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) (~~The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses; PROVIDED: That the total cost of the project shall be subject to review and approval by the state board of education.~~) The state board of education shall annually adopt a construction cost index which is based upon recent regional trends in these costs. Construction expenditures included in the approved cost of a project shall be limited to seventy-five dollars and ten cents per square foot, adjusted by the percentage change in this construction cost index since July 1, 1986. In addition, as determined by the state board, the approved cost of the project may also include: (a) Costs of necessary equipment; (b) architectural and engineering services; and (c) mandatory tests, inspections, and other reports or studies. Nothing in this section shall be construed as limiting additional expenditures from other sources by school districts for capital projects.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil).

	District adjusted 3- valuation per full time equivalent pupil	+	Total state ad- justed valuation per full time equivalent pupil		
Computed State Ratio	=				= %
	District adjusted 3+ valuation per full time equivalent pupil		Total state ad- justed valuation per full time equivalent pupil		State Assist- ance

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.47.800 through 28A.47.811, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) ((a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs; the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e))) a need for the construction of a school building to provide for improved ((school district organization or)) racial balance, or ((ff)) (d) facility needs created by school district consolidation or by the establishment of an interdistrict cooperative program when the state board has found that the interdistrict program will provide opportunities for services that would otherwise not be feasible or would be substantially more expensive when provided by each district individually; or (e) conditions similar to those defined under (a), (b), ((c:)) or (d) ((and (e) hereina-bove:)) of this subsection creating a like emergency.

Sec. 4, Section 6, chapter 244, Laws of 1969 ex. sess. as amended by section 4, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.805 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW 28A.47.800 through 28A.47.811 for school building construction is found by the state board of education to ((have a school housing emergency requiring an allotment of state funds in excess of the amount allocable)) qualify for additional state assistance under RCW 28A.47.803(4), an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the ((total)) approved cost of the ((approved)) project ((which may include the cost of the site and equipment)). At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.47 RCW to read as follows:

No rule adopted after January 1, 1987, by the state board of education which impacts on the state funding of common school construction or modernization projects shall be effective until such rule has been expressly ratified by the legislature in a subsequent capital appropriations bill. This section shall apply only to new or revised rules which increase or may potentially increase the number of projects eligible for state assistance or the amount of state assistance for which a district is eligible.

NEW SECTION. Sec. 6. A new section is added to chapter 84.52 RCW to read as follows:

There is hereby levied an additional state property tax for school construction, at a rate of thirty-five cents per thousand dollars of assessed valuation adjusted to the state equalized

value in accordance with the indicated ratio fixed by the state department of revenue, for collection in each year beginning with calendar year 1988 and ending with calendar year 2002. Ten percent of the proceeds of this levy in calendar years 1988 through 1992 shall be deposited as principal in the permanent common school fund. Forty percent of the proceeds of this levy in calendar years 1993 through 1997 shall be deposited as principal in the permanent common school fund. Ninety percent of the proceeds of this levy in calendar years 1998 through 2002 shall be deposited as principal in the permanent common school fund. Remaining proceeds of this levy shall be deposited in the common school construction fund for financing the construction of facilities for the common schools.

NEW SECTION. Sec. 7. A new section is added to chapter 84.55 RCW to read as follows:

This chapter does not apply to the levy under section 6 of this act.

NEW SECTION. Sec. 8. Sections 6 and 7 of this act apply to taxes levied for collection in 1988, and thereafter.

Sec. 9. Section 13, chapter 288, Laws of 1971 ex. sess. as amended by section 88, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.04.140 are each amended to read as follows:

The term 'regular property taxes' and the term 'regular property tax levy' shall mean a property tax levy by or for a taxing district which levy is subject to the aggregate limitation set forth in RCW 84.52.043 and RCW 84.52.050, as now or hereafter amended, or which is imposed by or for a port district or a public utility district, or which is imposed under section 6 of this 1987 act.

Sec. 10. Section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows: The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; the levy for any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and the levy by or for any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from one dollar and eighty cents to two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes and from one dollar and fifty-seven and one-half cents to two dollars and twenty-five cents per thousand dollars of assessed value for county road purposes if the total levy for both purposes does not exceed four dollars and five cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy two dollars and two and one-half cents per thousand dollars of assessed value until such time as the junior taxing agencies are utilizing all the dollar rates available to them: AND PROVIDED FURTHER, That the total property tax levy authorized by law without a vote of the people shall not exceed nine dollars and fifteen cents per thousand dollars of assessed value. Levies at the rates provided by existing law by or for any port or public utility district shall not be included in the limitation set forth by this proviso.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Nothing in this section shall prevent the levy under section 6 of this 1987 act.

It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including section 24, chapter 299, Laws of 1971 ex. sess. and section 8, chapter 124, Laws of 1972 ex. sess.

Sec. 11. Section 1, chapter 2, Laws of 1973 as amended by section 1, chapter 194, Laws of 1973 1st ex. sess. and RCW 84.52.050 are each amended to read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state and all taxing districts, now existing or hereafter created, shall not in any year exceed one percentum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district, nor prevent the levy under section 6 of this 1987 act. The term 'taxing district' for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as authorized by law and in conformity with the provisions of Article VII, section 2(a), (b), or (c) of the Constitution of the state of Washington.

Nothing herein contained shall prohibit the legislature from allocating or reallocating the authority to levy taxes between the taxing districts of the state and its political subdivisions in a manner which complies with the aggregate tax limitation set forth in this section.

NEW SECTION. Sec. 12. The department of revenue shall take all steps necessary so that the taxes may be levied in 1987 for collection in 1988.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall take effect December 10, 1987, if the proposed amendments to Article IX, section 3 and Article VII, section 2 of the state Constitution providing funding for capital purposes for schools (House Joint Resolution No. 4220) are validly submitted to and are approved and ratified by the voters at a general election held in November 1987. If the proposed amendments are not so approved and ratified, sections 1 through 12 of this act shall be null and void in their entirety.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "authorizing the issuance of general obligation bonds; amending RCW 28A.47.060, 28A.47.801, 28A.47.803, 28A.47.805, 84.04.140, 84.52.043, and 84.52.050; adding a new section to chapter 28A.47 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating new sections; and providing an effective date." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Locke, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 1197.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1197 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1197 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hanks, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Brooks, Fuhrman, Hargrove, Nealey, Vekich, Winsley - 6.

Excused: Representative Chandler - 1.

Engrossed Substitute House Bill No. 1197 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION

April 16, 1987

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE JOINT RESOLUTION NO. 4220 with the following amendments:

On page 1, line 10 after "tax" strike all material through "1987," on line 11.

On page 4, line 31 after "purposes," strike all material through "people," on line 32. and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Grimm, the House concurred in the Senate amendments to Engrossed House Joint Resolution No. 4220.

FINAL PASSAGE OF HOUSE JOINT RESOLUTION AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Joint Resolution No. 4220 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 4220 as amended by the Senate, and the resolution passed the House by the following vote: Yeas, 86; nays, 11; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Hine, Holland, Holm, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Brooks, Fuhrman, Grant, Hargrove, Heavey, Jesernig, Nealey, Patrick, Prince, Vekich, Winsley - 11.

Excused: Representative Chandler - 1.

Engrossed House Joint Resolution No. 4220 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 1987

Mr. Speaker:

The Senate has concurred in the House striking amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5081 except for NEW SECTION, Sec. 5 and the related title reference, and asks the House to recede therefrom. The President has ruled that Section 5 of the striking amendment is beyond the scope and object of the bill, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Hargrove moved that the House recede from section 5 of the striking amendment and the related title reference.

Representatives Hargrove and Schoon spoke in favor of the motion, and Representative Vekich opposed it.

The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT CERTAIN HOUSE AMENDMENTS

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5081 without section 5 and the related title reference to the amendment.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5081 without section 5 of the House amendments, and the bill passed the House by the following vote: Yeas, 83; nays, 14; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Belcher, Brekke, Cole, Fisher, Grimm, Hine, Jacobsen, Nelson, Niemi, Pruitt, Rust, Sayan, Unsoeld, Walk - 14.

Excused: Representative Chandler - 1.

Engrossed Substitute Senate Bill No. 5081 without certain House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5453 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5453, modifying provisions relating to respite care projects, have had the same under consideration and we recommend that the House committee amendment (For committee amendment, see Journal, 95th Day, April 16, 1987.) be adopted with the following amendments:

On page 4, line 26 of the committee amendment, strike "until July 1, 1989"

On page 6, line 2 after "chapter," insert the following "The report shall at least include a comparison of the relative cost-effectiveness of the services provided under this chapter with all other programs and services which are intended to forestall institutionalization. In addition, the report shall include a similar comparison between in-home and out-of-home respite care services. The department shall make recommendations on the inclusion of respite care services under the senior citizens act for delivery and funding of respite care services described in this chapter."

and we recommend the bill do pass as amended by the Free Conference Committee.

Signed by Senators Wojahn, Deccio, Tanner; Representatives Braddock, Brooks, Sprenkle.

MOTION

On motion of Mr. Sprenkle, the House adopted the report of the Free Conference Committee.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5453 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5453 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Second Substitute Senate Bill No. 5453 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 569, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 26, 1987

Mr. Speaker:

We, of your Free Conference Committee to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 569, establishing the Washington wine commission, have had the same under consideration and we recommend that the Senate Ways & Means Committee amendment (For committee amendment, see Journal, 99th Day, April 20, 1987.) be adopted with the following amendments:

On page 5 of the amendment, line 30 after "Each" insert "voting member, except the member holding position eleven."

On page 6, line 19 after "the" strike "at large" and insert "wine wholesaler"

On page 17, line 14 after "1987," insert "Such additional tax shall cease to be imposed on July 1, 1993."

and the bill do pass as amended by the Free Conference Committee.

Signed by Senators Hansen, Benitz, Kreidler; Representatives Grimm, Rayburn.

MOTION

On motion of Mr. Grimm, the House adopted the report of the Free Conference Committee on Second Substitute House Bill No. 569.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 569 as amended by Free Conference Committee.

Representatives Grimm, Rayburn and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 569 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Saryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Second Substitute House Bill No. 569 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4676, by Representatives Todd, Brough, Crane, Leonard, Lux, Barnes, Schoon and Hine

WHEREAS, Cavanaugh Ace Hardware of Auburn is celebrating its 100th anniversary this summer; and

WHEREAS, The store was founded in 1887 by Samuel Cavanaugh in Titusville, now Kent, in the Washington Territory; and

WHEREAS, The Cavanaugh family has operated its hardware store in Auburn since 1894, at which time Auburn was known as Slaughter; and

WHEREAS, Samuel Cavanaugh purchased the present Main Street store site in 1908; and

WHEREAS, The Auburn store started by Sam has been operated by four generations of Cavanaugh's; Sam, his sons Ray and Charles, Charles' sons Cliff and Ed, and presently, Cliff's son Pat; and

WHEREAS, The Cavanaugh store is one of the oldest continuous family run businesses in the State of Washington; and

WHEREAS, The Cavanaugh's business has grown with the City of Auburn and the State of Washington; and

WHEREAS, The Cavanaugh family has served the public and contributed to the economic health of their city and state for a full century;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the members of the Cavanaugh family on achieving this milestone and commend them for their enterprise and their committed service to the City of Auburn and the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted by the Chief Clerk of the House of Representatives to Pat Cavanaugh and the members of the Cavanaugh family.

Mr. Todd moved adoption of the resolution. Representatives Todd, Brough and Crane spoke in favor of the resolution and it was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4674, by Representatives Bumgarner, Doty, Sutherland, S. Wilson, Ballard, McMullen, Prince, Belcher and Lewis

WHEREAS, Washington, the Evergreen State, has a rich natural resource environment for the many wildlife species found in this state; and

WHEREAS, All citizens may enjoy the opportunity to see and appreciate wildlife in natural habitats, in parks and in zoos; and

WHEREAS, Many organizations carry out important projects and raise funds to conduct wildlife enhancement programs which benefit all the citizens of this state, as well as the wildlife; and

WHEREAS, Many of those efforts are largely unrecognized by the general public and by other wildlife-support organizations; and

WHEREAS, Understanding, cooperation and goodwill among these groups would be enhanced by better communication and by recognition of the specific individuals and groups involved; and

WHEREAS, The Washington State Department of Game is the agency charged with overall coordination of wildlife well-being; and

WHEREAS, No event presently exists within the State of Washington collectively to recognize excellence in wildlife resource endeavors or the exceptional quality of the state's fish and game;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington respectfully requests the Governor to proclaim the second week in April of each year as "Washington Wildlife Week," and that the second weekend of April shall be planned for the annual Washington Wildlife Conference to be held for the purpose of bringing together all the wildlife-group interests of the state to enhance cooperation and to provide for recognition of excellence; and

BE IT FURTHER RESOLVED, That the Washington Department of Game, along with the various sports and conservation organizations, Indian tribes, timber and forestry interests, agriculture, energy, outfitters and guides, hunters, fishermen, industry and others, be invited to participate in these cooperative planning efforts for the future of wildlife in this state; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Honorable Booth Gardner, Governor of the State of Washington.

Mr. Bumgarner moved adoption of the resolution. Representatives Bumgarner, Sutherland and Doty spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4657, by Representatives Allen, Beck, Walker, L. Smith, Brough, Moyer, D. Sommers, Silver, Bumgarner and Miller

WHEREAS, It is already difficult to stay awake during much of the debate on the floor of the House; and

WHEREAS, Members of the House of Representatives are frequently guilty of lazy thinking; and

WHEREAS, Innovation in expression will alleviate boredom and encourage imagination;

NOW, THEREFORE, BE IT RESOLVED, That the use of the following cliches and stereotyped phrases be abolished henceforth and forevermore:

- "If it ain't broke, don't fix it . . .";
- "At this point in time . . .";
- "Establish a level playing field . . .";
- "It's a good little bill . . .";
- "The camel's nose in the tent . . .";
- "Step up to the problem . . .";
- "Hold their feet to the fire . . .";
- "We're just a step away . . .";
- "On the backs of . . .";
- "Input . . .";
- "Prioritize . . .";
- "Bow wave . . .";
- "Housekeeping bill/amendment . . .";
- "Massage . . .";
- "Hopefully . . .";
- "Joe Sixpack . . .";
- "Members of the body . . .";
- "Team Washington . . ."; and
- "Pro-Active . . ."

Ms. Allen moved adoption of the resolution.

Representatives Allen and Brooks spoke in favor of the resolution and Mr. Basich opposed it.

On motion of Ms. Brough, the following amendment was adopted:

Add to the resolution:

- "Let the record show...";
- "Revisit...";
- "Carry forward...";
- "Pork, pork, pork...";
- "Christmas tree...";
- "Good-faith effort...";
- "Back to the basics...";
- "Bite the bullet...";
- "Bold and innovative...";
- "Worst-case scenario...";

Representatives Prince, Bumgarner and Appelwick opposed the resolution as amended, and Mr. Hargrove spoke in favor of it.

The resolution was not adopted.

HOUSE FLOOR RESOLUTION NO. 87-4685, by Representatives Brough, Schoon, Winsley, Pruitt, Wang, Meyers, Ebersole, Grimm, Fisher, Gallagher, Walk and Walker

WHEREAS, Indoor soccer is one of the fastest growing spectator sports in the country; and

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Tacoma Stars' Soccer Team has exhibited the highest level of excellence in winning the Major Indoor Soccer League (M.I.S.L.) Western Division Championship; and

WHEREAS, This is the Tacoma Stars' first major league championship in its history, having achieved this phenomenal success in just four years since the team's beginning in 1983; and

WHEREAS, The Tacoma Stars clinched the championship title with five games still remaining in the regular season; and

WHEREAS, The Tacoma Stars have an extraordinary record so far this season of thirty-three wins and only seventeen losses which is the best win/loss record in both the Western and Eastern Divisions; and

WHEREAS, This year the Tacoma Stars is the winningest team of all Puget Sound sport teams; and

WHEREAS, The Tacoma Stars' players exhibited aggressive defense, brilliant offense and amazing team discipline in capturing this coveted championship title; and

WHEREAS, Coach Alan Hinton and Assistant Coaches Tony Chursky and Steve Buttle did a remarkable job in leading the Tacoma Stars to win the first place trophy; and

WHEREAS, Coach Alan Hinton has proven his dedication and competence to train, motivate and direct his players to their thrilling championship; and

WHEREAS, Players Steve Zungul, who has played on six teams, all of which eventually won the M.I.S.L. championship, and Neil Megson and Preki were all named to the 1987 M.I.S.L. All-Star team; and

WHEREAS, The Tacoma Stars have seven former or current M.I.S.L. All-Stars on their team; and

WHEREAS, The Tacoma Stars' players, coaches and staff all displayed extraordinary spirit and vigor in this awe-inspiring feat; and

WHEREAS, All the Tacoma Stars' players, Mike Dowler, Steve Sharp, Gary Heale, Neil Megson, Bill Crook, Steve Zungul, David Norman, Cico, Joe Waters, Preki, Ralph Black, Gerry Gray, Godfrey Ingram, Peter Hatstrup, Rick Davis, Gregg Blasingame, Fran O'Brien, Peter Mowluk, Joe Papaleo, Val Tuksa and Mike Gotchell exhibited outstanding expertise, sportsmanship and teamwork throughout the season; and

WHEREAS, The Tacoma Stars have set three M.I.S.L. records: The most one-goal victories in one season—twenty-one; the most overtime victories in one season—nine; and the most blocked shots in one season—a phenomenal seven hundred plus; and

WHEREAS, This wonderful achievement could only have been attained with the many family members, friends and community members who gave their enthusiastic support, making this achievement one for everyone to share and enjoy; and

WHEREAS, The Tacoma Stars have played all home games in the exceptional sports facility, the Tacoma Dome, and this year have attained an average attendance of over ten thousand three-hundred exuberant soccer fans, up twenty-seven percent from last season; and

WHEREAS, The Tacoma Stars' Soccer Team is owned by thirteen members of the local community who are dedicated to excellence, and the team has been instrumental in the spectacular renaissance of the City of Tacoma; and

WHEREAS, President John Best and Director of Operations, Claudia Best, have provided incredible vision, management and leadership in the Tacoma Stars' birth, growth and maturation as a championship soccer team; and

WHEREAS, Tacoma Stars' owners, managers, coaches, players and staff have involved themselves in the civic and social affairs of Tacoma and are committed to its growth and prosperity; and

WHEREAS, The House Republican Caucus and the Tacoma Stars' Soccer Team share the brilliant talents of photographer, Thomas E. Donoghue;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington commend the Tacoma Stars for their brilliant win of the Major Indoor Soccer League Western Division Championship, their contribution to the revitalization of Tacoma and their participation in many worthwhile charities and benefits; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage all members of the Washington State Legislature and all the citizens of this state to

attend this year's first Major Indoor Soccer League championship playoff game to be held in the Tacoma Dome on Wednesday, May 6, 1987 with festivities beginning at 6:30 P.M., and featuring the greatest indoor soccer team in the world and soon to be National Champions--The TACOMA STARS. They're number ONE...WHAT A FEELIN'!!!!!!!!!!!!; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted to John Best, President of the Tacoma Stars, and to the Honorable Doug Sutherland, Mayor of the City of Tacoma.

Ms. Brough moved adoption of the resolution. Representatives Brough, Ebersole, Heavey, Schoon and Barnes spoke in favor of the resolution and it was adopted.

MESSAGES FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has relieved the conferees on HOUSE BILL NO. 698, receded from the Senate amendments and passed the bill without the Senate amendments, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 161, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 161, requiring motorcycle helmets, have had the same under consideration and we recommend that the Committee on Transportation striking amendment (For committee amendment, see Journal, 101st Day, April 22, 1987.) be adopted with the following amendments by the Free Conference Committee and the bill do pass as amended by the Free Conference Committee:

On page 2 of the Senate Transportation striking amendment, line 8, after "of" strike "twelve" and insert "eighteen"

On page 3 of the Senate Transportation striking amendment, line 11, after "refundable," strike all material down to and including "examination." on line 20, and insert "~~((The director of licensing shall prescribe the examination fee at an amount equal to the cost of administering such examination, but in no event more than four dollars for the initial or new category examination nor more than two dollars for a subsequent renewal examination.))~~ The fee for the initial or new category examination shall be six dollars and the subsequent renewal examination shall be four dollars."

On page 3 of the Senate Transportation Committee striking amendment, line 37, after "with" strike all the material down to and including "other" on page 4, line 5

On page 4, beginning on line 28, strike "~~((active motorcycle riders))~~" and insert "active motorcycle riders or"

On page 5, beginning on line 23, strike all of subsection (4), and renumber the remaining subsection.

On page 5, line 32, after "education" strike all material down to and including "program" on line 38 and insert "programs conducted by public and private entities"

Signed by Senators Peterson, Wojahn; Representatives Fisher, Ferguson.

MOTION

On motion of Mr. Walk, the House adopted the report of the Free Conference Committee on Engrossed House Bill No. 161.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 161 as amended by Free Conference Committee.

Representatives Fisher, Ferguson, Brough, Brooks and Hine spoke in favor of passage of the bill, and Representatives Vekich and Fuhrman opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 161 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 85; nays, 12; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hanks, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Betzoff, Fuhrman, Jesernig, Madsen, Padden, Patrick, Sanders, Schmidt, Smith C, Vekich, Williams B, Williams J - 12.

Excused: Representative Chandler - 1.

Engrossed House Bill No. 161 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker assumed the Chair.

MESSAGES FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 5463, and has passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5546, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 26, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5546, revising provisions relating to assault, have had the same under consideration, and we recommend that the bill be amended as follows:

On page 1, beginning on line 5, strike all material down to and including line 1 on page 2.

Renumber the sections consecutively.

On page 4, line 23, strike "significant period of time unless or until relieved by medication;" and insert "period of time long enough to cause considerable suffering. The pain shall be the result of an actual injury capable of causing serious physical pain."

On page 5, after line 21, strike the remainder of the bill and insert the following:

*Sec. 2. Section 5, chapter 257, Laws of 1986 and RCW 9A.36.021 are each amended to read as follows:

(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) intentionally assaults another and thereby inflicts substantial bodily harm; or

(b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or

(c) Assaults another with a deadly weapon; or

((c)) (d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

((d)) (e) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony.

Sec. 3. Section 12, chapter 257, Laws of 1986 (uncodified) is amended to read as follows:

Sections 3 through 10 of this act shall take effect on July 1, ~~((1987))~~ 1988.

NEW SECTION. Sec. 4. Section 3 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. The remainder of this act shall take effect July 1, 1988."

On page 1, line 1 of the title, after "assault," strike the remainder of the title and insert "amending RCW 9A.04.110 and 9A.36.021; amending section 12, chapter 257, Laws of 1986 (uncodified); providing an effective date; and declaring an emergency."

and the bill do pass as amended by the Free Conference Committee.

Signed by Senators Talmadge, Halsan; Representatives Locke, Armstrong, Padden.

MOTION

Mr. Locke moved that the House adopt the report of the Free Conference Committee.

Mr. Padden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5546 as amended by Free Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5546 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Engrossed Senate Bill No. 5546 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate failed to concur in the House amendments on ENGROSSED SENATE BILL NO. 5996, and once again asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Jacobsen, the House receded from its amendments to Engrossed Senate Bill No. 5996.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5996 without the House amendments.

Representatives Locke, Wineberry, Ebersole, Valle and Jacobsen spoke in favor of passage of the bill, and Representatives Miller, K. Wilson, Allen, Taylor, B. Williams and Betzoff spoke against it.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5996 without the House amendments, and the bill passed the House by the following vote: Yeas, 50; nays, 47; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Brekke, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Heavey, Hine, Jacobsen, Jesernig, King P, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 50.

Voting nay: Representatives Allen, Amondson, Ballard, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cooper, Doty, Ferguson, Fuhrman, Hankins, Haugen, Holland, Holm, King R, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Spanel, Sprengle, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 47.

Excused: Representative Chandler - 1.

Engrossed Senate Bill No. 5996 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, Engrossed Senate Bill No. 5996 was ordered transmitted immediately to the Senate.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758, and has passed the bill as amended by the Free Conference Committee.

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758, establishing the department of wildlife, have had the same under consideration and we recommend that the bill be passed with the following amendments by the Free Conference Committee:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Washington's fish and wildlife resources are the responsibility of all residents of the state. We all benefit economically, recreationally, and aesthetically from these resources. Recognizing the state's changing environment, the legislature intends to continue to provide opportunities for the people to appreciate wildlife in its native habitat. However, the wildlife management in the state of Washington shall not cause a reduction of recreational opportunity for hunting and fishing activities. The paramount responsibility of the department remains to preserve, protect, and perpetuate all wildlife species. Adequate funding for proper management, now and for future generations, is the responsibility of everyone.

The intent of the legislature is: (1) To allow the governor to select the director of wildlife; (2) to retain the authority of the wildlife commission to establish the goals and objectives of the department; (3) to insure a high level of public involvement in the decision-making process; (4) to provide effective communications among the commission, the governor, the legislature, and the public; (5) to expand the scope of appropriate funding for the management, conservation, and enhancement of wildlife; (6) to not increase the cost of license, tag, stamp, permit, and

punchcard fees prior to January 1, 1990; and (7) for the commission to carry out any other responsibilities prescribed by the legislature in this title.

Sec. 2. Section 1, chapter 10, Laws of 1979 as last amended by section 47, chapter 466, Laws of 1985 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of ~~((game))~~ wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of trade and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) the department of community development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 3. Section 2, chapter 10, Laws of 1979 as last amended by section 48, chapter 466, Laws of 1985 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of ~~((game))~~ wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) the director of community development.

Such officers, except the secretary of transportation ~~((and the director of game))~~, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor: PROVIDED, That the director of wildlife shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041 (~~(-and the director of game shall be appointed by the game commission))~~). There is appropriated from the general fund to the department of wildlife for the biennium ending June 30, 1989, the sum of eight million dollars: PROVIDED, That four million five hundred thousand dollars of this appropriation shall revert to the general fund if the comprehensive spending plan submitted to the legislature under section 7(2) of this 1987 act is rejected by the legislature in the 1988 session: PROVIDED FURTHER, That three million five hundred thousand dollars of this appropriation may be expended by the department of wildlife without regard to approval of the comprehensive spending plan.

Sec. 4. Section 77.04.020, chapter 36, Laws of 1955 as amended by section 3, chapter 78, Laws of 1980 and RCW 77.04.020 are each amended to read as follows:

The department of ~~((game))~~ wildlife consists of the state ~~((game))~~ wildlife commission and the director of ~~((game))~~ wildlife. The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law ((and the commission)) and shall carry out the basic goals and objectives prescribed pursuant to section 7 of this 1987 act.

Sec. 5. Section 77.04.030, chapter 36, Laws of 1955 as last amended by section 11, chapter 338, Laws of 1981 and RCW 77.04.030 are each amended to read as follows:

The state ~~((game))~~ wildlife commission consists of six registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 6. Section 77.04.040, chapter 36, Laws of 1955 as amended by section 5, chapter 78, Laws of 1980 and RCW 77.04.040 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of wildlife.

NEW SECTION. Sec. 7. A new section is added to chapter 77.04 RCW to read as follows:

(1) In addition to any other duties and responsibilities, the commission shall establish, and periodically review with the governor and the legislature, the department's basic goals and

objectives to preserve, protect, and perpetuate wildlife and wildlife habitat. The commission shall maximize hunting and fishing recreational opportunities.

(2) By November 1, 1987, the department shall prepare and submit to the office of financial management the comprehensive and detailed departmental analyses and management plans specified in subsection (3) of this section. The governor shall submit a spending plan to the appropriate legislative committees by December 31, 1987.

(3) The comprehensive and detailed analyses and management plans shall include, but not be limited to:

(a) An analysis of each unique functional element, prioritized within each of the subprograms of the department, as to the element's purpose and role in the subprogram or agency mission, together with expenditures and staffing as of February 28, 1987, and a separate analysis, prioritized within the subprogram, of any revision in expenditure and staffing above the element's level as of February 28, 1987. However, any revision in expenditure or staffing will require specific justification, particularly as to fund source for the expenditure;

(b) An analysis of all hunting and fishing licenses and tags, stamps, or permits issued and the effect of increases or reductions of these fees;

(c) An analysis of the agency's management, organization, and productivity and a detailed plan for any revisions or improvements, if required;

(d) An analysis of the land management practices on department-owned and managed lands and a detailed plan for any improvements; and

(e) An analysis of the department's relationship with landowners, including wildlife damage to agricultural crops and a detailed plan for any improvements.

(4) The governor may also direct the use of personnel from the office of financial management and other state agencies to assist and participate as the governor deems necessary in any or all parts of the analyses or plans required in this section.

(5) The director of financial management shall inform the house of representatives and the senate bimonthly of the progress of the analyses and plans required in subsection (2) of this section.

(6) The analyses and plans, together with any supporting data, shall be made available to the natural resources and ways and means committees of the senate and house of representatives upon receipt by the office of financial management.

(7) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy wildlife.

(8) The commission shall prepare and submit to the governor and appropriate legislative committees by October 1, 1988, an analysis of the state's wildlife and wildlife recreation needs, looking at innovative management methods and alternatives to increased agency revenues, and make recommendations as to how those needs could be addressed.

(9) By June 30, 1989, the wildlife commission shall prepare a recommendation determining the fees that shall be charged for hunting and fishing licenses. Prior to preparing any recommendations, the commission shall hold state-wide hearings to learn concerns of all citizens. The commission shall consider the needs of low-income citizens, veterans of the armed services, the disabled, senior citizens, and juveniles. If the commission recommends a change in the license fees or residency requirements, the commission shall report to the legislature at its next regular session, the reasons for recommending the change.

Sec. 8. Section 77.04.060, chapter 36, Laws of 1955 as last amended by section 110, chapter 287, Laws of 1984 and RCW 77.04.060 are each amended to read as follows:

The commission shall hold at least one regular meeting (s within the first ten days of January, April, July, and October of each year) during the first two months of each calendar quarter, and special meetings when called by the chairman or by four members. Four members constitute a quorum for the transaction of business.

The commission at a meeting in each odd-numbered year shall elect one of its members as chairman and another member as vice chairman, each of whom shall serve for a term of two years or until a successor is elected and qualified.

~~((When a vacancy in the office of the director has occurred, the commission shall elect a director by approval of four members. The director shall hold office at the pleasure of the commission:))~~

Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

Sec. 9. Section 77.04.080, chapter 36, Laws of 1955 as amended by section 8, chapter 78, Laws of 1980 and RCW 77.04.080 are each amended to read as follows:

Persons eligible for appointment by the governor as director shall have practical knowledge of the habits and distribution of wildlife. The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director, the governor shall consult with and be advised by the commission. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate(~~(-in writing;))~~ to department personnel the duties and powers necessary for efficient operation and administration of the department. The department shall provide staff for the commission.

NEW SECTION. Sec. 10. A new section is added to chapter 77.04 RCW to read as follows:

The director shall provide a comprehensive annual report of all departmental operations to the governor, appropriate legislative committees, and the public, on or before October 1 of each year, to reflect the previous fiscal year. The report shall include, but not be limited to, descriptions of all departmental activities, including: Revenues generated, program costs, capital expenditures, personnel, department projects and research including cooperative projects, environmental controls, intergovernmental agreements, outlines of ongoing litigation, concluded litigation, and any major issues with the potential for state liability. The report shall describe the status of the resource and its recreational and tribal utilization.

In addition to the above elements, the commission shall prepare and submit to the governor, the appropriate legislative committees, and the public its own report and analysis on the condition of recreational hunting and fishing opportunities and wildlife and wildlife resources in the state and on the progress of the department in meeting goals and objectives set by the commission. The commission shall solicit public input in the preparation of this annual analysis.

Sec. 11. Section 77.08.010, chapter 36, Laws of 1955 as amended by section 9, chapter 78, Laws of 1980 and RCW 77.08.010 are each amended to read as follows:

As used in this title or rules (~~(of the commission;))~~ adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) 'Director' means the director of (~~(game))~~ wildlife.
- (2) 'Department' means the department of (~~(game))~~ wildlife.
- (3) 'Commission' means the state (~~(game))~~ wildlife commission.
- (4) 'Person' means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) 'Wildlife agent' means a person appointed and commissioned by the director, with authority to enforce laws (~~(of this title;))~~ and rules ((of the commission)) adopted pursuant to this title, and other statutes as prescribed by the legislature.
- (6) 'Ex officio wildlife agent' means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term 'ex officio wildlife agent' includes fisheries patrol officers, special agents of the national marine fisheries commission, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) 'To hunt' and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) 'To trap' and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) 'To fish' and its derivatives means an effort to kill, injure, harass, or catch a game fish.
- (10) 'Open season' means those times, manners of taking, and (~~(areas))~~ places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. 'Open season' includes the first and last days of the established time.
- (11) 'Closed season' means all times, manners of taking, and (~~(areas))~~ places or waters other than those established as an open season.
- (12) 'Closed area' means a place where the (~~(commission has prohibited by rule the))~~ hunting of some species of wild animals or wild birds is prohibited.
- (13) 'Closed waters' means all or part of a lake, river, stream, or other body of water, where (~~(the commission has prohibited by rule))~~ fishing for game fish is prohibited.
- (14) 'Game reserve' means a closed area where (~~(the commission has prohibited by rule))~~ hunting for all wild animals and wild birds is prohibited.
- (15) 'Bag limit' means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.
- (16) 'Wildlife' means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term 'wildlife' does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified by the director of fisheries. The term 'wildlife' includes all stages of development and the bodily parts of wildlife members.
- (17) 'Wild animals' means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term 'wild animal'

does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) 'Wild birds' means those species of the class Aves whose members exist in Washington in a wild state.

(19) 'Protected wildlife' means wildlife designated by ~~((rule of))~~ the commission that shall not be hunted or fished.

(20) 'Endangered species' means wildlife designated by ~~((rule of))~~ the commission as seriously threatened with extinction.

(21) 'Game animals' means wild animals that shall not be hunted except as authorized by ~~((rule of))~~ the commission.

(22) 'Fur-bearing animals' means game animals that shall not be trapped except as authorized by ~~((rule of))~~ the commission.

(23) 'Game birds' means wild birds that shall not be hunted except as authorized by ~~((rule of))~~ the commission.

(24) 'Predatory birds' means wild birds that may be hunted throughout the year as authorized by ~~((rule of))~~ the commission.

(25) 'Deleterious exotic wildlife' means species of the animal kingdom not native to Washington and designated ~~((by rule of the commission))~~ as dangerous to the environment or wildlife of the state.

(26) 'Game farm' means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term 'game farm' does not include publicly owned facilities.

Sec. 12. Section 2, chapter 243, Laws of 1985 and RCW 77.08.045 are each amended to read as follows:

As used in this title or rules ~~((of the commission))~~ adopted pursuant to this title:

(1) 'Migratory waterfowl' means members of the family Anatidae, including brants, ducks, geese, and swans;

(2) 'Migratory waterfowl stamp' means the stamp that is required by RCW 77.32.350 to be in the possession of persons over sixteen years of age to hunt migratory waterfowl;

(3) 'Prints and artwork' means replicas of the original stamp design that are sold to the general public. Prints and artwork are not to be construed to be the migratory waterfowl stamp that is required by RCW 77.32.350. Artwork may be any facsimile of the original stamp design, including color renditions, metal duplications, or any other kind of design; and

(4) 'Migratory waterfowl art committee' means the committee created by RCW 77.12.680. The committee's primary function is to select the annual migratory waterfowl stamp design.

Sec. 13. Section 77.12.020, chapter 36, Laws of 1955 as last amended by section 13, chapter 78, Laws of 1980 and RCW 77.12.020 are each amended to read as follows:

(1) The ~~((commission))~~ director shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The commission may classify by rule wild animals as game animals and game animals as fur-bearing animals.

(3) The commission may classify by rule wild birds as game birds or predatory birds. All wild birds not otherwise classified are protected wildlife.

(4) In addition to those species listed in RCW 77.08.020, the commission may classify by rule as game fish other species of the class Osteichthyes that are commonly found in fresh water except those classified as food fish by the director of fisheries.

(5) ~~((f))~~ The ~~((commission determines))~~ director may recommend to the commission that a species of wildlife should not be hunted or fished~~((;))~~. The commission may designate ~~((f-protected))~~ species of wildlife ~~((by rule))~~ as protected.

(6) If the ~~((commission))~~ director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate ~~((f))~~ an endangered species ~~((by rule))~~.

(7) If the ~~((commission))~~ director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, the director may request its designation as deleterious exotic wildlife. The commission may designate ~~((f))~~ deleterious exotic wildlife ~~((by rule))~~.

Sec. 14. Section 77.12.030, chapter 36, Laws of 1955 as last amended by section 2, chapter 240, Laws of 1984 and RCW 77.12.030 are each amended to read as follows:

The ~~((commission))~~ director may regulate the ~~((taking possession))~~ collection, ~~((distribution))~~ importation, and transportation~~((and sale))~~ of wildlife ~~((and deleterious exotic wildlife species))~~.

Sec. 15. Section 77.12.040, chapter 36, Laws of 1955 as last amended by section 3, chapter 240, Laws of 1984 and RCW 77.12.040 are each amended to read as follows:

The commission shall adopt, amend, or repeal, and enforce reasonable rules prohibiting or governing the time, place, and manner of taking or possessing game animals, game birds, or game fish. The commission may specify the quantities, species, sex, and size of game animals, game birds, or game fish that may be taken or possessed. The commission shall regulate

the taking, sale, possession, and distribution of wildlife and deleterious exotic wildlife. The director may adopt emergency rules under RCW 77.12.150.

The commission may establish by rule game reserves and closed areas where hunting for wild animals or wild birds may be prohibited and closed waters where fishing for game fish may be prohibited.

Sec. 16. Section 17, chapter 78, Laws of 1980 as amended by section 2, chapter 155, Laws of 1985 and RCW 77.12.055 are each amended to read as follows:

(1) Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules ~~((of the commission))~~ adopted pursuant to this title pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the wildlife agent who is not an ex officio wildlife agent, the wildlife agent may enforce all criminal laws of the state. The wildlife agent must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Wildlife agents are peace officers.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a wildlife agent rests with the department ~~((of game))~~ unless the wildlife agent acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of game and another agency.

(4) Wildlife agents may serve and execute warrants and processes issued by the courts.

Sec. 17. Section 77.12.060, chapter 36, Laws of 1955 as last amended by section 18, chapter 78, Laws of 1980 and RCW 77.12.060 are each amended to read as follows:

The director, wildlife agents, and ex officio wildlife agents may serve and execute warrants and process issued by the courts to enforce the law and rules ~~((of the commission))~~ adopted pursuant to this title.

To enforce these laws or rules, they may call to their aid any ex officio wildlife agent or citizen and that person shall render aid.

Sec. 18. Section 77.12.070, chapter 36, Laws of 1955 as last amended by section 19, chapter 78, Laws of 1980 and RCW 77.12.070 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents within their respective jurisdictions shall enforce the law and rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 19. Section 77.12.080, chapter 36, Laws of 1955 as last amended by section 20, chapter 78, Laws of 1980 and RCW 77.12.080 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may arrest without warrant persons found violating the law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 20. Section 77.12.090, chapter 36, Laws of 1955 as amended by section 21, chapter 78, Laws of 1980 and RCW 77.12.090 are each amended to read as follows:

Wildlife agents, and ex officio wildlife agents may make a reasonable search without warrant of conveyances, vehicles, packages, game baskets, game coats, or other receptacles for wildlife, or tents, camps, or similar places which they have reason to believe contain evidence of a violation of law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 21. Section 77.12.100, chapter 36, Laws of 1955 as amended by section 23, chapter 78, Laws of 1980 and RCW 77.12.100 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may seize without warrant wildlife believed to have been unlawfully taken, killed, transported, or possessed, and articles or devices believed to have been unlawfully used or held with intent to unlawfully use in hunting or fishing. 'Articles or devices,' as used in this title or rules ~~((of the commission))~~ adopted pursuant to this title, means things used to hunt, fish for, possess, or transport wildlife and includes boats, other vehicles, and fishing and hunting equipment.

Sec. 22. Section 77.16.030, chapter 36, Laws of 1955 as last amended by section 71, chapter 78, Laws of 1980 and RCW 77.12.105 are each amended to read as follows:

Except as otherwise provided in this title, a person who has lawfully acquired possession of wildlife and who desires to retain or transfer it may do so in accordance with the rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 23. Section 77.12.140, chapter 36, Laws of 1955 as amended by section 28, chapter 78, Laws of 1980 and RCW 77.12.140 are each amended to read as follows:

The ((commission)) director, acting in a manner not inconsistent with criteria established by the commission, may obtain by purchase, gift, or exchange and may sell or transfer wildlife and their eggs for stocking, research, or propagation.

Sec. 24. Section 77.12.150, chapter 36, Laws of 1955 as last amended by section 4, chapter 240, Laws of 1984 and RCW 77.12.150 are each amended to read as follows:

By emergency rule only, and in accordance with ~~((rules of))~~ criteria established by the commission, the director may close or shorten a season for game animals, game birds, or

game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game animals, game birds, or game fish during that season. The director shall advise the commission of the adoption of emergency rules. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

If the director finds that game animals have increased in numbers in an area of the state so that they are damaging public or private property or over-utilizing their habitat, the commission may establish ~~((by rule))~~ a special hunting season and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter. The director shall determine by random selection the identity of hunters who may hunt within the area and shall determine the conditions and requirements of the selection process. ~~The ((commission))~~ director shall include notice of the special season in the rules establishing open seasons.

Sec. 25. Section 334, chapter 258, Laws of 1984 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state ~~((game))~~ wildlife fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the ~~((commission))~~ director under this title;
- (g) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; and
- (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 26. Section 2, chapter 56, Laws of 1979 as amended by section 66, chapter 78, Laws of 1980 and RCW 77.12.185 are each amended to read as follows:

The director may collect moneys to recover the reasonable costs of publication of informational materials by the department and shall deposit them in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 27. Section 77.12.190, chapter 36, Laws of 1955 as amended by section 34, chapter 78, Laws of 1980 and RCW 77.12.190 are each amended to read as follows:

Moneys in the state ~~((game))~~ wildlife fund may be used only for the purposes of this title.

Sec. 28. Section 77.12.200, chapter 36, Laws of 1955 as last amended by section 35, chapter 78, Laws of 1980 and RCW 77.12.200 are each amended to read as follows:

The commission may authorize the director to acquire by gift, purchase, lease, or condemnation lands, buildings, waters, or other necessary property for purposes consistent with this title, together with rights of way for access to the property so acquired. Except to clear title and acquire access rights of way, the power of condemnation may be exercised by the ~~((commission))~~ director only when an appropriation has been made by the legislature for the acquisition of a specific property.

Sec. 29. Section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 1, chapter 214, Laws of 1984 and by section 335, chapter 258, Laws of 1984 and RCW 77.12.201 are each reenacted and amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules ~~((of the commission))~~ adopted pursuant to this title and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 30. Section 77.12.210, chapter 36, Laws of 1955 as last amended by section 38, chapter 78, Laws of 1980 and RCW 77.12.210 are each amended to read as follows:

The ~~((commission))~~ director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. ~~The ((commission))~~ director may adopt rules for the operation~~((:))~~ and maintenance~~((and use of and conduct on))~~ of the property.

The commission may authorize the director to sell timber, gravel, sand, and other materials or products from real property held by the department~~((The commission))~~ and may authorize the director to sell or lease the ~~((departments'))~~ department's real or personal property or grant concessions or rights of way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW

with the proceeds being deposited in the state wildlife fund: PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the ~~((commission))~~ director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the ~~((state treasury to be credited to the))~~ state ~~((game))~~ wildlife fund.

Sec. 31. Section 77.12.220, chapter 36, Laws of 1955 as amended by section 39, chapter 78, Laws of 1980 and RCW 77.12.220 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, political subdivisions of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, ~~((H))~~ the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

Sec. 32. Section 77.12.230, chapter 36, Laws of 1955 as amended by section 40, chapter 78, Laws of 1980 and RCW 77.12.230 are each amended to read as follows:

The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state ~~((game))~~ wildlife fund to the department.

Sec. 33. Section 77.12.240, chapter 36, Laws of 1955 as amended by section 41, chapter 78, Laws of 1980 and RCW 77.12.240 are each amended to read as follows:

The director may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.

The director or other employees of the department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Skins or furs shall be sold at public auction at a time and location determined by the director. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 34. Section 77.12.260, chapter 36, Laws of 1955 as amended by section 43, chapter 78, Laws of 1980 and RCW 77.12.260 are each amended to read as follows:

The ~~((commission))~~ director may make written agreements to prevent damage to private property by wildlife. The department may furnish money, material, or labor under these agreements.

Sec. 35. Section 77.16.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 355, Laws of 1985 and RCW 77.12.265 are each amended to read as follows:

The owner or tenant of real property may trap or kill on that property wild animals or wild birds, other than an endangered species, that is damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, 'emergency' means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate ~~((game))~~ department regional administrator to owners or tenants of real property to trap or kill on that property any deer, elk, or protected wildlife which is damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The ~~((commission))~~ director shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints

from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, 'crop' means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department ((of game)) has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.

Sec. 36. Section 77.12.270, chapter 36, Laws of 1955 as last amended by section 11, chapter 126, Laws of 1986 and RCW 77.12.270 are each amended to read as follows:

The ((commission)) director may compromise, adjust, settle, and pay claims for damages caused by deer or elk in accordance with RCW 77.12.280 through 77.12.300. Payments for claims shall not exceed two thousand dollars. The payment of a claim by the ((commission)) director constitutes full and final payment for the claim. The director shall advise the commission quarterly of all damage claims paid.

Sec. 37. Section 77.12.280, chapter 36, Laws of 1955 as last amended by section 12, chapter 126, Laws of 1986 and RCW 77.12.280 are each amended to read as follows:

(1) Claims under RCW 77.12.270 may be filed under RCW 4.92.040(5) if within one year of filing with the ((commission)) director the claim is not settled and paid. The risk management office shall recommend to the legislature whether the claim should be approved. If the legislature approves the claim, the department shall pay it from moneys appropriated for that purpose.

(2) If a claim for damages under RCW 77.12.270 has been refused or has not been settled and paid by the ((commission)) director within one hundred twenty days of the filing of the claim, either the claimant or the ((commission)) director may serve upon the other personally or by registered mail a notice of intent to arbitrate. The notice shall contain the name of an arbitrator. Within ten days of receiving the notice, the person served shall serve the name of an arbitrator personally or by registered mail upon the other party. The two arbitrators, within seven days of the naming of the second arbitrator, shall select a third arbitrator who shall not be an employee of the department or member of the commission. If the two arbitrators cannot agree upon a third arbitrator, either party may petition the superior court in the county in which the claim arose to select the third arbitrator. Upon receiving the petition, the court shall appoint a third arbitrator. Filing fees or court costs arising from the petition shall be shared equally by the claimant and the department.

(3) The award of the arbitrators is advisory only and shall be filed with the department within ninety days following the naming of the third arbitrator. Payment shall not be made by the ((commission)) director until the arbitrators have made their advisory award.

Sec. 38. Section 77.12.290, chapter 36, Laws of 1955 as last amended by section 47, chapter 78, Laws of 1980 and RCW 77.12.290 are each amended to read as follows:

Claims for damages under RCW 77.12.270 shall be filed in writing with the ((commission)) department in its office within ninety days following the discovery of the claimed damage. Failure to file the claim within the ninety-day period shall bar payment of damages. Payments shall not be made for damages occurring on lands leased by the claimant from a public agency.

Sec. 39. Section 77.12.300, chapter 36, Laws of 1955 as last amended by section 48, chapter 78, Laws of 1980 and RCW 77.12.300 are each amended to read as follows:

The ((commission)) director may adopt rules requiring and prescribing the form of affidavits to be furnished in proof of claims and specifying the time for examining and appraising the damages. The ((commission)) director may refuse to consider and pay claims of persons who have posted the property on which the claimed damages occurred against hunting during the season prior to the occurrence of the damages.

Sec. 40. Section 1, chapter 183, Laws of 1971 ex. sess. as amended by section 49, chapter 78, Laws of 1980 and RCW 77.12.315 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the ((commission)) director may declare by emergency rule that an emergency exists and specify the area where it is lawful for wildlife agents to take into custody or destroy the dogs if necessary. Wildlife agents who take into custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

Sec. 41. Section 77.12.320, chapter 36, Laws of 1955 as last amended by section 50, chapter 78, Laws of 1980 and RCW 77.12.320 are each amended to read as follows:

(1) The commission may make agreements with persons, political subdivisions of this state, or the United States or its agencies or instrumentalities, regarding wildlife-oriented recreation and the propagation, protection, conservation, and control of wildlife.

(2) The ((commission)) director may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for wildlife-oriented recreation. The ((commission)) director may adopt rules governing the conduct of persons in or on the real property.

(3) The ((commission)) director may accept compensation for wildlife losses or gifts or grants of personal property for use by the department.

Sec. 42. Section 15, chapter 10, Laws of 1982 and RCW 77.12.323 are each amended to read as follows:

(1) There is established in the state ((game)) wildlife fund a special wildlife account. Moneys received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The ((commission)) director may advise the state treasurer and the state investment board of a surplus in the special wildlife account above the current needs. The state investment board may invest and reinvest the surplus, as the commission deems appropriate, in an investment authorized by RCW 43.84.150 or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4). Income received from the investments shall be deposited to the credit of the special wildlife account.

Sec. 43. Section 77.12.370, chapter 36, Laws of 1955 as amended by section 55, chapter 78, Laws of 1980 and RCW 77.12.370 are each amended to read as follows:

Prior to the forwarding of a request needing endorsement under RCW 77.12.360, the ((commission)) director shall present the request to the legislative authority of the county in which the lands are located for its approval. The legislative authority, before acting on the request, may call a public hearing. The hearing shall take place within thirty days after presentation of the request to the legislative authority.

The ((commission)) director shall publish notice of the public hearing called by the legislative authority in a newspaper of general circulation within the county at least once a week for two successive weeks prior to the hearing. The notice shall contain a copy of the request and the time and place of the hearing.

The chairman of the county legislative authority shall preside at the public hearing. The proceedings shall be informal and all persons shall have a reasonable opportunity to be heard.

Within ten days after the hearing, the county legislative authority shall endorse its decision on the request for withdrawal. The decision is final and not subject to appeal.

Sec. 44. Section 77.12.380, chapter 36, Laws of 1955 as amended by section 56, chapter 78, Laws of 1980 and RCW 77.12.380 are each amended to read as follows:

Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the state ((game)) wildlife fund in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal.

Sec. 45. Section 77.12.390, chapter 36, Laws of 1955 as last amended by section 57, chapter 78, Laws of 1980 and RCW 77.12.390 are each amended to read as follows:

Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the state ((game)) wildlife fund in favor of the fund for which the withdrawn lands are held.

Sec. 46. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:

The ((commission)) director may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, and removing obstructions to migratory fish(;~~and eradicating~~). The eradication of undesirable fish(;) shall be authorized by the commission. The director may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

Sec. 47. Section 77.12.440, chapter 36, Laws of 1955 as last amended by section 2, chapter 26, Laws of 1982 and RCW 77.12.440 are each amended to read as follows:

The state assents to the act of congress entitled: 'An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes,' (64 Stat. 430; 16 U.S.C. Sec. 777). The department of ((game)) wildlife and the department of fisheries shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

Sec. 48. Section 67, chapter 78, Laws of 1980 and RCW 77.12.530 are each amended to read as follows:

The ~~((commission))~~ director shall ~~((adopt))~~ administer rules adopted by the commission governing the time, place, and manner of holding hunting and fishing contests and competitive field trials involving live wildlife for hunting dogs. The ~~((commission))~~ department shall prohibit contests and field trials that are not in the best interests of wildlife.

Sec. 49. Section 77.28.020, chapter 36, Laws of 1955 as last amended by section 22, chapter 457, Laws of 1985 and RCW 77.12.570 are each amended to read as follows:

The commission shall ~~((adopt rules specifying))~~ establish the ~~((procedures;))~~ qualifications(;) and conditions for issuing a game farm license ~~((and)).~~ The director shall adopt rules governing the operation of game farms. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 50. Section 77.28.070, chapter 36, Laws of 1955 as amended by section 99, chapter 78, Laws of 1980 and RCW 77.12.580 are each amended to read as follows:

A licensed game farmer may purchase, sell, give away, or dispose of the eggs of game birds or game fish lawfully possessed as provided by rule of the ~~((commission))~~ director.

Sec. 51. Section 77.28.080, chapter 36, Laws of 1955 as last amended by section 23, chapter 457, Laws of 1985 and RCW 77.12.590 are each amended to read as follows:

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by rule of the ~~((commission))~~ director. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 52. Section 2, chapter 239, Laws of 1984 and RCW 77.12.650 are each amended to read as follows:

The department ~~((of game))~~ shall cooperate with other local, state, and federal agencies and governments to protect bald eagles and their essential habitats through existing governmental programs, including but not limited to:

(1) The natural heritage program managed by the department of natural resources under chapter 79.70 RCW;

(2) The natural area preserve program managed by the department of natural resources under chapter 79.70 RCW;

(3) The shoreline management master programs adopted by local governments and approved by the department of ecology under chapter 90.58 RCW.

Sec. 53. Section 4, chapter 243, Laws of 1985 and RCW 77.12.670 are each amended to read as follows:

The migratory waterfowl stamp to be produced by the department shall use the design as provided by the migratory waterfowl art committee.

All revenue derived from the sale of the stamps by the department shall be deposited in the state ~~((game))~~ wildlife fund and shall be used only for the cost of printing and production of the stamp and for those migratory waterfowl projects specified by the director of the department for the acquisition and development of migratory waterfowl habitat in the state and for the enhancement, protection, and propagation of migratory waterfowl in the state. Acquisition shall include but not be limited to the acceptance of gifts of real estate or any interest therein or the rental, lease, or purchase of real estate or any interest therein. If the department acquires any fee interest, leasehold, or rental interest in real property under this section, it shall allow the general public reasonable access to that property and shall, if appropriate, insure that the deed or other instrument creating the interest allows such access to the general public. If the department obtains a covenant in real property in its favor or an easement or any other interest in real property under this section, it shall exercise its best efforts to insure that the deed or other instrument creating the interest grants to the general public in the form of a covenant running with the land reasonable access to the property. The private landowner from whom the department obtains such a covenant or easement shall retain the right of granting access to the lands by written permission.

The department may produce migratory waterfowl stamps in any given year in excess of those necessary for sale in that year. The excess stamps may be sold to the migratory waterfowl art committee for sale to the public.

Sec. 54. Section 5, chapter 243, Laws of 1985 and RCW 77.12.680 are each amended to read as follows:

(1) There is created the migratory waterfowl art committee which shall be composed of nine members.

(2)(a) The committee shall consist of one member appointed by the governor, six members appointed by the director ~~((of game))~~, one member appointed by the chairman of the state arts commission, and one member appointed by the director of the department of agriculture.

(b) The member appointed by the director of the department of agriculture shall represent state-wide farming interests.

(c) The member appointed by the chairman of the state arts commission shall be knowledgeable in the area of fine art reproduction.

(d) The members appointed by the governor and the director (~~(of game)~~) shall be knowledgeable about waterfowl and waterfowl management. The six members appointed by the director (~~(of game)~~) shall represent, respectively:

- (i) An eastern Washington sports group;
- (ii) A western Washington sports group;
- (iii) A group with a major interest in the conservation and propagation of migratory waterfowl;
- (iv) A state-wide conservation organization;
- (v) A state-wide sports hunting group; and
- (vi) The general public.

The members of the committee shall serve three-year staggered terms and at the expiration of their term shall serve until qualified successors are appointed. Of the nine members, three shall serve initial terms of four years, three shall serve initial terms of three years, and three shall serve initial terms of two years. The appointees of the governor, the chairman of the state arts commission, and the director of agriculture shall serve the initial terms of four years. Vacancies shall be filled for unexpired terms consistent with this section. A chairman shall be elected annually by the committee. The committee shall review the director's (~~(of game's)~~) expenditures of the previous year of both the stamp money and the prints and related artwork money. Members of the committee shall serve without compensation.

Sec. 55. Section 6, chapter 243, Laws of 1985 and RCW 77.12.690 are each amended to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory waterfowl stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state (~~(game)~~) wildlife fund. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director (~~(of game)~~) to contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the (~~(game)~~) commission and to the natural resources committees of the house and senate.

NEW SECTION, Sec. 56. A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission in consultation with the director may authorize hunting of post-mature male trophy-quality animals from herds in areas not normally open to general public hunting. The director shall establish procedures for the hunt, which shall be called the Washington trophy hunt. The procedures may provide for an organization to contract with the department to sponsor the hunt. The procedures shall require that any permits or tags required for the hunt be sold at auction to raise funds for the department and the organization for wildlife conservation purposes. Representatives of the department may participate in the hunt upon the request of the commission to insure that the animals to be killed are properly identified.

(2) A wildlife conservation organization may request the commission to authorize a special hunt for post-mature trophy-quality male animals upon petition.

(3) In addition to any permit fee established under subsection (1) of this section, participants in the hunt shall obtain any required license, permit, or tag.

NEW SECTION, Sec. 57. A new section is added to chapter 77.12 RCW to read as follows:

The director shall employ a minimum of eighty-five field wildlife enforcement agents throughout the state to ensure full enforcement coverage in each county of the state.

Sec. 58. Section 77.16.010, chapter 36, Laws of 1955 as amended by section 69, chapter 78, Laws of 1980 and RCW 77.16.010 are each amended to read as follows:

It is unlawful to promote, conduct, hold, or sponsor a contest for the hunting or fishing of wildlife or a competitive field trial involving live wildlife for hunting dogs without first obtaining a hunting or fishing contest permit. Contests and field trials shall be held in accordance with established rules (~~(of the commission)~~).

Sec. 59. Section 77.16.020, chapter 36, Laws of 1955 as last amended by section 196, chapter 3, Laws of 1983 and RCW 77.16.020 are each amended to read as follows:

(1) It is unlawful to hunt, fish, possess, or control a species of game bird, game animal, or game fish during the closed season for that species except as provided in RCW 77.12.105.

(2) It is unlawful to kill, take, catch, possess, or control these species in excess of the number fixed as the bag limit for each species.

(3) It is unlawful to hunt within a game reserve or to fish for game fish within closed waters.

(4) It is unlawful to hunt wild birds or wild animals within a closed area except as authorized by rule of the commission.

(5) It is unlawful to hunt or fish for wildlife, practice taxidermy for profit, deal in raw furs for profit, act as a fishing guide, or operate a game farm, stock game fish, or collect wildlife for research or display, without having in possession the license, permit, tag, stamp, or punchcard required by chapter 77.32 RCW or rule of the ~~((commission))~~ department. The activities described in this subsection shall be conducted in accordance with rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 60. Section 77.16.040, chapter 36, Laws of 1955 as last amended by section 72, chapter 78, Laws of 1980 and RCW 77.16.040 are each amended to read as follows:

Except as authorized by law or rule ~~((of the commission))~~, it is unlawful to bring into this state, offer for sale, sell, possess, exchange, buy, transport, or ship wildlife or articles made from an endangered species. It is unlawful for a common or contract carrier knowingly to ship or receive for shipment wildlife or articles made from an endangered species.

Sec. 61. Section 77.16.060, chapter 36, Laws of 1955 as amended by section 74, chapter 78, Laws of 1980 and RCW 77.16.060 are each amended to read as follows:

It is unlawful to lay, set, or use a net or other device capable of taking game fish in the waters of this state except as authorized by ~~((rule of))~~ the commission or director of fisheries. Game fish taken incidental to a lawful season established by the director of fisheries shall be returned immediately to the water.

A landing net may be used to land fish otherwise legally hooked.

Sec. 62. Section 77.16.080, chapter 36, Laws of 1955 as amended by section 76, chapter 78, Laws of 1980 and RCW 77.16.080 are each amended to read as follows:

It is unlawful to lay, set, or use a drug, explosive, poison, or other deleterious substance that may endanger, injure, or kill wildlife except as authorized by law or rule ~~s~~ ~~((of the commission))~~ adopted pursuant to this title.

Sec. 63. Section 78, chapter 78, Laws of 1980 and RCW 77.16.095 are each amended to read as follows:

It is unlawful to mutilate wildlife so that the size, species, or sex cannot be determined visually in the field or while being transported. The ~~((commission))~~ director may prescribe specific criteria for field identification to satisfy this section.

Sec. 64. Section 77.16.110, chapter 36, Laws of 1955 as amended by section 80, chapter 78, Laws of 1980 and RCW 77.16.110 are each amended to read as follows:

It is unlawful to carry firearms, other hunting weapons, or traps or to allow directly or negligently a dog upon a game reserve, except on public highways or as authorized by rule of the ~~((commission))~~ director.

Sec. 65. Section 77.16.130, chapter 36, Laws of 1955 as amended by section 82, chapter 78, Laws of 1980 and RCW 77.16.130 are each amended to read as follows:

It is unlawful to resist or obstruct wildlife agents or ex officio wildlife agents in the discharge of their duties while enforcing the law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 66. Section 77.16.150, chapter 36, Laws of 1955 as amended by section 83, chapter 78, Laws of 1980 and RCW 77.16.150 are each amended to read as follows:

Except as authorized by ~~((rule of))~~ the ~~((commission))~~ director, consistent with criteria established by the commission, it is unlawful to release wildlife or to plant aquatic plants or their seeds within the state.

Sec. 67. Section 77.16.180, chapter 36, Laws of 1955 as amended by section 86, chapter 78, Laws of 1980 and RCW 77.16.180 are each amended to read as follows:

It is unlawful to remove, possess, or damage printed matter or signs placed by authority of the ~~((commission))~~ director.

Sec. 68. Section 1, chapter 44, Laws of 1980 as amended by section 5, chapter 310, Laws of 1981 and RCW 77.16.320 are each amended to read as follows:

Except as authorized by law or rules ~~((of the commission))~~ adopted pursuant to this title, it is unlawful to hunt, offer for sale, sell~~((t))~~, possess, exchange, buy, transport, or ship an albino wild animal.

Sec. 69. Section 77.16.240, chapter 36, Laws of 1955 as last amended by section 1, chapter 31, Laws of 1982 and RCW 77.21.010 are each amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving big game or an endangered species is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both the fine and imprisonment. Each subsequent violation within a five-year period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020 or 77.16.120 involving big game or an endangered species, as defined by the ~~((Washington state game))~~ commission

under the authority of RCW 77.04.090, shall be prosecuted and punished as a class C felony as defined in RCW 9A.20.020. In connection with each such felony prosecution, the director shall provide the court with an inventory of all articles or devices seized under this title in connection with the violation. Inventoried articles or devices shall be disposed of pursuant to RCW 77.21.040.

(2) A person violating or failing to comply with this title or ~~((a)) rules ((of the commission))~~ adopted pursuant to this title for which no penalty is otherwise provided is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five dollars or by imprisonment for not more than ninety days in the county jail or by both the fine and imprisonment.

(3) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

(4) The unlawful killing, taking, or possession of each wildlife member constitutes a separate offense.

(5) District courts have jurisdiction concurrent with the superior courts of misdemeanors and gross misdemeanors committed in violation of this title or rules ~~((of the commission))~~ adopted pursuant to this title and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

Sec. 70. Section 1, chapter 6, Laws of 1975 1st ex. sess. as amended by section 124, chapter 78, Laws of 1980 and RCW 77.21.020 are each amended to read as follows:

In addition to other penalties provided by law, the director shall revoke the hunting license of a person who is convicted of a violation of RCW 77.16.020 involving big game or RCW 77.16.050. Forfeiture of bail twice during a five-year period for these violations constitutes the basis for a revocation under this section.

A hunting license shall not be issued to the person for two years from the revocation ~~((unless the commission authorizes the issuance))~~.

A person who has had a license revoked or has been denied issuance pursuant to this section or RCW 77.21.030, may appeal the decision as provided in chapter 34.04 RCW.

Sec. 71. Section 77.32.280, chapter 36, Laws of 1955 as amended by section 123, chapter 78, Laws of 1980 and RCW 77.21.030 are each amended to read as follows:

The director shall revoke the hunting license of a person who shoots another person or domestic livestock while hunting. A hunting license shall not be issued to that person unless the ~~((commission))~~ director authorizes the issuance of a license, and damages caused by the wrongful shooting have been paid.

Sec. 72. Section 77.12.110, chapter 36, Laws of 1955 as amended by section 25, chapter 78, Laws of 1980 and RCW 77.21.040 are each amended to read as follows:

(1) In addition to other penalties provided by law, a court may forfeit, for the use of the ~~((commission))~~ department, wildlife seized under this title and proven, in either a criminal or civil action, to have been unlawfully taken, killed, transported, or possessed and articles or devices seized under this title and proven, in either a criminal or civil action, to have been unlawfully used or held with intent to unlawfully use. Unless forfeited by the court, the department shall return an item seized under this title to its owner after the completion of the case and all fines have been paid. If the owner of a seized item cannot be found, the court may forfeit that item after summons has been served by publication as in civil actions and a hearing has been held.

(2) Wildlife unlawfully taken or possessed remains the property of the state.

(3) The ~~((commission))~~ director may sell articles or devices seized and forfeited under this title by the court at public auction. The time, place, and manner of holding the sale ~~((is within the discretion of the commission))~~ shall be determined by the director. The director shall publish notice of the sale once a week for at least two consecutive weeks prior to the sale in at least one newspaper of general circulation in the county in which the sale is to be held. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 73. Section 77.32.260, chapter 36, Laws of 1955 as amended by section 122, chapter 78, Laws of 1980 and RCW 77.21.060 are each amended to read as follows:

Upon conviction of a violation of this title or rules ~~((of the commission))~~ adopted pursuant to this title, the court may forfeit a license, in addition to other penalties provided by law. Upon subsequent conviction, the forfeiture of the license is mandatory. The ~~((commission))~~ director may prohibit ~~((by rule))~~ issuance of a license to a person convicted two or more times or prescribe the conditions for subsequent issuance of a license.

Sec. 74. Section 3, chapter 8, Laws of 1983 1st ex. sess. as last amended by section 1, chapter 318, Laws of 1986 and RCW 77.21.070 are each amended to read as follows:

(1) Whenever a person is convicted of illegal killing or possession of wildlife listed in this subsection, the convicting court shall order the person to reimburse the state in the following amounts for each animal killed or possessed:

- (a) Moose, antelope, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission \$~~(1,000)~~2,000
- (b) Elk, deer, black bear, and cougar \$~~(500)~~1,000

(c) Mountain caribou and grizzly bear \$5,000

(2) The court shall order an additional amount not less than five percent and not exceeding ten percent of the applicable amount in this section to be placed in the state wildlife conservation reward fund.

(3) For the purpose of this section, the term 'convicted' includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine. No court may establish bail for illegal possession of wildlife listed in subsection (1) in an amount less than the bail established for hunting during the closed season plus the reimbursement value of wildlife set forth in subsection (1).

((3)) (4) If two or more persons are convicted of illegally possessing wildlife listed in this section, the reimbursement amount shall be imposed upon them jointly and separately.

((4)) (5) The reimbursement amount provided in this section shall be imposed in addition to and regardless of any penalty, including fines, or costs, that is provided for violating any provision of Title 77 RCW. The reimbursement required by this section shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. Nothing in this section may be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

((5)) (6) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including vacation of a deferral of sentencing or of a suspension of sentence.

NEW SECTION. Sec. 75. A new section is added to chapter 77.21 RCW to read as follows:

The state wildlife conservation reward fund is established in the custody of the state treasurer. The director shall deposit in the fund all moneys designated to be placed in the fund under RCW 77.21.070(2) and otherwise designated by rule of the director. Moneys in the fund shall be spent to provide rewards to persons informing the department about violations of this title or rules adopted pursuant to this title. Disbursements from the fund shall be on the authorization of the director or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursement.

The amount of any reward shall not exceed the amount specified in RCW 77.21.070(2).

Sec. 76. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 25, chapter 457, Laws of 1985 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the ((commission)) director is required to:

- (a) Hunt for wild animals or wild birds or fish for game fish;
- (b) Practice taxidermy for profit;
- (c) Deal in raw furs for profit;
- (d) Act as a fishing guide;
- (e) Operate a game farm;
- (f) Purchase or sell anadromous game fish; or
- (g) Use department-managed lands or facilities as provided by rules ((of the commission)) adopted pursuant to this title.

(2) A permit issued by the director is required to:

- (a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;
- (b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or
- (c) Stock game fish.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department ((of game)).

Sec. 77. Section 77.32.050, chapter 36, Laws of 1955 as last amended by section 16, chapter 310, Laws of 1981 and RCW 77.32.050 are each amended to read as follows:

Licenses, permits, tags, stamps, and punchcards required by this chapter shall be issued under the authority of the commission. The ((commission)) director may authorize department personnel, county auditors, or other reputable citizens to issue licenses, permits, tags, stamps, and punchcards and collect the appropriate fees. The authorized persons shall pay on demand or before the tenth day of the following month the fees collected and shall make reports as required by the ((commission)) director. The ((commission)) director may adopt rules for issuing licenses, permits, tags, stamps, and punchcards, collecting and paying fees, and making reports.

Sec. 78. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 1, chapter 464, Laws of 1985 and RCW 77.32.060 are each amended to read as follows:

The ((commission)) director may adopt rules establishing the amount a license dealer may charge and keep for each license, tag, permit, stamp, or punchcard issued. The ((commission)) director shall establish the amount to be retained by dealers to be at least fifty cents for each license issued, and twenty-five cents for each tag, permit, stamp, or punchcard issued. The ((commission)) director shall report to the next regular session of the legislature explaining any

increase in the amount retained by license dealers. Fees retained by dealers shall be uniform throughout the state.

Sec. 79. Section 77.32.070, chapter 36, Laws of 1955 as last amended by section 18, chapter 310, Laws of 1981 and RCW 77.32.070 are each amended to read as follows:

Applicants for a license, permit, tag, stamp, or punchcard shall furnish the information required by ~~((rule of the commission))~~ the director. The ~~((commission))~~ director may adopt rules requiring licensees or permittees to keep records and make reports concerning the taking of wildlife.

Sec. 80. Section 77.32.090, chapter 36, Laws of 1955 as last amended by section 19, chapter 310, Laws of 1981 and RCW 77.32.090 are each amended to read as follows:

The ~~((commission))~~ director may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, stamps, and punchcards required by this chapter.

Sec. 81. Section 1, chapter 17, Laws of 1957 as last amended by section 21, chapter 310, Laws of 1981 and RCW 77.32.155 are each amended to read as follows:

When purchasing a hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least six hours in the safe handling of firearms, safety, conservation, and sportsmanship.

The ~~((commission))~~ director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations.

The ~~((commission))~~ director shall prescribe the type of instruction and the qualifications of the instructors.

Upon successful completion of the course, a trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

Sec. 82. Section 1, chapter 43, Laws of 1977 as last amended by section 24, chapter 310, Laws of 1981 and RCW 77.32.197 are each amended to read as follows:

Persons purchasing a state trapping license for the first time shall present certification of completion of a course of instruction in safe, humane, and proper trapping techniques or pass an examination to establish that the applicant has the requisite knowledge.

The ~~((commission))~~ director shall establish a program for training persons in trapping techniques and responsibilities, including the use of trapping devices designed to painlessly capture or instantly kill. The ~~((commission))~~ director shall cooperate with national and state animal, humane, hunter education, and trapping organizations in the development of a curriculum. Upon successful completion of the course, trainees shall receive a trapper's training certificate signed by an authorized instructor. This certificate is evidence of compliance with this section.

Sec. 83. Section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 464, Laws of 1985 and RCW 77.32.211 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred fifty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred fifty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred fifty dollars for a resident and five hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the ~~((commission))~~ rules adopted pursuant to this title. The fee for this license is sixty dollars for the first year and forty dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty dollars.

(6) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is twenty dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the ~~((commission))~~ director. The fee for this license is one hundred fifty dollars.

Sec. 84. Section 77.32.220, chapter 36, Laws of 1955 as last amended by section 4, chapter 284, Laws of 1983 and RCW 77.32.220 are each amended to read as follows:

Licensed taxidermists, fur dealers, anadromous game fish buyers, fishing guides, game farmers, and persons stocking game fish or conducting a hunting, fishing, or field trial contest shall make reports as required by rules of the ~~((commission))~~ director.

Sec. 85. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 6, chapter 464, Laws of 1985 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) ~~((Subject to subsection (7) of this section.))~~ A person seventy years of age or older who has been a resident for ten years may receive, upon application, a fishing license free of charge.

(3) A blind person, or a person with a developmental disability as defined in RCW 71.20-.016 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

(4) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

(5) A fishing license is not required for persons under the age of fifteen.

(6) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

~~((7) (a) By January 1, 1986, the game commission shall adopt a policy determining the fee, if any is charged, and residency requirement for fishing licenses for residents seventy years of age or older. Prior to adopting any policy, the commission shall hold state-wide hearings to learn concerns of interested citizens. The commission shall consider the needs of low-income senior citizens and appropriate residency requirements for senior citizens. If the commission recommends a change in the fishing license fees for residents over seventy years of age, the commission shall report to the next regular session of the legislature the reasons for recommending the change.~~

~~(b) The department shall, in a timely manner, adopt by rule any fishing license fees and residency requirements recommended by the commission for persons seventy years of age or older.)~~

Sec. 86. Section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 7, chapter 464, Laws of 1985 and RCW 77.32.256 are each amended to read as follows:

The ~~((commission))~~ director shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is eight dollars.

Sec. 87. Section 8, chapter 310, Laws of 1981 and RCW 77.32.320 are each amended to read as follows:

(1) A separate transport tag is required to hunt deer, elk, bear, cougar, sheep, mountain goat, or wild turkey.

(2) A transport tag may only be obtained subsequent to the purchase of a valid hunting license and must have permanently affixed to it the hunting license number and the supplemental stamp appropriate for the species being hunted.

(3) Persons who kill deer, elk, bear, cougar, mountain goat, sheep, moose, or wild turkey shall immediately validate and attach their own transport tag to the carcass as provided by rule of the ~~((commission))~~ director.

(4) Transport tags required by this section expire on March 31st following the date of issuance.

Sec. 88. Section 13, chapter 310, Laws of 1981 as amended by section 10, chapter 464, Laws of 1985 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is fifteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule ~~((of the commission))~~.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

(5) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is fifteen dollars.

(6) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

(7) Upland bird punchcards required under this section expire March 31st following the date of issuance.

Sec. 89. Section 14, chapter 310, Laws of 1981 as amended by section 7, chapter 240, Laws of 1984 and RCW 77.32.370 are each amended to read as follows:

(1) A special hunting season permit is required to hunt in each special season established under chapter 77.12 RCW.

(2) Persons may apply for special hunting season permits as provided by rule of the ((~~commission~~)) director.

(3) The application fee to participate in a special hunting season is two dollars.

Sec. 90. Section 15, chapter 310, Laws of 1981 as amended by section 11, chapter 464, Laws of 1985 and RCW 77.32.380 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified ((~~game~~)) department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is eight dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use ((~~game~~)) department lands and access facilities when accompanied by the license holder.

Youth groups may use ((~~game~~)) department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified game department lands shall exhibit the required license.

Sec. 91. Section 6, chapter 232, Laws of 1983 as amended by section 1, chapter 153, Laws of 1986 and RCW 9.41.098 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state ((~~game commission~~)) department of wildlife for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to

an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 92. Section 6, chapter 120, Laws of 1967 as last amended by section 109, chapter 3, Laws of 1983 and RCW 43.51.675 are each amended to read as follows:

Nothing in RCW 43.51.650 through 43.51.685 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 be construed to interfere with the powers, duties and authority of the state department of (~~game or the state game commission~~) wildlife to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 93. Section 10, chapter 75, Laws of 1977 ex. sess. and RCW 43.51.955 are each amended to read as follows:

Nothing in RCW 43.51.946 through 43.51.956 shall be construed to interfere with the powers, duties, and authority of the state department of (~~game~~) wildlife or the state (~~game~~) wildlife commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 94. Section 75.16.060, chapter 12, Laws of 1955 as amended by section 12, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.055 are each amended to read as follows:

(1) The director (~~and the state game~~), and the director of wildlife with the concurrence of the wildlife commission, may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The director and the (~~state game~~) wildlife commission may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 95. Section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fisheries, the (~~state game commission~~) department of wildlife, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the (~~game commission~~) department of wildlife, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fisheries, the (~~game commission~~) department of wildlife, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first day of each regular session of the legislature during an odd-numbered year a report as to the implementation of its minimum flow setting program.

Sec. 96. Section 3, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.010 are each amended to read as follows:

The department of water resources may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of water resources shall, when requested by the department of fisheries or the (~~game commission~~) department of wildlife to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or by the water pollution control commission to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request. Any request submitted by the department of fisheries, (~~game commission~~) department of wildlife, or (~~water pollution control commission~~) department of ecology shall include a statement setting forth the need for establishing a minimum flow or level. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of (~~water resources~~) ecology

in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

Sec. 97. Section 4, chapter 284, Laws of 1969 ex. sess. as last amended by section 1, chapter 196, Laws of 1985 and RCW 90.22.020 are each amended to read as follows:

Flows or levels authorized for establishment under RCW 90.22.010, or subsequent modification thereof by the department shall be provided for through the adoption of rules. Before the establishment or modification of a water flow or level for any stream or lake or other public water, the department shall hold a public hearing in the county in which the stream, lake, or other public water is located. If it is located in more than one county the department shall determine the location or locations therein and the number of hearings to be conducted. Notice of the hearings shall be given by publication in a newspaper of general circulation in the county or counties in which the stream, lake, or other public waters is located, once a week for two consecutive weeks before the hearing. The notice shall include the following:

- (1) The name of each stream, lake, or other water source under consideration;
- (2) The place and time of the hearing;
- (3) A statement that any person, including any private citizen or public official, may present his views either orally or in writing.

Notice of the hearing shall also be served upon the administrators of the departments of fisheries, social and health services, ~~((and))~~ natural resources, ~~((the game commission))~~ wildlife, and ~~((the department of))~~ transportation.

NEW SECTION. Sec. 98. Section 2, chapter 93, Laws of 1985 and RCW 77.04.110 are each repealed.

NEW SECTION. Sec. 99. All references in the Revised Code of Washington to the department of game, the game commission, the director of game, and the game fund shall mean, respectively, the department of wildlife, the wildlife commission, the director of wildlife, and the wildlife fund.

NEW SECTION. Sec. 100. Rules of the department of game existing prior to the effective date of this section shall remain in effect unless or until amended or repealed by the director of wildlife or the wildlife commission pursuant to Title 77 RCW. The director of game on the effective date of this section shall continue as the director of wildlife until resignation or removal in accordance with the provisions of RCW 43.17.020. The game commission on the effective date of this section shall continue as the wildlife commission.

NEW SECTION. Sec. 101. The legislature recognizes the need to mitigate the effects of sedimentary build-up and resultant damage to fish population in the Toutle river resulting from the Mt. St. Helens eruption. The state has entered into a contractual agreement with the United States army corps of engineers designed to minimize fish habitat disruption created by the sediment retention structure on the Toutle river, under which the corps has agreed to construct a fish collection facility at the sediment retention structure site conditional upon the state assuming the maintenance and operation costs of the facility. The department of game and the department of fisheries shall cooperatively operate and maintain a fish collection facility on the Toutle river. Each agency shall share in the cost of operating and maintaining the facility.

NEW SECTION. Sec. 102. No official or supervisory employee of the department of game or of the department of wildlife shall take any measures against any employee of the department of game or department of wildlife if the measures are in retaliation for the employee's support for or opposition to (1) any provision of this 1987 act or (2) any provision of, or proposal for amending, any of the bills that, during the 1987 regular session, were included in the legislative history progression that began with House Bill No. 758 and ended with this 1987 act. This section is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

NEW SECTION. Sec. 103. A new section is added to chapter 77.32 RCW to read as follows:

Notwithstanding RCW 77.32.010, the commission may adopt rules designating times and places for the purposes of family fishing days when licenses are not required to fish for game fish.

Sec. 104. Section 3, chapter 243, Laws of 1985 and RCW 77.16.330 are each amended to read as follows:

It is unlawful for any person ~~((over))~~ sixteen years of age or older to hunt any migratory waterfowl without first obtaining a migratory waterfowl stamp as required by RCW 77.32.350.

Sec. 105. Section 12, chapter 310, Laws of 1981 as last amended by section 1, chapter 243, Laws of 1985 and by section 9, chapter 464, Laws of 1985 and RCW 77.32.350 are each reenacted and amended to read as follows:

(1) A hound stamp is required to hunt wild animals with a dog. The fee for this stamp is ten dollars.

(2) An upland game bird stamp is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this stamp is eight dollars.

(3) A falconry license is required to possess or hunt with a falcon, including seasons established exclusively for hunting in that manner. The fee for this license is thirty dollars.

(4) To be valid, stamps required under this section shall be permanently affixed to the licensee's appropriate hunting or fishing license.

(5) A migratory waterfowl stamp is required for all persons sixteen years of age or older to hunt migratory waterfowl. The fee for the stamp is five dollars. (~~The migratory waterfowl stamp shall be required in the hunting season starting not later than the fall of 1986.~~)

(6) The migratory waterfowl stamp shall be validated by the signature of the licensee written across the face of the stamp.

(7) Stamps required by this section expire on March 31st following the date of issuance except for hound stamps, which expire December 31st following the date of issuance."

On page 1, beginning on line 1 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 43.17.010, 43.17.020, 77.04.020, 77.04.030, 77.04.040, 77.04.060, 77.04.080, 77.08.010, 77.08.045, 77.12.020, 77.12.030, 77.12.040, 77.12.055, 77.12.060, 77.12.070, 77.12.080, 77.12.090, 77.12.100, 77.12.105, 77.12.140, 77.12.150, 77.12.170, 77.12.185, 77.12.190, 77.12.200, 77.12.210, 77.12.220, 77.12.230, 77.12.240, 77.12.260, 77.12.265, 77.12.270, 77.12.280, 77.12.290, 77.12.300, 77.12.315, 77.12.320, 77.12.323, 77.12.370, 77.12.380, 77.12.390, 77.12.420, 77.12.440, 77.12.530, 77.12.570, 77.12.580, 77.12.590, 77.12.650, 77.12.670, 77.12.680, 77.12.690, 77.16.010, 77.16.020, 77.16.040, 77.16.060, 77.16.080, 77.16.095, 77.16.110, 77.16.130, 77.16.150, 77.16.180, 77.16.320, 77.21.010, 77.21.020, 77.21.030, 77.21.040, 77.21.060, 77.21.070, 77.32.010, 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.155, 77.32.197, 77.32.211, 77.32.220, 77.32.230, 77.32.256, 77.32.320, 77.32.360, 77.32.370, 77.32.380, 9.41.098, 43.51.675, 43.51.955, 75.08.055, 90.03.247, 90.22.010, 90.22.020, and 77.16.330; reenacting and amending RCW 77.12.201 and 77.32.350; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.21 RCW; adding a new section to chapter 77.32 RCW; creating new sections; repealing RCW 77.04.110; making an appropriation; and declaring an emergency."

Signed by Senators DeJarnatt, Owen; Representatives B. Williams, Sutherland, Belcher.

MOTION

On motion of Mr. Sutherland, the House adopted the report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 758.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 758 as amended by Free Conference Committee.

Representatives Sutherland, B. Williams, Belcher, Meyers and Bumgarner spoke in favor of passage of the bill, and Representatives S. Wilson and Taylor spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 758 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 74; nays, 23; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Ballard, Barnes, Baugher, Betrozoff, Brough, Ferguson, Heavey, Holland, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Silver, Smith L, Taylor, Williams J, Wilson S - 23.

Excused: Representative Chandler - 1.

Engrossed Second Substitute House Bill No. 758 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 26, 1987

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5001,
 SUBSTITUTE SENATE BILL NO. 5024,
 SUBSTITUTE SENATE BILL NO. 5058,
 SENATE BILL NO. 5428,
 SENATE BILL NO. 5550,
 SECOND SUBSTITUTE SENATE BILL NO. 5555,
 SUBSTITUTE SENATE BILL NO. 5814,
 SUBSTITUTE SENATE BILL NO. 5825,
 SUBSTITUTE SENATE BILL NO. 5838,
 SUBSTITUTE SENATE BILL NO. 6033,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5001,
 SUBSTITUTE SENATE BILL NO. 5024,
 SUBSTITUTE SENATE BILL NO. 5058,
 SENATE BILL NO. 5428,
 SENATE BILL NO. 5550,
 SECOND SUBSTITUTE SENATE BILL NO. 5555,
 SUBSTITUTE SENATE BILL NO. 5814,
 SUBSTITUTE SENATE BILL NO. 5825,
 SUBSTITUTE SENATE BILL NO. 5838,
 SUBSTITUTE SENATE BILL NO. 6033.

MESSAGE FROM THE SENATE

April 25, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 684, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 684, revising provisions relating to criminal sentencing, have had the same under consideration and we recommend that the Senate Ways & Means Committee amendments as amended (For committee amendments, see Journal, 102nd Day, April 23, 1987.) be adopted with the following amendments and the bill do pass as amended by the Free Conference Committee:

On page 17, after line 28 strike all of section 6 and renumber the remaining sections consecutively.

On page 18, after line 8 strike all of sections 7 and 8 and renumber the remaining sections consecutively.

On page 18, after line 29 strike all material through "year," on page 46, line 12.

On page 58, after line 34 strike all of subsection (7) and renumber the remaining subsections consecutively.

On page 59, after line 7 strike section 65 and renumber the remaining sections consecutively.

On page 59, line 17 of the title after "9A.44.060," strike everything through "46.61.522" on line 20 and on line 23 after "9A.32 RCW;" strike "adding new sections to chapter 9A.44 RCW;"

On page 59, line 22 after "RCW;" strike "adding a new section to chapter 9A.32 RCW;"

On page 59, line 23 after "9A.44 RCW;" strike "adding a new section to chapter 9.41 RCW;" adding a new section to chapter 40.101 RCW;"

On page 59, line 28 after "date;" insert "and"

On page 59, line 28 after "expiration dates" strike "and declaring an emergency"
Signed by Senators Taimadge, Halsan; Representatives Cooper, Locke.

MOTION

Mr. Locke moved that the report of the Free Conference Committee be adopted.

Mr. Locke spoke in favor of the motion, and Ms. Brough opposed it.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 684 as amended by Free Conference Committee.

Representatives Cooper, Locke and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 684 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Second Substitute House Bill No. 684 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

April 26, 1987

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5071,
SUBSTITUTE SENATE BILL NO. 5249,
SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5439,
SUBSTITUTE SENATE BILL NO. 5479,
SENATE BILL NO. 5678,
SUBSTITUTE SENATE BILL NO. 5846,
SUBSTITUTE SENATE BILL NO. 5978,
SENATE BILL NO. 6012,
SUBSTITUTE SENATE BILL NO. 6053,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 6073, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 24, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 88 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 88, revising provisions governing personal service contracts, have had the same under consideration and we recommend the Senate Governmental Operations Committee striking amendment as amended (For committee amendment, see Journal, 99th Day, April 20, 1987.) be adopted with the following amendments by the Free Conference Committee and the bill do pass as amended by the Free Conference Committee:

On page 4 of the amendment, line 10 after "state" insert "which is consistent with RCW 41.06.380"

On page 10, after line 8 strike all of section 9 and renumber the remaining sections consecutively.

On page 10, after line 30 strike all of section 11 and renumber the remaining sections consecutively and correct internal references accordingly.

Signed by Senators Halsan, Zimmerman, Talmadge; Representatives H. Sommers, Peery, Hankins.

MOTION

On motion of Ms. H. Sommers, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 88 as amended by Free Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 88 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Sommers D. Sommers H. Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B. Williams J. Wilson K. Wilson S. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Engrossed Substitute House Bill No. 88 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 26, 1987

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 277 with the following amendment:

On page 1, line 9 after "(ten)" strike "sixty" and insert "thirty" and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Gallagher moved that the House concur in the Senate amendment to House Bill No. 277.

Representatives Gallagher and Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of House Bill No. 277 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 277 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

House Bill No. 277 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4681, by Representatives McMullen and Ballard

WHEREAS, The 1987 Regular Session of the Fiftieth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the continuation of the work of the House after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That there is created the Executive Rules Committee, which shall consist of the Speaker and four additional members who shall be appointed by the Speaker from the Rules Committee. The Chief Clerk of the House shall be the nonvoting secretary of the Committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee is authorized to assign subject matters and bills, memorials, and resolutions to authorized committees for study during the interim, and the Speaker is authorized to create special and select committees as may be necessary to carry out the functions, including interim studies, of the House in an orderly manner and appoint members thereto with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That during the interim the Executive Rules Committee shall authorize schedules and locations for meetings of any authorized committee or subcommittee, and such committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives is directed to complete the work of the Fiftieth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing and publishing of the journal of the House; and

BE IT FURTHER RESOLVED, That the Sergeant-at-Arms is directed to complete the necessary work of the Fiftieth Legislature during interim periods, to see that the House Chamber, adjoining rooms, members' offices, furniture, and equipment are clean and in good order, and to make the necessary inventory of furnishings, fixtures; and supplies; and

BE IT FURTHER RESOLVED, That the Speaker and the Chief Clerk are authorized and directed to retain such additional employees as may be necessary to continue the interim work of the Legislature and to fix their compensation therefor; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized and directed to make out the necessary vouchers upon which warrants shall be drawn for the final payment of all expenses in connection with the closing business and for any other business of the House of Representatives; and

BE IT FURTHER RESOLVED, That the State Treasurer is directed to draw warrants for the payment of salaries, per diems, in lieu payments, and reimbursements of and to the members of the House of Representatives, and the elected officers of the House of Representatives, and the retained employees each month upon vouchers signed by the members, officers, or employees and approved by the Chief Clerk of the House of Representatives, and he is authorized to deliver the warrants to the Chief Clerk of the House of Representatives for delivery or mailing to those entitled thereto; and

WHEREAS, New developments in legislative processes and administration are constantly occurring; and

WHEREAS, The substantive matters requiring legislative action are becoming increasingly complex; and

WHEREAS, The Council of State Governments, the National Conference of State Legislatures, and other organizations are offering a variety of training and continuing education courses and meetings on such subjects; and

WHEREAS, The participation in those activities by members of the House and legislative staff will benefit the House in furthering the efficiency and economy of its operation;

NOW, THEREFORE, BE IT RESOLVED, That the Speaker and the Chief Clerk may authorize the attendance of members and staff members at such courses or meetings as may be deemed pertinent and may authorize the expenditure of registration or tuition fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 44.04.120, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursements shall be paid on their vouchers from any appropriation made to the House of Representatives for legislative expense; and

BE IT FURTHER RESOLVED, That employees of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 43.03.050, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursement shall be paid on their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized to approve vouchers of the members of the House, covering expenses incurred during the interim for official business of the Legislature or in preparation for the sessions of the Legislature and organizational duties in connection therewith, at the per diem rate provided by RCW 44.04.120, for each day or major portion thereof, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized and directed, during the interim, and as authorized by the Speaker and the Employment Committee, to hire any necessary employees, to order necessary supplies, equipment, and printing to enable the House to carry out its work promptly and efficiently, and to accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That during the interim the use of the House Chamber, any of its committee rooms, members' offices, or any of the furniture or furnishings therein, shall not be granted to anyone without the permission of the Speaker and the Chief Clerk of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized to express the sympathy of the House by sending flowers in the event of a bereavement in a Representative's or Senator's family; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized to make out the necessary vouchers upon which warrants for the foregoing expenses and expenditures shall be drawn.

BE IT FURTHER RESOLVED, That this Resolution shall apply throughout the Fiftieth Legislative Assembly.

Mr. McMullen moved adoption of the resolution.

ROLL CALL

The Clerk called the roll on adoption of House Resolution No. 4681, and the resolution was adopted by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO.	419,
HOUSE BILL NO.	698,
HOUSE BILL NO.	707,
SUBSTITUTE HOUSE BILL NO.	773,
HOUSE BILL NO.	831,
HOUSE BILL NO.	992,
HOUSE BILL NO.	1034,
SUBSTITUTE HOUSE BILL NO.	1035,
SUBSTITUTE HOUSE BILL NO.	1158.

MESSAGES FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5081, and passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 5546, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SENATE BILL NO. 5172 and has passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5453 and has passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The President has signed:

	HOUSE BILL NO.	10,
	SUBSTITUTE HOUSE BILL NO.	83,
	SUBSTITUTE HOUSE BILL NO.	116,
	HOUSE BILL NO.	135,
	SUBSTITUTE HOUSE BILL NO.	170,
	HOUSE BILL NO.	279,
	SUBSTITUTE HOUSE BILL NO.	353,
	SUBSTITUTE HOUSE BILL NO.	364,
	SUBSTITUTE HOUSE BILL NO.	419,
	HOUSE BILL NO.	432,
SECOND	SUBSTITUTE HOUSE BILL NO.	448,
	SUBSTITUTE HOUSE BILL NO.	454,
SECOND	SUBSTITUTE HOUSE BILL NO.	456,
	HOUSE BILL NO.	698,
	HOUSE BILL NO.	707,
	HOUSE BILL NO.	713,
	SUBSTITUTE HOUSE BILL NO.	734,
	SUBSTITUTE HOUSE BILL NO.	743,
	SUBSTITUTE HOUSE BILL NO.	773,
	SUBSTITUTE HOUSE BILL NO.	782,
	HOUSE BILL NO.	831,
	SUBSTITUTE HOUSE BILL NO.	902,
	SUBSTITUTE HOUSE BILL NO.	927,
	SUBSTITUTE HOUSE BILL NO.	931,
	SUBSTITUTE HOUSE BILL NO.	984,
	HOUSE BILL NO.	992,
	HOUSE BILL NO.	1034,
	SUBSTITUTE HOUSE BILL NO.	1035,
	HOUSE BILL NO.	1049,
	SUBSTITUTE HOUSE BILL NO.	1158,
	SUBSTITUTE SENATE BILL NO.	5081,
	SENATE BILL NO.	5120,
	SUBSTITUTE SENATE BILL NO.	5163,
	SENATE BILL NO.	5172,
SECOND	SUBSTITUTE SENATE BILL NO.	5453,
	SENATE BILL NO.	5463,
	SENATE BILL NO.	5546,
	SENATE BILL NO.	5564,
	SENATE BILL NO.	5996,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8414, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO.	63,
SUBSTITUTE HOUSE BILL NO.	88,

HOUSE BILL NO. 161,
 HOUSE BILL NO. 277,
 HOUSE BILL NO. 435,
 SUBSTITUTE HOUSE BILL NO. 542,
 SECOND SUBSTITUTE HOUSE BILL NO. 569,
 SECOND SUBSTITUTE HOUSE BILL NO. 684,
 SUBSTITUTE HOUSE BILL NO. 738,
 SECOND SUBSTITUTE HOUSE BILL NO. 758,
 SUBSTITUTE HOUSE BILL NO. 1197,
 HOUSE JOINT RESOLUTION NO. 4220,
 SENATE BILL NO. 5035,
 SUBSTITUTE SENATE BILL NO. 5071,
 SUBSTITUTE SENATE BILL NO. 5081,
 SENATE BILL NO. 5120,
 SUBSTITUTE SENATE BILL NO. 5163,
 SENATE BILL NO. 5172,
 SUBSTITUTE SENATE BILL NO. 5249,
 SENATE BILL NO. 5380,
 SUBSTITUTE SENATE BILL NO. 5439,
 SECOND SUBSTITUTE SENATE BILL NO. 5453,
 SENATE BILL NO. 5463,
 SUBSTITUTE SENATE BILL NO. 5479,
 SENATE BILL NO. 5546,
 SENATE BILL NO. 5564,
 SENATE BILL NO. 5678,
 SUBSTITUTE SENATE BILL NO. 5846,
 SUBSTITUTE SENATE BILL NO. 5978,
 SENATE BILL NO. 5996,
 SENATE BILL NO. 6012,
 SENATE BILL NO. 6053.

MESSAGES FROM THE SENATE

April 26, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 63,
 SUBSTITUTE HOUSE BILL NO. 88,
 HOUSE BILL NO. 161,
 HOUSE BILL NO. 277,
 HOUSE BILL NO. 435,
 SUBSTITUTE HOUSE BILL NO. 542,
 SECOND SUBSTITUTE HOUSE BILL NO. 569,
 SECOND SUBSTITUTE HOUSE BILL NO. 684,
 SUBSTITUTE HOUSE BILL NO. 738,
 SECOND SUBSTITUTE HOUSE BILL NO. 758,
 SUBSTITUTE HOUSE BILL NO. 1197,
 HOUSE JOINT RESOLUTION NO. 4220,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

April 26, 1987

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8415, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

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

INTRODUCTION AND FIRST READING

SCR 8414 by Senators Bottiger, Fleming, Hayner and Sellar

Providing for transmittal of bills, resolutions, and memorials upon adjournment of the legislature.

MOTIONS

On motion of Mr. McMullen, the rules were suspended, and Senate Concurrent Resolution No. 8414 was advanced to second reading and read the second time in full.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

The resolution was adopted.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4682, by Representatives McMullen and Ballard

NOW, THEREFORE, BE IT RESOLVED, That a committee of three members be appointed by the Speaker to notify the Senate that the House of Representatives is ready to adjourn sine die.

On motion of Mr. McMullen, the resolution was adopted.

APPOINTMENT OF COMMITTEE

In accordance with House Resolution No. 8414, the Speaker appointed Representatives Hankins, Zellinsky, Barnes and Belcher to notify the Senate that the House was ready to adjourn sine die.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The President of the Senate has ruled the Free Conference Committee report to ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406, beyond the scope and object of the bill and referred the issue back to the Free Conference Committee.

Bill Gleason, Assistant Secretary.

The House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 4419 by Representatives McMullen and Ballard

Notifying the Governor that the Legislature is about to adjourn sine die.

MOTIONS

On motion of Mr. McMullen, the rules were suspended and House Concurrent Resolution No. 4419 was advanced to second reading and read the second time in full.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

The resolution was adopted.

APPOINTMENT OF COMMITTEE

In accordance with House Concurrent Resolution No. 4419, the Speaker appointed Representatives Cantwell, Vekich, Schmidt and Schoon to notify the Governor that the Legislature was about to adjourn sine die.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4419.

REPORT OF SPECIAL COMMITTEE FROM SENATE

A Special Committee from the Senate, consisting of Senators Hansen, Smitherman and Saling, appeared at the bar of the House and notified the House that the Senate was ready to adjourn sine die.

The report was received and the committee returned to the Senate.

REPORT OF SPECIAL COMMITTEE

The Special Committee, appointed under the provisions of HCR 4419, appeared at the bar of the House and reported that they had notified the Governor that the Legislature was about to adjourn sine die.

The report was received and the committee was discharged.

INTRODUCTION AND FIRST READING

SCR 8415 by Senators Bottiger, Fleming, Hayner and Sellar

Adjourning the Legislature.

On motion of Mr. McMullen, the rules were suspended and the resolution was advanced to second reading and read the second time in full.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

The resolution was adopted.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4419,

SENATE CONCURRENT RESOLUTION NO. 8414,

SENATE CONCURRENT RESOLUTION NO. 8415,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8414,

SENATE CONCURRENT RESOLUTION NO. 8415.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8414, the Senate herewith returns the following bills:

SUBSTITUTE HOUSE BILL NO.	7,
SUBSTITUTE HOUSE BILL NO.	12,
SUBSTITUTE HOUSE BILL NO.	13,
SUBSTITUTE HOUSE BILL NO.	15,
SUBSTITUTE HOUSE BILL NO.	20,
SUBSTITUTE HOUSE BILL NO.	22,

	SUBSTITUTE HOUSE BILL NO.	23.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	46.
	SUBSTITUTE HOUSE BILL NO.	53.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	76.
	SUBSTITUTE HOUSE BILL NO.	97.
	HOUSE BILL NO.	112.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	115.
	SUBSTITUTE HOUSE BILL NO.	117.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	118.
	ENGROSSED HOUSE BILL NO.	125.
	SUBSTITUTE HOUSE BILL NO.	140.
	ENGROSSED HOUSE BILL NO.	141.
	SUBSTITUTE HOUSE BILL NO.	143.
	HOUSE BILL NO.	151.
	SUBSTITUTE HOUSE BILL NO.	152.
	ENGROSSED HOUSE BILL NO.	157.
	HOUSE BILL NO.	173.
	SUBSTITUTE HOUSE BILL NO.	177.
	SUBSTITUTE HOUSE BILL NO.	208.
ENGROSSED SECOND	SUBSTITUTE HOUSE BILL NO.	210.
	ENGROSSED SUBSTITUTE HOUSE BILL NO.	223.
	ENGROSSED SUBSTITUTE HOUSE BILL NO.	240.
	ENGROSSED SUBSTITUTE HOUSE BILL NO.	243.
	ENGROSSED SUBSTITUTE HOUSE BILL NO.	249.
	ENGROSSED HOUSE BILL NO.	254.
	SUBSTITUTE HOUSE BILL NO.	264.
	HOUSE BILL NO.	280.
	SUBSTITUTE HOUSE BILL NO.	281.
	HOUSE BILL NO.	292.
	HOUSE BILL NO.	294.
	ENGROSSED HOUSE BILL NO.	308.
	HOUSE BILL NO.	314.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	327.
	SUBSTITUTE HOUSE BILL NO.	332.
	SUBSTITUTE HOUSE BILL NO.	366.
	SUBSTITUTE HOUSE BILL NO.	400.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	402.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	404.
	SUBSTITUTE HOUSE BILL NO.	414.
	ENGROSSED HOUSE BILL NO.	421.
	ENGROSSED SUBSTITUTE HOUSE BILL NO.	427.
ENGROSSED SECOND	SUBSTITUTE HOUSE BILL NO.	434.
	SUBSTITUTE HOUSE BILL NO.	439.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	447.
	SUBSTITUTE HOUSE BILL NO.	449.
ENGROSSED SECOND	SUBSTITUTE HOUSE BILL NO.	455.
	HOUSE BILL NO.	464.
	SUBSTITUTE HOUSE BILL NO.	472.
	SUBSTITUTE HOUSE BILL NO.	473.
	HOUSE BILL NO.	474.
	ENGROSSED HOUSE BILL NO.	485.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	509.
	SUBSTITUTE HOUSE BILL NO.	511.
	HOUSE BILL NO.	516.
	SUBSTITUTE HOUSE BILL NO.	524.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	527.
	SUBSTITUTE HOUSE BILL NO.	537.
ENGROSSED	SUBSTITUTE HOUSE BILL NO.	543.
	SUBSTITUTE HOUSE BILL NO.	550.
	SUBSTITUTE HOUSE BILL NO.	554.
	HOUSE BILL NO.	555.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 565.
 SUBSTITUTE HOUSE BILL NO. 567.
 HOUSE BILL NO. 577.
 SUBSTITUTE HOUSE BILL NO. 608.
 SUBSTITUTE HOUSE BILL NO. 609.
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 621.
 SUBSTITUTE HOUSE BILL NO. 622.
 SUBSTITUTE HOUSE BILL NO. 624.
 SUBSTITUTE HOUSE BILL NO. 632.
 SUBSTITUTE HOUSE BILL NO. 634.
 SUBSTITUTE HOUSE BILL NO. 638.
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 645.
 SUBSTITUTE HOUSE BILL NO. 651.
 SUBSTITUTE HOUSE BILL NO. 653.
 SUBSTITUTE HOUSE BILL NO. 657.
 HOUSE BILL NO. 662.
 ENGROSSED HOUSE BILL NO. 668.
 SUBSTITUTE HOUSE BILL NO. 692.
 SECOND SUBSTITUTE HOUSE BILL NO. 728.
 HOUSE BILL NO. 744.
 ENGROSSED HOUSE BILL NO. 752.
 SECOND SUBSTITUTE HOUSE BILL NO. 756.
 SUBSTITUTE HOUSE BILL NO. 777.
 SUBSTITUTE HOUSE BILL NO. 804.
 ENGROSSED HOUSE BILL NO. 814.
 SUBSTITUTE HOUSE BILL NO. 829.
 SUBSTITUTE HOUSE BILL NO. 832.
 SUBSTITUTE HOUSE BILL NO. 834.
 HOUSE BILL NO. 854.
 SUBSTITUTE HOUSE BILL NO. 859.
 SUBSTITUTE HOUSE BILL NO. 868.
 SUBSTITUTE HOUSE BILL NO. 873.
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 877.
 ENGROSSED HOUSE BILL NO. 878.
 HOUSE BILL NO. 883.
 HOUSE BILL NO. 916.
 HOUSE BILL NO. 917.
 SUBSTITUTE HOUSE BILL NO. 929.
 SUBSTITUTE HOUSE BILL NO. 932.
 SUBSTITUTE HOUSE BILL NO. 935.
 SUBSTITUTE HOUSE BILL NO. 980.
 SUBSTITUTE HOUSE BILL NO. 1015.
 HOUSE BILL NO. 1031.
 REENGROSSED SUBSTITUTE HOUSE BILL NO. 1037.
 SUBSTITUTE HOUSE BILL NO. 1043.
 SUBSTITUTE HOUSE BILL NO. 1053.
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1066.
 SUBSTITUTE HOUSE BILL NO. 1070.
 HOUSE BILL NO. 1092.
 ENGROSSED HOUSE BILL NO. 1093.
 HOUSE BILL NO. 1099.
 HOUSE BILL NO. 1109.
 SUBSTITUTE HOUSE BILL NO. 1117.
 HOUSE BILL NO. 1126.
 SUBSTITUTE HOUSE BILL NO. 1129.
 HOUSE BILL NO. 1153.
 HOUSE BILL NO. 1162.
 SUBSTITUTE HOUSE BILL NO. 1175.
 SUBSTITUTE HOUSE BILL NO. 1189.
 SUBSTITUTE HOUSE BILL NO. 1225.
 HOUSE JOINT MEMORIAL NO. 4005.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4210,
HOUSE CONCURRENT RESOLUTION NO. 4402,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403,
HOUSE CONCURRENT RESOLUTION NO. 4409,
HOUSE CONCURRENT RESOLUTION NO. 4411,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. McMullen, reading of the Journal of the One Hundred Fifth Day of the 1987 Regular Session of the Fiftieth Legislature was dispensed with and it was ordered to stand approved.

REPORT OF SPECIAL COMMITTEE

The Special Committee appointed under the terms of HFR 4682, appeared at the bar of the House and reported that they had notified the Senate that the House was ready to adjourn sine die.

The report was received and the committee was discharged.

MOTION

On motion of Mr. McMullen, the 1987 Regular Session of the Fiftieth Legislature was adjourned sine die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

FIRST DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 27, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, Cantwell, Chandler, Miller and Wineberry who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Clayton Carlson and Victoria Williams. Prayer was offered by The Reverend Ray Morrison, Minister of the First Church of the Nazarene of Olympia:

Almighty God, we pause in these beginning moments of this extended session to acknowledge Your grace and goodness in our lives. We believe that the days of a good man are ordered of the Lord. These honorable ladies and gentlemen of the Washington State House do this day seek Your presence and Your guidance.

These extended sessions are not our desire. But keep before us the reminder that we are servants of the people; servants first, served second. Thank You for these dedicated servants committed to represent the best interests of their constituents. May the combined strengths and courage of these ladies and gentlemen bring about the greatest good for this great State of Washington.

In the Name of our Savior, Jesus Christ, we pray.

Amen.

PROCLAMATION BY THE GOVERNOR

Whereas, in accordance with Article II, Section 12 (Amendment 68), the 1987 Regular Session adjourned April 26, 1987, the 105th day of the session without finishing its essential tasks; and

Whereas, it is therefore necessary for me to convene a Special Session for the purposes of addressing state budgets and revenue and related items, hazardous waste, Health Care Access Act of 1987, matters relating to the Washington State Convention and Trade Center, and K-12 education financing;

Now, Therefore, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the State of Washington on Monday, April 27, 1987, at 10:00 a.m. in Special Session in the Capitol at Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 26th day of April, Nineteen Hundred and Eighty-seven.

(SEAL) BOOTH GARDNER,
Governor.

MESSAGE FROM THE GOVERNOR

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 26, 1987, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 110: Relating to the sale of alcohol to minors;

SUBSTITUTE HOUSE BILL NO. 153: Relating to reporting abuse or neglect of developmentally disable persons;

HOUSE BILL NO. 194: Relating to treasurers of metropolitan park districts;
HOUSE BILL NO. 200: Relating to sewerage collection under the public utilities tax;

HOUSE BILL NO. 203: Relating to the notice and order to withhold and deliver property due or owned by a taxpayer;

HOUSE BILL NO. 250: Relating to hearings by the utilities and transportation commission;

HOUSE BILL NO. 399: Relating to industrial insurance premiums.

Sincerely,
Terry Sebring, Counsel.

REPORT OF SPECIAL COMMITTEE FROM SENATE

A committee from the Senate, consisting of Senators Warnke, Anderson and Garrett, appeared at the bar of the House and notified the House that the Senate was organized and ready for business.

The report was received and the committee returned to the Senate.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4683, by Representatives McMullen and Ballard

NOW, THEREFORE, BE IT RESOLVED, That a committee of four members be appointed by the Speaker to notify the Senate that the House of Representatives is organized and ready to conduct business.

On motion of Mr. Dellwo, the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Jesernig, Rasmussen, May and Nealey to notify the Senate that the House was organized and ready to conduct business.

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

INTRODUCTION AND FIRST READING

HCR 4420 by Representatives McMullen and Ballard

Notifying the Governor that the Legislature is organized and ready to conduct business.

On motion of Mr. Dellwo, the rules were suspended, and the resolution was advanced to second reading and read the second time in full.

On motion of Mr. Dellwo, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

The resolution was adopted.

House Concurrent Resolution No. 4420 was immediately transmitted to the Senate.

REPORT OF SPECIAL COMMITTEE

The Special Committee appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready to conduct business.

The report was received and the committee was discharged.

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4420, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with the provisions of House Concurrent Resolution No. 4420, the Speaker appointed Representatives Cole, Cooper, Taylor and J. Williams to notify the Governor that the Legislature was organized and ready to conduct business.

REPORT OF SPECIAL COMMITTEE

The Special Committee appeared at the bar of the House and reported that they had notified the Governor that the Legislature was organized and ready to conduct business.

The report was received and the committee was discharged.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4420.

The Speaker declared the House to be at ease.

The House was called to order by the Speaker.

MOTION

On motion of Mr. McMullen, House Bill No. 1173 was referred from Committee on Judiciary to Committee on Commerce & Labor.

MOTION

On motion of Mr. McMullen, the House adjourned until 1:30 p.m., Tuesday, April 28, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SECOND DAY

AFTERNOON SESSION

House Chamber, Olympia, Tuesday, April 28, 1987

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Allen, Basich, Baugher, Chandler, Doty, Fuhrman, P. King, Leonard, Rust, C. Smith, D. Sommers, Unsoeld, Valle and Vekich who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Daniel Steele and Debra Bulkley. Prayer was offered by The Reverend Ray Morrison, Minister of the First Church of the Nazarene of Olympia.

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

MESSAGE FROM THE SENATE

April 26, 1987

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

SCR 8416 by Senators Bottiger, Fleming, Hayner and Sellar

Reintroducing bills, memorials, and resolutions and limiting the purpose of the special session.

MOTIONS

On motion of Mr. Appelwick, the rules were suspended and Senate Concurrent Resolution No. 8416 was advanced to second reading and read the second time in full.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Appelwick and Brough spoke in favor of the resolution.

Senate Concurrent Resolution No. 8416 was adopted.

MOTION

On motion of Mr. Appelwick, the bills on the third reading calendar were rereferred to Committee on Rules.

INTRODUCTIONS AND FIRST READING

HB 1244 by Representatives Nelson, Allen, Rust, Valle, Brekke, Wang, Patrick and Lux

AN ACT Relating to solid waste; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Environmental Affairs.

HB 1245 by Representatives Nelson, Allen, Rust, Valle, Brekke, Wang, Patrick and Lux

AN ACT Relating to solid waste; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Environmental Affairs.

HB 1246 by Representatives Nelson, Allen, Rust, Valle, Brekke, Wang, Patrick and Lux

AN ACT Relating to solid waste; and amending RCW 81.77.030.

Referred to Committee on Energy & Utilities.

HB 1247 by Representatives Nelson, Allen, Rust, Valle, Brekke, Patrick and Lux

AN ACT Relating to the litter assessment; and amending RCW 70.93.120 and 70.93.170.

Referred to Committee on Environmental Affairs.

HB 1248 by Representatives Nelson, Allen, Rust, Valle, Brekke, Wang, Patrick and Lux

AN ACT Relating to recycling; and amending RCW 35.21.120 and 36.58.040.

Referred to Committee on Energy & Utilities.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4678, by Representatives Belcher, Betrozoff, J. Williams and Locke

WHEREAS, The "Exercise Your Constitution" project, sponsored by "Today's Constitution and You," is an excellent means of registering persons eighteen years of age to vote; and

WHEREAS, The "Today's Constitution and You" project, sponsored by Metrocenter YMCA, is dedicated to education and inspiring active citizenship in preparation for the Bicentennial of the United States Constitution in 1987; and

WHEREAS, The "Exercise Your Constitution" project is a statewide effort which is designed to train persons eighteen years of age as deputy registrars to register eligible persons eighteen years of age to vote through their high schools; and

WHEREAS, The "Exercise Your Constitution" project is being organized through the efforts of volunteers in their local communities; and

WHEREAS, This project will start on Law Day, May 1, 1987, and run through May 8, 1987; and

WHEREAS, Voter registration is one of the first steps toward active participation in our government and should be encouraged and supported by the legislature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington officially recognizes and provides its support for the "Exercise Your Constitution" project.

On motion of Ms. Belcher, House Floor Resolution No. 4678 was adopted.

MOTION

On motion of Mr. Appelwick, the House adjourned until 1:30 p.m., Wednesday, April 29, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRD DAY

AFTERNOON SESSION

House Chamber, Olympia, Wednesday, April 29, 1987

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Allen, Baugher, Beck, Bumgarner, Chandler, Cooper, Doty, Peery, Rust, Schoon, Silver, D. Sommers, Unsoeld, Valle, Vekich and S. Wilson who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Barbara McNeil and Jennifer Howard. Prayer was offered by The Reverend Ray Morrison, Minister of the First Church of the Nazarene of Olympia.

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

MOTION

On motion of Mr. Dellwo, the House adjourned until 1:30 p.m., Thursday, April 30, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FOURTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Thursday, April 30, 1987

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Bumgarner, Chandler, Hankins and Sayan who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Jody Andress and Nancy Hur. Prayer was offered by The Reverend Ray Morrison, Minister of the First Church of the Nazarene of Olympia.

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

MESSAGE FROM THE GOVERNOR

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 29, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 237: Relating to emergency medical services;
SUBSTITUTE HOUSE BILL NO. 258: Relating to public health fees;
SUBSTITUTE HOUSE BILL NO. 259: Relating to water recreation;
HOUSE BILL NO. 403: Relating to aeronautics;
HOUSE BILL NO. 654: Relating to unemployment insurance experience rating for employers;
SUBSTITUTE HOUSE BILL NO. 750: Relating to surety bond security;
HOUSE BILL NO. 753: Relating to classification of the seriousness of crimes for sentencing purposes.

Sincerely,
Terry Sebring, Counsel.

MESSAGE FROM THE SENATE

April 29, 1987

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4420.

SENATE CONCURRENT RESOLUTION NO. 8416.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

The Speaker assumed the chair.

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

THIRD READING

On motion of Mr. Appelwick, the House immediately considered Engrossed Second Substitute House Bill No. 477 on third reading.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477, by Committee on Ways & Means (originally sponsored by Representatives J. King, Brooks, McMullen, Crane, Appelwick, Brekke, Lux, Locke, Grimm, Wang, Unsoeld, Jacobsen, Moyer, Leonard, Sprengle and Todd)

Enacting the health care access act of 1987.

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

Representatives Braddock and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 477, and the bill passed the House by the following vote: Yeas, 83; nays, 10; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Ballard, Belcher, Cooper, Fuhrman, Grant, Heavey, McLean, Nealey, Padden, Williams J - 10.

Excused: Representatives Basich, Bumgarner, Chandler, Hankins, Sayan - 5.

Engrossed Second Substitute House Bill No. 477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Sayan appeared at the bar of the House.

MOTION

On motion of Mr. Appelwick, the House adjourned until 10:00 a.m., Friday, May 1, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, May 1, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Beck, Brough, Chandler, Grimm, Hankins, McLean, Nutley, Schoon and H. Sommers who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amy Brazier and Morgan Tougas. Prayer was offered by Representative Doug Sayan.

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

MOTION

On motion of Mr. Appelwick, the House adjourned until 1:30 p.m., Monday, May 4, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, May 4, 1987

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Allen, Beck, P. King and H. Sommers. Representatives Allen, Beck and H. Sommers were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Larry Middleton and Laurie Bonbright. Prayer was offered by Father Armando Guzman, Minister of St. Michael's Catholic Church of Olympia.

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

MESSAGE FROM THE GOVERNOR

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 1, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 154: Relating to hazardous materials liability;

SUBSTITUTE HOUSE BILL NO. 198: Relating to the collection of retail sales taxes held in trust;

SUBSTITUTE HOUSE BILL NO. 238: Relating to solid waste management;

HOUSE BILL NO. 310: Relating to motor vehicle insurance;

HOUSE BILL NO. 815: Relating to interest rates, liens, and foreclosures for delinquent storm water control facility service charges;

HOUSE BILL NO. 1014: Relating to local improvements.

Sincerely,
Terry Sebring, Counsel.

INTRODUCTIONS AND FIRST READING

HB 1249 by Representatives S. Wilson, Haugen, Zellinsky and Schmidt

AN ACT Relating to local government zoning authority over aquatic lands; and amending RCW 35.63.090, 35A.63.062, 36.70.350, and 79.90.545.

Referred to Committee on Natural Resources.

HB 1250 by Representatives S. Wilson, Haugen, Zellinsky and Schmidt

AN ACT Relating to local authority for shoreline management; and amending RCW 90.58.100.

Referred to Committee on Environmental Affairs.

HB 1251 by Representatives Braddock, D. Sommers, Brooks and Sprengle

AN ACT Relating to the sentencing reform act of 1981; amending RCW 9.94A.110, 9.94A.150, 9.94A.170, 9.94A.195, 9.94A.200, 9.94A.380, 9.94A.383, 9.94A.400, and 9.94A.320; reenacting and amending RCW 9.94A.120; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

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

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

MOTION

Mr. McMullen moved that House Bill No. 1251 be referred from Committee on Judiciary to Committee on Health Care.

Mr. Padden spoke against the motion.

The motion was carried.

MOTION

On motion of Mr. McMullen, the House adjourned until 1:30 p.m., Tuesday, May 5, 1987.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

NINTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Tuesday, May 5, 1987

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Allen, Appelwick, Basich, Beck, Grant, Hankins, Jesernig, P. King, Miller, Niemi, Schmidt, Sutherland, Vekich, J. Williams and S. Wilson. Representatives Allen, Beck, Hankins, Jesernig, Miller, Schmidt, Sutherland, Vekich, J. Williams and S. Wilson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jamie Horn and Brent Bigler. Prayer was offered by Father David Gerardot, Minister of St. Michael's Catholic Church or Olympia.

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

MESSAGE FROM THE GOVERNOR

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 30, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 138: Relating to the Washington award for vocational excellence;

HOUSE BILL NO. 770: Relating to environmental education;

HOUSE BILL NO. 825: Relating to the use of motor vehicle funds.

Sincerely,
Terry Sebring, Counsel

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4686, by Representatives McMullen and Spanel

WHEREAS, The House of Representatives finds that mental sports promote intellectual development and offer the ultimate combination of art, science and sport; and

WHEREAS, Competition in mental sports in the schools of this state helps to promote the attainment of valuable and significant skills by student participants; and

WHEREAS, Allen School in Bow, Washington sent two teams to compete against fifty-two other teams at the Washington State Olympics of the Mind Competition on March 21; and

WHEREAS, A team from Allen School won top divisional honors at the state competition; and

WHEREAS, The Allen team is slated to compete in the world finals of the Olympics of the Mind Competition against twelve teams from the United States, Canada, Mexico and Puerto Rico;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives extends its congratulations to the champion Allen School team members Peter Bishop, Jason Rozema, Stacey Verrall, Stacy Knutzen, Tom Granger, Kari Wilson and Graham Boettcher, and team coaches Denise Granger and Sherry Verrall; and

BE IT FURTHER RESOLVED, That the House of Representatives wishes the Allen team success at the world finals in Michigan on May 29; and

BE IT FURTHER RESOLVED. That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the team members, the coaches and the Allen School Principal, Stephen Kerley.

Ms. Spanel moved adoption of the resolution. Ms. Spanel spoke in favor of the resolution, and it was adopted.

MOTION

On motion of Mr. McMullen, the House adjourned until 1:30 p.m., Wednesday, May 6, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wednesday, May 6, 1987

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Allen, Basich, Beck, Belcher, Grimm, Hankins, Jesernig, P. King, Miller, Nutley, Peery, Schmidt, Schoon, Silver, H. Sommers, Sutherland, J. Williams, S. Wilson and Zellinsky. Representatives Allen, Beck, Belcher, Grimm, Hankins, Jesernig, P. King, Miller, Schmidt, Schoon, Sutherland, J. Williams, S. Wilson and Zellinsky were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Vicki Applin and Jacob Six. Prayer was offered by Representative Doug Sayan.

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

MESSAGE FROM THE GOVERNOR

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 5, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 56: Relating to surface mining;

SUBSTITUTE HOUSE BILL NO. 130: Relating to airport operators;

SUBSTITUTE HOUSE BILL NO. 289: Relating to the regulation of dances and other recreational or entertainment activities;

HOUSE BILL NO. 663: Relating to breath alcohol testing;

HOUSE BILL NO. 816: Relating to county sheriff civil service systems;

HOUSE BILL NO. 1123: Relating to railroad grade crossings;

HOUSE BILL NO. 1185: Relating to reduction or elimination of tax levies to comply with levy limitations.

Sincerely,
Terry Sebring, Counsel

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8416.

MOTION

On motion of Mr. Appelwick, the House adjourned until 1:30 p.m., Thursday, May 7, 1987.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

ELEVENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Thursday, May 7, 1987

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Allen, Beck, Doty, Hankins, Miller, Peery, Sanders, Schmidt, Schoon, H. Sommers, Sutherland, J. Williams, S. Wilson and Zellinsky. Representatives Allen, Beck, Doty, Hankins, Miller, Peery, Schmidt, Schoon, Sutherland, J. Williams, S. Wilson and Zellinsky were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Edinger and David Watson. Prayer was offered by The Reverend Richard Hart, Minister of the First Baptist Church of Olympia.

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

MESSAGE FROM THE GOVERNOR

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 6, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 283: Relating to foreign commercial fishing vessels;

HOUSE BILL NO. 395: Relating to financing of state highway improvements;

HOUSE BILL NO. 590: Relating to immunity from civil liability for local government officials;

HOUSE BILL NO. 947: Relating to the collection of the motor vehicle excise tax from Washington residents;

SUBSTITUTE HOUSE BILL NO. 1128: Relating to the calculation of retirement benefits for part-time teachers.

Sincerely,
Terry Sebring, Counsel

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4673, by Representatives Belcher, Holm, Unsoeld, Amondson and Sayan

WHEREAS, There is a growing recognition of the need for, and benefit of, affordable and quality child care in today's economic environment; and

WHEREAS, The need for day care which is now recognized as a community priority long has been a necessity for many individuals; and

WHEREAS, 1987 marks the twentieth year that the Olympia Child Care Center has been providing care, training, education and experience for children of low- and moderate-income families in the Olympia area; and

WHEREAS, The Olympia Child Care Center's sliding-fee scale allows parents, most of whom are single parents, to remain productive through work and schooling; and

WHEREAS, In 1986, the Olympia Child Care Center became one of the first child care centers in Washington State to receive accreditation by the National Academy of Early Childhood Programs;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the twenty-year commitment of the Olympia Child Care Center to the provision of quality care at an affordable cost to children most in need be recognized as exemplary, and that Olympia Child Care Center's commitment to improving its early childhood education and development program as illustrated by its national accreditation also be recognized as an example of outstanding community service; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the President of the Board of Directors of the Olympia Child Care Center; the Mayors of the Cities of Olympia, Lacey and Tumwater; the Thurston County Commission and the President of the Board of United Way of Thurston County.

On motion of Ms. Belcher, the resolution was adopted.

MOTION

On motion of Mr. McMullen, the House adjourned until 1:30 p.m., Friday, May 8, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWELFTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, May 8, 1987

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Allen, Beck, P. King, Schoon, H. Sommers and J. Williams who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jon Maule and Kerry Engle. Prayer was offered by Father Michael Ryan, Minister of St. Michael's Catholic Church of Olympia.

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

MESSAGE FROM THE GOVERNOR

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 7, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 274: Relating to revenue recovery for social and health services;

SUBSTITUTE HOUSE BILL NO. 611: Relating to the fiscal impact of locating a Navy home port in Everett;

HOUSE BILL NO. 701: Relating to aircraft and airmen;

HOUSE BILL NO. 856: Relating to the bed and breakfast industry;

SUBSTITUTE HOUSE BILL NO. 1098: Relating to exchanges of tidelands on the Olympic peninsula;

HOUSE BILL NO. 1137: Relating to the taxation of public corporations.

Sincerely,
Terry Sebring, Counsel

MESSAGE FROM THE SENATE

May 7, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6016,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6076,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

ESSB 6016 by Committee on Transportation (originally sponsored by Senator Peterson)

Revising transportation-related fees and taxes.

ESSB 6076 by Committee on Transportation (originally sponsored by Senator Peterson)

Adopting the 1987-89 transportation budget.

MOTION

On motion of Mr. McMullen, the bills on today's first reading calendar were advanced to second reading.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6016, by Committee on Transportation (originally sponsored by Senator Peterson)

Revising transportation-related fees and taxes.

The bill was read the second time. On motion of Mr. McMullen, further consideration of Engrossed Substitute Senate Bill No. 6016 was deferred.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6076, by Committee on Transportation (originally sponsored by Senator Peterson)

Adopting the 1987-89 transportation budget.

The bill was read the second time. On motion of Mr. McMullen, further consideration of Engrossed Substitute Senate Bill No. 6076 was deferred.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4692, by Representatives Hine, O'Brien, Fisch, Brough, McLean, Locke, Baugher, Betrozoff, Nelson, Sayan, Silver, Rust, Lux, Ferguson, K. Wilson, Brekke, Barnes, Grimm, Cole, Padden, Haugen, Scott, B. Williams, Kremen, R. King, May, Heavey, Wang, Dellwo, C. Smith, Rasmussen, Fisher, Gallagher, Ebersole, Chandler, Cooper, Jesernig, Grant, Meyers, D. Sommers, Valle, Wineberry, Sprengle, Niemi, Walker, Hargrove, Cantwell, Spanel, Braddock, Prince, Ballard, McMullen, Day, Madsen, Holm, Pruitt, Rayburn, Vekich, Leonard, Belcher, Crane, Nutley, Jacobsen, Basich, Todd, Allen, Amondson, Appelwick, Armstrong, Beck, Bristow, Brooks, Bumgarner, Doty, Fuhrman, Hankins, Holland, J. King, P. King, Lewis, Miller, Moyer, Nealey, Patrick, Peery, Sanders, Schmidt, Schoon, L. Smith, H. Sommers, Sutherland, Taylor, Unsoeld, Walk, J. Williams, S. Wilson, Winsley and Zellinsky

WHEREAS, On May 31, 1987 Lewis R. Holcomb will retire as Executive Director of the Washington Public Ports Association following nineteen years of service; and

WHEREAS, During Mr. Holcomb's tenure, the association has grown from forty member ports to sixty-two and has come to be known as one of the best associations of its kind in the nation; and

WHEREAS, Mr. Holcomb has served Washington's ports with enthusiasm and dedication during a period that has seen them grow to become major contributors to the economic vitality of our state; and

WHEREAS, Mr. Holcomb is a native of the State of Washington, was educated in Washington schools, served as an officer of the United States Merchant Marine, was employed in radio and television broadcasting, wrote columns for numerous publications, and worked for our state at the Washington Water Pollution Control Commission before taking up his duties with the Washington Public Ports Association; and

WHEREAS, Mr. Holcomb has demonstrated uncommon dignity and forthrightness in representing the port industry on various issues before the state legislature, and also at national and international levels; and

WHEREAS, Mr. Holcomb has always skillfully placed the concerns of the port districts before various legislative committees; and

WHEREAS, Mr. Holcomb's honesty and hard work should provide a model for all to follow who work in the legislative process; and

WHEREAS, It has been a pleasure for the members of this body to work with a gentleman of Mr. Holcomb's integrity, dedication and commitment to public service;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington congratulate Mr. Holcomb for his many years of service to the port districts and extend to him and his wife of forty years, Marguerite, its best wishes for a happy retirement; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit a copy of this Resolution to Lewis R. and Marguerite Holcomb.

Ms. Hine moved adoption of the resolution. Representatives Hine, Brough, Haugen and Gallagher spoke in favor of the resolution, and it was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized, within the bar of the House, Mr. Lewis R. Holcomb, Executive Director of the Washington Public Ports Association. Mr. Holcomb briefly addressed the House, and the Speaker presented the resolution to him.

HOUSE FLOOR RESOLUTION NO. 87-4691, by Representatives Rasmussen and Madsen

WHEREAS, Climbing a mountain is both a metaphor for and proof of the uniquely human ability to set and conquer goals that expand human potential; and

WHEREAS, Don Hayden, a nineteen year-old graduate from Eatonville High School, Ashford, and now living in Yakima, exemplifies the indomitable human spirit through his efforts to climb Mount Rainier despite his handicap as a quadriplegic with limited use of his arms and torso; and

WHEREAS, The ascent of Mount Rainier has been planned in stages with two trial runs up to Camp Muir this spring, with the second being successful, and the climb scheduled for this summer; and

WHEREAS, A small group of good friends have worked with Don Hayden to help Don achieve his dream of climbing the mountain; and

WHEREAS, Don, who has acted as State Vice President, District President, Chapter President, and Star Chapter Farmer for the Future Farmers of America, is attempting the climb to spotlight and raise funds for BRIDGE, a college scholarship program for handicapped individuals involved with vocational agriculture;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That Don Hayden be encouraged in his attempt to climb Mount Rainier, be heartily congratulated on his accomplishments, and be commended for serving as an inspiration to all of us to attempt to surmount the seemingly insurmountable; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this Resolution to Don Hayden.

On motion of Ms. Rasmussen, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4689, by Representatives Zellinsky, Prince, O'Brien, Fuhrman, Allen, Amondson, Appelwick, Armstrong, Baillard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry and Winsley

WHEREAS, More than three million youngsters take part annually in the National Elks Lodge Hoop Shoot, now in its fifteenth year of operation; and

WHEREAS, Brian Thoenke, 10, of Silverdale, Washington was one of three Washington contestants at the national finals held at the Market Square arena in Indianapolis, Indiana on Saturday, April 25, 1987; and

WHEREAS, Brian hit 25 of 25 free throws in the finals for boys in the 10-11 age group and captured the national title in that age bracket;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington takes great pleasure in extending its congratulations to Brian and to the other contestants in the final championship from the State of Washington; Chad Herron, 13, of Pasco; and Christine Davis, 11, of Colville; and to the National

Elks Lodge for sponsoring such a successful program for the young people of America; and

BE IT FURTHER RESOLVED, that copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Brian Thoenke, Chad Herron and Christine Davis, and to Jack Taylor of Olympia, who is Government Relations Chairman of the Washington State Elks Association.

Mr. Zellinsky moved adoption of the resolution. Mr. Zellinsky spoke in favor of the resolution, and it was adopted.

MOTION

On motion of Mr. Baugher, the House adjourned until 1:30 p.m., Saturday, May 9, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Saturday, May 9, 1987

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Allen, Basich, Beck, Ferguson, Hargrove, P. King, Schoon and S. Wilson. Representatives Allen, Beck, Ferguson, Hargrove, Schoon and S. Wilson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brooks Gaston and Syndee Christiansen. Prayer was offered by Representative Clyde Ballard.

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

SENATE AMENDMENTS TO HOUSE BILL

May 7, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter shall be known and may be cited as the health care access act of 1987.

NEW SECTION. Sec. 2. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 3. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two hundred percent of the federal poverty guidelines who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

NEW SECTION. Sec. 4. As used in this chapter:

(1) 'Washington basic health plan' or 'plan' means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the board through participating managed health care systems, created by this chapter.

(2) 'Board' means the Washington basic health plan board.

(3) 'Managed health care system' means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the board and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) 'Enrollee' means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the board.

(5) 'Subsidy' means the difference between the amount of periodic payment the board makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the amount the board determines to be the enrollee's responsibility under section 10(2) of this act.

(6) 'Premium' means a periodic payment, based upon gross family income and determined under section 10(2) of this act, which an enrollee makes to the board as consideration for enrollment in the plan.

(7) 'Rate' means the per capita amount, negotiated by the board with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

NEW SECTION. Sec. 5. The basic health plan trust account is hereby established in the state treasury. All funds appropriated for this chapter shall be deposited in the basic health plan trust account and may be expended without further appropriation. Disbursements from other moneys in the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan board. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1988, the board shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety percent of the amounts anticipated to accrue in the account during the fiscal period.

NEW SECTION. Sec. 6. There is created the Washington basic health plan board, which shall be a separate and independent board of the state. The board shall be composed of five members appointed by the governor. The governor shall select one member to serve as chairman. Not more than one member may have any fiduciary obligation to any health care provider or facility or any material financial interest in the provision of health care services and one member shall have expertise in health care benefit design, as well as the administration of a health care benefits program by private employers.

Members of the board shall serve for four-year terms. However, of the members initially appointed after the effective date of this act, two shall be appointed to four-year terms, one to a three-year term, one to a two-year term, and one to a one-year term. Appointments shall require senate confirmation. No member of the board may serve for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

NEW SECTION. Sec. 7. Meetings of the board shall be held as frequently as its duties require. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Three members of the board constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless three members concur therein. The board may, consistent with the procedural requirements of chapter 42.30 RCW, meet in executive session with representatives of prospective or participating managed health care systems to discuss matters of a proprietary or sensitive nature.

The members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. The board shall employ, subject to approval by the governor, a full-time executive director, who shall be the chief administrative officer of the board and shall be subject to its direction. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The executive director, medical director, and up to five other employees shall be exempt from the civil service law, chapter 41.06 RCW.

The board shall employ such other staff as are necessary to fulfill the responsibilities and duties of the board, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual

responsibility without specific permission of the board. The board may call upon other agencies of the state to provide available information as necessary to assist the board in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

The board may create committees from its membership, and may appoint such technical or other advisory committees as it deems necessary. The board shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their expenses in the same manner as members of the board.

The board may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

In the design, organization, and administration of the plan under this chapter, the board shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the board to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law.

NEW SECTION. Sec. 9. The board may promulgate and adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 10. The board has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the board. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the board shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the board deems appropriate.

(2) To design and implement a structure of periodic premiums due the board from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the board finds that there is danger of such an overexpenditure, the board shall close enrollment until the board finds the danger no longer exists.

(5) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in section 12 of this act.

In the selection of any area of the state for the initial operation of the plan, the board shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the board shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(6) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The board shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the board shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(7) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(8) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, as determined by the board under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to section 15 of this act, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. In the event a number of enrollees drop their enrollment for no apparent good cause, the board may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(9) To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the board shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.

(10) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the board shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the board finds relevant.

(11) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the board shall endeavor to minimize costs, both to the managed health care systems and to the board. The board shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(12) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as it deems appropriate.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

NEW SECTION. Sec. 11. The benefits available under the plan shall be subject to RCW 48.21.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

NEW SECTION. Sec. 12. On and after July 1, 1988, the board shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The board shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.

Thereafter, total enrollment shall not exceed the number established by the legislature in any act appropriating funds to the board.

Before July 1, 1988, the board shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan.

The board shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

NEW SECTION. Sec. 13. Any enrollee whose premium payments to the board are delinquent or who moves his or her residence out of an area served by the plan may be dropped from enrollment status. An enrollee whose premium is the responsibility of the department of social and health services under section 15 of this act may not be dropped solely because of nonpayment by the department. The board shall provide delinquent enrollees with advance written notice of their removal from the plan and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the board's decision to drop the enrollee from the plan. Upon removal of an enrollee from the plan, the board shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, if applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

NEW SECTION. Sec. 14. Managed health care systems participating in the plan shall do so by contract with the board and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the board on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The board may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the board to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The board shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the board shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

Any contract between a hospital and a participating managed health care system under this chapter is subject to the requirements of RCW 70.39.140(1) regarding negotiated rates.

Prior to negotiating with any managed health care system, the board shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state. In negotiating with managed health care systems for participation in the plan, the board shall adopt a uniform procedure that includes at least the following:

- (1) The board shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;
- (2) The board shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;
- (3) The board may then select one or more systems to provide the covered services within a local area; and
- (4) The board may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

NEW SECTION. Sec. 15. The department of social and health services shall make periodic payments to the board as an agent for the participating managed health care systems on behalf of any enrollee who is a recipient of medical assistance, medical care-limited casualty program, or medical care services under chapter 74.09 RCW, at the maximum rate allowable for federal matching purposes under Title XIX of the social security act, but not to exceed the rate negotiated by the board with the participating managed health care system for the services covered by the plan, and no premium or copayment may be charged to such an enrollee. Any enrollee on whose behalf the department of social and health services makes payments to the board under this section and chapter 74.09 RCW may continue as an enrollee, making premium payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended, as long as the enrollee remains eligible under this chapter. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other

persons under that chapter but not included in the schedule of basic health care services covered by the plan. The board and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of plan enrollees and payments on their behalf between the plan and the programs established under chapter 74.09 RCW.

NEW SECTION. Sec. 16. In addition to the powers and duties specified in sections 8 and 10 of this act, the board has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the board in its duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the board, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the board under this section shall be exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION. Sec. 17. The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW, except as provided in section 11 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify any person filing a claim under this chapter who resides in a local area served by the Washington basic health plan of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.— RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the commissioner of a closure of enrollment in the area. The commissioner shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate employment service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 19. A new section is added to chapter 51.28 RCW to read as follows:

The director shall notify persons receiving time-loss payments under this chapter of the availability of basic health care coverage to qualified enrollees under chapter 70.— RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the director of closure of enrollment in the plan. The director shall maintain supplies of Washington basic health plan enrollment application forms in all field service offices where the plan is available, which shall be provided in reasonably necessary quantities by the board for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 20. A new section is added to chapter 74.04 RCW to read as follows:

The department shall notify any applicant for public assistance who resides in a local area served by the Washington basic health plan and is under sixty-five years of age of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.— RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the department of a closure of enrollment in the area. The department shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate community service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 21. The Washington basic health plan board shall be appointed and commence operations as promptly as practicable after the effective date of this section. Not later than January 1, 1988, the board shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 10 of this act;

(2) A descriptive listing of managed health care systems expected to participate in the Washington basic health plan, along with an identification of prospective local areas for initial participation in the plan;

(3) The approximate amount of funds estimated to be on deposit in the basic health plan trust account as of March 31 and June 30, 1988;

(4) A description of the sliding fee schedule for enrollee premium payments and copayments adopted by the board under section 10 of this act;

(5) An evaluation of the financial viability of rural hospitals and the availability of necessary health care services in such areas, based upon any contacts or negotiations either the

board or staff may have had with providers in rural areas of the state, together with any specific recommendations they may wish to make;

(6) Any proposals for statutory changes which the board deems necessary to implement the purposes of this chapter; and

(7) Any other information which the board deems appropriate.

Not later than January 1, 1989, the board shall submit to the legislature a further progress report, updating its 1988 report, and covering the same items provided for therein, with projections based upon implementation of the plan to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 12 of this act. The board shall submit an annual report to the legislature by January 1 of each year thereafter.

NEW SECTION, Sec. 22. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services shall, to the extent that funds are specifically appropriated for this purpose, provide matching grants on a one-to-one state/local basis to hospitals that are designated by the hospital commission as meeting all of the following criteria:

(a) Providing an amount of charity care equal to or greater than two hundred fifty percent of the state average;

(b) A tertiary care center; and

(c) Providing ten percent of the tertiary care to patients from outside the county in which the hospital is located.

(2) Grants shall be allocated to eligible hospitals based on the hospital's relative amount of charity care.

(3) Local matching funds shall be from a nonrate-setting revenue source as defined by the hospital commission.

(4) The department shall seek matching federal Title XIX medicaid funds pursuant to the 'disproportionate share' provisions of the federal social security act. If necessary to obtain federal funds, the department may use the following provision in lieu of those set forth in subsections (1), (2), and (3) of this section: A hospital is eligible for a grant if it is designated by the hospital commission as having medical assistance charges exceeding twenty percent of the hospital's total rate-setting revenue during the preceding calendar year.

NEW SECTION, Sec. 23. The department of social and health services shall conduct an evaluation of the financial viability of those hospitals with a catchment area that is largely rural and, by January 1, 1989, provide the legislature with a report including recommendations or options that might be adopted that would assist such communities in preserving those valuable resources.

NEW SECTION, Sec. 24. Sections 1 through 17 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 25. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health plan board and its powers and duties shall be terminated on June 30, 1992, as provided in section 26 of this act.

NEW SECTION, Sec. 26. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

(1) Section 1 of this act and RCW 70.....;

(2) Section 2 of this act and RCW 70.....;

(3) Section 3 of this act and RCW 70.....;

(4) Section 4 of this act and RCW 70.....;

(5) Section 5 of this act and RCW 70.....;

(6) Section 6 of this act and RCW 70.....;

(7) Section 7 of this act and RCW 70.....;

(8) Section 8 of this act and RCW 70.....;

(9) Section 9 of this act and RCW 70.....;

(10) Section 10 of this act and RCW 70.....;

(11) Section 11 of this act and RCW 70.....;

(12) Section 12 of this act and RCW 70.....;

(13) Section 13 of this act and RCW 70.....;

(14) Section 14 of this act and RCW 70.....;

(15) Section 15 of this act and RCW 70.....;

(16) Section 16 of this act and RCW 70.....;

(17) Section 17 of this act and RCW 70.....;

(18) Section 18 of this act and RCW 50.20.....;

(19) Section 19 of this act and RCW 51.28.....; and

(20) Section 20 of this act and RCW 74.04.....

NEW SECTION, Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "health care," strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.28 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder

MOTION

On motion of Mr. McMullen, the House refused to concur in the Senate amendments to Engrossed Second Substitute House Bill No. 477 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Braddock, Sprengle and Brooks as conferees on Engrossed Second Substitute House Bill No. 477.

MOTION

On motion of Mr. McMullen, Committee on Rules was relieved of House Bill No. 1221 and the bill was placed on the calendar for second reading.

SECOND READING

HOUSE BILL NO. 1221, by Representatives Locke and Grimm

Revising the 1987-89 omnibus appropriations act.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1221 was substituted for House Bill No. 1221 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1221 was read the second time.

On motion of Mr. Locke, the following amendments were adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) 'Fiscal year 1988' or 'FY 1988' means the fiscal year ending June 30, 1988.

(b) 'Fiscal year 1989' or 'FY 1989' means the fiscal year ending June 30, 1989.

(c) 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) 'Revert' or 'lapse' means the amount shall return to an unappropriated status.

(e) 'FTE' means full time equivalent.

NEW SECTION. Sec. 2. For agencies for which the governor has allotment authority, the office of financial management shall limit expenditures for personal services contracts, goods and services, travel, and furnishings and equipment so that total general fund—state expenditures for such agencies are \$18,000,000 less than the total of the general fund—state appropriations for such agencies.

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES		
General Fund Appropriation	\$	44,349,000
NEW SECTION. Sec. 102. FOR THE SENATE		
General Fund Appropriation	\$	29,631,000
NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE		
General Fund Appropriation	\$	1,680,000
NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE		

General Fund Appropriation \$ 2,503,000

The appropriation in this section is subject to the following conditions and limitations: The committee shall conduct a study of the common school state-wide data reporting system, including information on class size in kindergarten through twelfth grade. \$100,000 of the general fund appropriation is provided solely to contract with the institute of public policy and management of the University of Washington to conduct research associated with the study. The institute shall work closely with the superintendent of public instruction and the office of financial management to prepare a report to the legislature by December 1, 1988, regarding its findings and recommendations.

NEW SECTION, Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 5,524,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION, Sec. 106. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 5,394,000

NEW SECTION, Sec. 107. FOR THE SUPREME COURT

General Fund Appropriation \$ 10,678,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,337,000 is provided solely for the indigent appeals program.

(2) \$110,000 is provided solely for the creation of the public defender task force. The supreme court shall compile a list of three qualified persons from which the governor shall appoint the director of the public defender task force. Qualifications of the director shall include admission to the practice of law in this state for at least five years and experience in the representation of persons accused of crime. The director shall be paid a salary fixed by the governor under RCW 43.03.040. To assist the director in carrying out the duties of the position, there is created a public defender task force consisting of the following members: One member appointed by both the associations of cities and counties; one member appointed by the Washington state bar association; one member appointed by both the Washington appellate defender association and the Washington defender association; one member appointed by the Washington association of prosecuting attorneys; one member appointed by the judiciary; two members appointed by the president of the senate who shall not be members of the same political party; and two members appointed by the speaker of the house of representatives who shall not be members of the same political party. Members of the task force shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The director shall, with the assistance of the task force, review the current system for providing appellate representation to indigent persons in criminal cases, civil commitment proceedings, and cases involving a disposition in a juvenile offense proceeding. The director shall by January 1, 1989, report to the judiciary committees of the house of representatives and senate with a plan for an effective and efficient program for delivering indigent defense services state-wide in trial court, the court of appeals, and the supreme court, in criminal cases, civil commitment proceedings, and cases involving a disposition in a juvenile offense proceeding. The plan shall include: Guidelines for determining who is eligible to receive legal services under the program, an estimate of resources needed to carry out the program at the trial and appellate court levels, and recommendations for mandatory pro bono publico participation by private attorneys.

NEW SECTION, Sec. 108. FOR THE LAW LIBRARY

General Fund Appropriation \$ 2,574,000

NEW SECTION, Sec. 109. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 12,013,000

NEW SECTION, Sec. 110. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 21,588,000

Public Safety and Education Account Appropriation \$ 18,828,000

Total Appropriation \$ 40,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(3) \$50,000 of the public safety and education account appropriation is provided solely for the administrator for the courts to initiate measures to prevent gender and minority bias in the courts. Such measures shall include but not be limited to:

(a) A study of the status of women and minorities as litigants, attorneys, judges, and court employees;

(b) Recommendations for implementing reform; and

(c) Providing attitude awareness training for judges and legal professionals.

(4) \$260,000 of the general fund—state appropriation is provided solely for the Snohomish County preprosecution diversion program.

NEW SECTION, Sec. 111. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation \$ 477,000

NEW SECTION, Sec. 112. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State \$ 5,260,000
 General Fund Appropriation—Federal \$ 500,000
 Total Appropriation \$ 5,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$167,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$389,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

NEW SECTION, Sec. 113. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 363,000

NEW SECTION, Sec. 114. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 6,374,000
 Archives and Records Management Account Appropriation \$ 2,116,000
 Total Appropriation \$ 8,490,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

NEW SECTION, Sec. 115. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 280,000

The appropriation in this section is subject to the following conditions and limitations: \$49,000 is provided solely to meet additional workload associated with the federal immigration reform and control act.

NEW SECTION, Sec. 116. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 285,000

NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 241,000

NEW SECTION, Sec. 118. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation \$ 45,000

State Treasurer's Service Fund Appropriation \$ 9,080,000

Total Appropriation \$ 9,125,000

NEW SECTION, Sec. 119. FOR THE STATE AUDITOR

General Fund Appropriation \$ 832,000

Motor Vehicle Fund Appropriation \$ 287,000

Municipal Revolving Fund Appropriation \$ 14,733,000

Auditing Services Revolving Fund Appropriation \$ 9,359,000

Total Appropriation \$ 25,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$180,000 of the auditing services revolving fund appropriation is provided solely to perform multi-agency audits of fixed assets, capital construction projects, and lease acquisitions and to perform deferred audits of state agencies.

(2) \$609,000 of the audit services revolving fund appropriation is provided solely for additional workload associated with the federal single audit act.

NEW SECTION, Sec. 120. FOR THE ATTORNEY GENERAL

General Fund Appropriation \$ 5,143,000

Legal Services Revolving Fund Appropriation \$ 46,142,000

Total Appropriation \$ 51,285,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$840,000 of the legal services revolving fund appropriation is provided solely to support additional attorneys to defend an increased number of cases expected from an increase in the number of industrial appeals board staff.

(2) \$10,233,000 of the legal services revolving fund appropriation is provided solely for legal services augmentation; of which a maximum of \$3,933,000, including the state-wide salary increase allocation, is for salary increases consistent with the Price Waterhouse recommendation of March 19, 1987, for assistant attorneys general, \$5,000,000 is for additional funding for the defense of tort actions, \$400,000 is for increased legal services for the department of corrections and the indeterminate sentence review board, \$200,000 is for increased legal services for the department of ecology, \$200,000 is for increased legal services for the department of transportation, and \$500,000 is for increased legal services for the department of licensing.

(3) Pursuant to chapter 365, Laws of 1985, the attorney general shall transmit to the judiciary committees of the senate and house of representatives and the human rights commission by January 1, 1988, and by January 1 of every year thereafter a progress report which states the agency's progress in meeting its affirmative action goals and timetables. The agency's goals for assistant attorneys general and other exempt employees shall be based on the percentage of each and every minority group's representation in the state labor force population. If the human rights commission determines that the agency is deficient in meeting its affirmative action goals for assistant attorneys general and other employees, the agency shall submit a plan of correction to the commission within thirty days of the commission's written notice of deficiencies. The plan of correction shall include specific measures for removing all deficiencies identified by the commission within twelve months of the date the plan is submitted to the commission.

NEW SECTION. Sec. 121. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	18,531,000
General Fund Appropriation—Federal	\$	60,000
Motor Vehicle Fund Appropriation	\$	100,000
Medical Aid Fund Appropriation	\$	98,000
Local Jail Improvement and Construction Fund Appropriation	\$	780,000
Total Appropriation	\$	19,569,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for the services of an actuarial consultant.

(2) Reports required to be submitted to the legislature or its committees by dates specified in this act shall be submitted by such dates, notwithstanding time necessary for review by the office of financial management. For agencies under the authority of the governor, the office may require submission of draft reports for its review prior to the dates required for submission to the legislative branch.

(3) By January 1, 1988, the office of financial management shall submit a report to the committees on ways and means of the senate and house of representatives describing a system to control the initial acquisition and replacement of furniture and equipment by state agencies. The system shall include proposed criteria for justifying furniture and equipment purchases by state agencies, a uniform accounting and reporting system for such purchases, and a centralized inventory and acquisition system that would fill state agency furniture and equipment requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate.

(4) \$500,000 of the general fund—state appropriation is provided solely for one-time costs of establishing a state-wide inventory of school facilities, using surveys conducted by qualified engineers and architects. The inventory shall be developed jointly and in cooperation with the state board of education and the superintendent of public instruction and shall be designed to yield consistent and easily accessible information intended to facilitate administrative decisions on school construction projects and analysis of long-term facilities needs.

(5) The office of financial management, in cooperation with the state board for community college education, shall study the cost of community college faculty salary increments, including savings from full time faculty turnover, identify the faculty salary increment policy at each college district, and report the findings and recommendations to the 1989 regular session of the legislature.

NEW SECTION. Sec. 122. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation	\$	8,752,000
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NEW SECTION. Sec. 123. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation	\$	1,736,000
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The appropriation in this section is subject to the following conditions and limitations: \$7,000 of this appropriation is provided solely for services to be provided by the investor responsibility research council.

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	13,618,000
State Employees' Insurance Fund Appropriation	\$	2,164,000
Total Appropriation	\$	15,782,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the state employees' insurance fund appropriation is provided solely for the revision of the automated insurance eligibility system.

NEW SECTION, Sec. 125. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	354,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance. If Engrossed Substitute House Bill No. 844 is not enacted by June 30, 1987, this appropriation shall lapse.

NEW SECTION, Sec. 126. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation	\$	807,000
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NEW SECTION, Sec. 127. FOR THE DATA PROCESSING AUTHORITY

Data Processing Revolving Fund Appropriation	\$	1,268,000
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NEW SECTION, Sec. 128. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation	\$	43,697,000
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The appropriation in this section is subject to the following conditions and limitations: \$27,300,000 of the lottery administrative account appropriation is provided solely for the payment of costs incurred in the purchase and promotion of lottery games. If Engrossed Substitute House Bill No. 26 is enacted without requiring that costs of purchase and promotion of lottery games be paid out of the lottery administrative account, this amount of the appropriation shall lapse.

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	63,667,000
Hazardous Waste Control and Elimination Account Appropriation	\$	111,000
Timber Tax Distribution Account Appropriation	\$	3,276,000
State Toxics Control Account Appropriation	\$	106,000
Total Appropriation	\$	67,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The hazardous waste control and elimination account appropriation shall lapse if Substitute House Bill No. 434 is enacted by June 30, 1987.

(2) The state toxics control account appropriation shall lapse if Substitute House Bill No. 434 is not enacted by June 30, 1987.

(3) \$100,000 of the general fund appropriation is provided solely to support additional staff to perform tax research and statistical analysis.

NEW SECTION, Sec. 130. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	1,214,000
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The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	8,312,000
General Fund Appropriation—Federal	\$	1,623,000
General Fund Appropriation—Private/Local	\$	93,000
Motor Transport Account Appropriation	\$	10,925,000
General Administration Facilities and Services Revolving Fund Appropriation	\$	19,562,000
Total Appropriation	\$	40,515,000

NEW SECTION, Sec. 132. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS

ENTERPRISES

General Fund Appropriation	\$	1,937,000
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NEW SECTION, Sec. 133. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation	\$	1,000
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NEW SECTION, Sec. 134. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation	\$	10,205,000
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NEW SECTION, Sec. 135. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	1,229,000
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NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	20,666,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$554,000 is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5150.

(2) Not more than \$877,000 of this appropriation may be expended for the expenses of the office of the state actuary, including interagency reimbursements for services and statutory reports.

NEW SECTION, Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	2,104,000
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NEW SECTION, Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$	36,000
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NEW SECTION, Sec. 139. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	415,000
Certified Public Accountant Examination Account Appropriation	\$	571,000
Total Appropriation	\$	986,000

NEW SECTION. Sec. 140. FOR THE BOXING COMMISSION

General Fund Appropriation	\$	105,000
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NEW SECTION. Sec. 141. FOR THE CEMETERY BOARD

Cemetery Account Appropriation	\$	143,000
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NEW SECTION. Sec. 142. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	4,293,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than six hundred ninety-eight racing days during the fiscal biennium ending June 30, 1989, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses as required under RCW 67.16.075.

(3) \$70,000 is provided solely for implementation of Substitute House Bill No. 177. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$160,000 is provided solely for drug testing and two additional security guards. This amount is contingent on the enactment of House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 143. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation	\$	87,777,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At the expiration of the lease of any state liquor store, except in an incorporated city in which more than one liquor store exists, if the yearly average of gross bottle sales falls below 80,000 bottles, that store shall be closed and an agency may be established in its place.

(2) \$60,000 is provided solely for computer programming needed to use the state payroll system.

NEW SECTION. Sec. 144. FOR THE PHARMACY BOARD

General Fund Appropriation	\$	1,343,000
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NEW SECTION. Sec. 145. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—State	\$	23,712,000
Public Service Revolving Fund Appropriation—Federal	\$	426,000
Grade Crossing Protective Fund Appropriation	\$	320,000
Total Appropriation	\$	24,458,000

The appropriations in this section are subject to the following conditions and limitations: \$975,000 of the public service revolving fund appropriation is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistance, and consultants.

NEW SECTION. Sec. 146. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation	\$	233,000
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NEW SECTION. Sec. 147. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	7,670,000
General Fund Appropriation—Federal	\$	5,149,000
Total Appropriation	\$	12,819,000

NEW SECTION. Sec. 148. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	1,719,000
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NEW SECTION. Sec. 149. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED

OFFICIALS		
General Fund Appropriation	\$	63,000

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	59,605,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$23,884,000 is provided solely for the operation and/or contracting with nonprofit corporations for work training release for convicted felons.

(b) \$2,071,000 is provided solely for the support of the office of the director of community services.

(c) \$200,000 is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(d) \$854,000 is provided solely for the implementation of the sex offender treatment program for offenders under the jurisdiction of the division of community services as required by Second Substitute House Bill No. 756.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 269,824,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation \$ 17,961,000

Institutional Impact Account Appropriation \$ 317,000

Total Appropriation \$ 18,278,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) At least \$1,000,000 of the general fund appropriation shall be spent to contract for drug and alcohol treatment services for offenders in institutions and/or work release facilities.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation \$ 2,268,000

The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1987. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(4) The department of social and health services shall not revise eligibility criteria for any of its programs or services in a manner which will increase the number of eligible persons or the general fund—state expenditures for the program or service unless specifically authorized by this act. To the extent that revisions to eligibility criteria are required by federal or state statute or court order, including the setting of need standards for public assistance recipients, such revisions shall be reviewed by appropriate committees of the legislature prior to implementation.

(5) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

(6) The department shall implement the plan for performance-based contracts developed under sections 203(6) and 204(1)(c), chapter 6, Laws of 1985 ex. sess., whereby a portion of vendor payments for private group care and other community residential placements shall reflect achievement of client outcome standards. The department shall report on implementation of the plan to the ways and means committees of the senate and house of representatives by December 15, 1987, and December 15, 1988.

(7) The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act shall be expended as provided in each section, except that the department may expend money, appropriated for other purposes, for the family independence program only after approval by

the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	165,859,000
General Fund Appropriation—Federal	\$	58,952,000
Total Appropriation	\$	224,811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) The department shall establish a new rate structure for day care programs. In developing the new rate structure, consideration shall be given to the following:

(a) Reimbursing providers on a child-slot basis;

(b) Providing child care for high school completion without regard to income; and

(c) Establishing rates which vary by child age and area of the state.

(3) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff, necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement the provisions of Engrossed Second Substitute House Bill No. 586 which establish a pilot project in order to guide the state in developing a comprehensive system of children and family services. If the bill is not enacted by June 30, 1987, this amount shall lapse. The department shall report to the ways and means and human services committees of the senate and house of representatives on implementation of this section by January 15, 1988. The report shall include the following information:

(a) The effectiveness of providing additional casework, support staff, and other services provided in this section in reducing and refocusing the workload of child protective services caseworkers;

(b) The impact on caseloads of hiring child protective services support staff, including clerical support, assistant attorneys general, eligibility determination specialists, and public health nurses; and

(c) The number and classifications of staff and the level and types of additional services for which the moneys in this section are used.

(4) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of therapeutic day care.

(5) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(6) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(7) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(8) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(9) \$300,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse.

(10) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(11) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(12) \$93,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(13) A maximum of \$332,000, of which \$275,000 is from the general fund—state appropriation, and 7.8 full time equivalent staff may be transferred from the division of children and

family services to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(14) \$1,250,000, of which \$850,000 is from the general fund—state appropriation, is provided solely for an adolescent drug, alcohol, and health improvement program to assist communities in preventing or minimizing the effects of youth problems relating to substance abuse, health, and suicide. No grant program under this subsection may dispense contraceptives or provide abortion counseling or referred services. At least \$750,000, of which at least \$350,000 is from the general fund—state appropriation, shall be spent on a youth substance abuse pilot project. The project shall provide a full range of services, including prevention and education programs, parent training, and inpatient and outpatient treatment and aftercare. The youth substance abuse pilot project may be provided in up to three locations using differing program models. Preference for grants under this subsection shall be given to proposals making maximum use of existing community resources.

(15) \$125,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	27,988,000
General Fund Appropriation—Federal	\$	78,000
Total Appropriation	\$	28,066,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	44,385,000
General Fund Appropriation—Federal	\$	890,000
Total Appropriation	\$	45,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offender unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,788,000
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**NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	120,868,000
General Fund Appropriation—Federal	\$	42,613,000
General Fund Appropriation—Local	\$	1,580,000
Total Appropriation	\$	165,061,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals of Kitsap county residents may be made to Western state hospital. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce

recommitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(b). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) \$6,250,000, of which \$5,000,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, other interested members of the community, and legislative staff and shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate an experimental design. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (d). If Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(d) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(e) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates and any other relevant factors required to reflect actual county administration costs. The mental health division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than January 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(f) \$500,000 of the general fund—state appropriation is provided solely for Pierce county for community mental health services to address loss of operations grants and impact of persons released from the state psychiatric hospital who do not return to the county in which they were originally detained.

(g) Grants to counties for community mental health programs shall total not less than \$56,957,000 of the general fund—state appropriation under RCW 71.24.155. Of this amount, \$2,000,000 is provided solely for expanded services to children.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	150,411,000
General Fund Appropriation—Federal	\$	7,948,000
Total Appropriation	\$	158,359,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall prepare a transition plan for moving clients served by the program for adaptive living at Western state hospital into community residential facilities beginning on July 1, 1988. The transition plan shall include a list of qualified vendors and an appropriate amount of funding to be transferred from Western state hospital to cover the cost of establishing and operating community residential treatment beds. It is the intent of the legislature to provide community residential services in local noninstitutional settings. No other community residential programs may be established on the grounds of state mental institutions.

(b) \$300,000 is provided solely for equipment and operating costs related to two additional PORTAL cottages on the Northern state hospital campus. Of this amount, a maximum of \$44,000

may be used to contract with local community mental health centers to provide services to clients who have exited the PORTAL program and reside locally in the community.

(c) The legislative budget committee shall evaluate the PORTAL program as to its treatment outcomes and general effectiveness. The legislative budget committee shall report its findings to the senate and house of representatives ways and means committees by December 1, 1987.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,477,000
General Fund Appropriation—Federal	\$	1,341,000
Total Appropriation	\$	4,818,000

The appropriations in this subsection are subject to the following conditions and limitations: \$78,600 from the general fund—state appropriation is provided solely for allocations to non-profit agencies advocating for the mentally ill. Such funds are for providing technical assistance to state agencies, mental health education programs, outreach and family support, self-help support groups, and patient advocacy.

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,059,000
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NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	77,872,000
General Fund Appropriation—Federal	\$	61,998,000
Total Appropriation	\$	139,870,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) \$2,185,000 of the general fund—state appropriation and \$385,000 of the general fund—federal appropriation are provided solely to increase rates paid for county contracted employment services for developmentally disabled adults receiving such services as of July 1, 1987. No county administrative charge shall be deducted from the amount specified in this subparagraph.

(c) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(d) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(e) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	100,635,000
General Fund Appropriation—Federal	\$	94,952,000
Total Appropriation	\$	195,587,000

(3) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,199,000
Total Appropriation	\$	1,199,000

(4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,991,000
General Fund Appropriation—Federal	\$	479,000
Total Appropriation	\$	4,470,000

The appropriations in this subsection are subject to the following conditions and limitations: A maximum of \$46,000, of which \$38,000 is from the general fund—state appropriation, and two biennial full time equivalent staff may be transferred from the division of developmental disabilities to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	329,152,000
General Fund Appropriation—Federal	\$	330,347,000
Total Appropriation	\$	659,499,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for the adult residential care, contracted chore, adult day health, and senior citizens services act programs.

(3) Department-contracted chore services shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988. Department reimbursement to clients for attendant care and services provided by the community options program entry system shall provide for and assure payment of a monthly rate equivalent to \$4.76 per hour for full time employment beginning September 1, 1987, and \$5.15 per hour for full time employment beginning September 1, 1988. If Engrossed Second Substitute House Bill No. 1006 is enacted before July 1, 1987, department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989. \$1,400,000 of the general fund—state appropriation is provided solely to enhance other nonadministrative wages and benefits as specified in Engrossed Second Substitute House Bill No. 1006. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(4) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.7 percent on July 1, 1987 and 3.6 percent on July 1, 1988.

(5) \$750,000 of the general fund—state appropriation is provided solely to revise the adult family home rate structure to assure continued availability of these residential services for state clients.

(6) \$650,000, of which \$312,000 is from the general fund—state appropriation, is provided solely for laundry services to state clients residing in skilled nursing facilities and intermediate care facilities.

(7) Grant payment standards shall be increased by 2.0 percent on September 1, 1987 and 4.0 percent on September 1, 1989, for adult residential care clients.

(8) \$1,090,000 of the general fund—state appropriation is provided solely for the respite care demonstration project.

(9) At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME ASSISTANCE PROGRAM**

General Fund Appropriation—State	\$	467,961,000
General Fund Appropriation—Federal	\$	444,971,000
Total Appropriation	\$	912,932,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(3) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(4) \$5,316,000, of which \$2,658,000 is from the general fund—state appropriation, is provided solely to increase day care, transportation, and other support services for participants in the opportunities program.

(5) Payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs shall contain an energy allowance to offset the costs of energy and such allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

(6) Persons who are unemployable due to alcohol or drug addiction who are not otherwise eligible for general assistance shall be referred to the alcoholism and drug addiction treatment and support program established by Substitute House Bill No. 646.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation—State	\$	62,580,000
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General Fund Appropriation—Federal	\$	16,466,000
General Fund Appropriation—Local	\$	166,000
Total Appropriation	\$	79,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) \$24,565,000 of the general fund—state appropriation is provided solely for implementation of Substitute House Bill No. 646, establishing the alcohol and drug addiction treatment and support act. If Substitute House Bill No. 646 is not enacted by July 1, 1987, the funds in this subsection shall be transferred to the division of income assistance.

(4) The department shall provide shelter services under Substitute House Bill No. 646 to any individual requesting such services who meets the eligibility criteria established under that act.

(5) The department shall report to the appropriate committees of the legislature by January 5, 1988, on implementation of the alcohol and drug addiction treatment and shelter act. The report shall include at least the following information:

(a) The number of persons receiving client assessment services, including the number receiving assistance in the application process for supplemental security income benefits;

(b) The number of persons receiving treatment services, including the number receiving inpatient and outpatient treatment, and the number receiving a living allowance while undergoing outpatient treatment;

(c) The number of persons receiving shelter services and the type of shelter services provided;

(d) The number of applicants for general assistance payments referred to the program and the number of recipients of general assistance transferred to the program; and

(e) An assessment of the need to revise projected funding levels of \$2,700,000 for client assessment services, \$11,378,000 for treatment services, and \$10,487,000 for shelter services.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	539,198,000
General Fund Appropriation—Federal	\$	494,976,000
Total Appropriation	\$	1,034,174,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,485,000 of the general fund—state appropriation and \$22,569,000 of the general fund—federal appropriation are provided solely for an adult dental program for Title XIX categorically eligible and medically needy persons. If Substitute House Bill No. 1225 is enacted by June 30, 1987, the department shall by January 1, 1989, enroll 20,000 categorically eligible and medically needy persons in prepaid capitated dental programs.

(2) The department of social and health services may increase the medically needy income level under RCW 74.09.700 to the maximum level allowable for federal financial participation under Title XIX of the federal social security act within funds appropriated for this purpose.

(3) \$14,627,000 of the general fund—state appropriation and \$17,231,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy pregnant women and, on a phased-in basis, children up to five years of age whose household income does not exceed 100 percent of the federal poverty level, whose resources do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act. Any part of the amounts provided in this subsection which are not needed for the purposes of this subsection may be spent for the purposes outlined in subsection (2) of this section.

(4) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(5) \$3,000,000 of the general fund—state appropriation is provided solely for matching grants to hospitals under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	59,749,000
General Fund Appropriation—Federal	\$	73,551,000
General Fund Appropriation—Local	\$	8,025,000
Total Appropriation	\$	141,325,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) Public and private community health clinics providing dental services under this section shall give priority to populations that lack access to federally supported dental services. The department shall prepare contracts which implement this requirement.

(3) \$1,869,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan.

(4) \$7,122,000 of the general fund—state appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program.

(5) A maximum of \$86,842,000, of which \$24,437,000 is from the general fund—state appropriation, and 132 biennial full time equivalent staff may be transferred from the public health program to the division of children and family services to provide parent and child health services, dental health care for children, women, infant and children services, crippled children's services, nutrition services to children, family planning services, and program and category support services. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(6) \$3,100,000 of the general fund—state appropriation is provided solely to continue the kidney disease program.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,583,000
General Fund Appropriation—Federal	\$	32,654,000
Total Appropriation	\$	46,237,000

The appropriations in this section are subject to the following condition and limitations: Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	46,280,000
General Fund Appropriation—Federal	\$	32,045,000
Institutional Impact Account Appropriation	\$	78,000
Total Appropriation	\$	78,403,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 biennial FTE staff for the office of the long-term care ombudsman.

(2) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation may be transferred from sections referenced in section 202(7) of this act solely for the evaluation of the aid to families with dependent children and the family independence programs as provided in Engrossed Second Substitute House Bill No. 448. The department may contract with objective independent evaluators subject to legislative budget committee approval, as specified in Engrossed Second Substitute House Bill No. 448. The department shall contract with the Washington state institute for public policy to conduct a longitudinal study of public assistance recipients. \$652,000 of the general fund—state moneys and \$652,000 of the general fund—federal moneys provided in this subsection are provided solely for the longitudinal study.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	158,147,000
General Fund Appropriation—Federal	\$	174,230,000
General Fund Appropriation—Local	\$	705,000
Total Appropriation	\$	333,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$498,000 of the general fund—state appropriation and \$471,000 of the general fund—federal appropriation are provided solely for administrative costs associated with the provision of medical assistance to categorically needy pregnant women and, on a phased-in basis, children up to five years of age whose household income does not exceed 100 percent of the federal poverty level, whose incomes do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(2) \$4,922,000, of which \$2,461,000 is from the general fund—state appropriation, is provided solely to increase services for participants in the opportunities program.

(3) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(4) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665.

(5) A maximum of \$554,000, of which \$460,000 is from the general fund—state appropriation, and 14.2 biennial full time equivalent staff may be transferred from the community services administration program to the administration and supporting services program to consolidate the social service payment system.

(6) If any transfer under this section affects the comparability of historical expenditure information at the program, category or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(7) The department shall submit a plan to the human services committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(8) \$350,000 of the general fund—state appropriation is provided solely for providing matching grants on a one-to-one state/local basis to regional health councils as established in RCW 70.38.085, or to the successor agencies. Grants shall be distributed equitably on the basis of need in order to preserve regional health planning.

NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	25,749,000
General Fund Appropriation—Federal	\$	51,135,000
General Fund Appropriation—Local	\$	200,000
Total Appropriation	\$	77,084,000

NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation—State	\$	28,259,000
General Fund Appropriation—Federal	\$	13,945,000
Total Appropriation	\$	42,204,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	34,080,000
General Fund Appropriation—Federal	\$	143,939,000
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Low Income Weatherization Account Appropriation	\$	4,000,000
Total Appropriation	\$	182,926,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,576,000 of the general fund—state appropriation is provided solely for grants to public and private nonprofit organizations to operate food banks, food distribution centers, and emergency shelters.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives Resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,136,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) The department shall conduct a state-wide housing needs study. The study, with preliminary recommendations, shall be submitted to the housing committee of the house of representatives and the commerce and labor committee of the senate no later than December 31, 1987, and a final report shall be submitted by December 31, 1988.

(5) \$325,000 of the general fund—state appropriation is provided solely for pilot demonstrations and development of model vocational programs, including a study of a technology demonstration skills center, in Lewis county.

(6) \$708,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 3 of Engrossed Substitute Senate Bill No. 5285. \$42,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 4 of Engrossed Substitute Senate Bill No. 5285. If the bill is not enacted by June 30, 1987, the amounts provided in this subsection shall lapse.

(7) The department shall review the needs of low-income migrant and seasonal workers. To the extent that funds are available, the legislature encourages the department to give special attention to low-income migrant and seasonal workers.

(8) \$360,000 of the general fund—state appropriation is provided solely for grants to three nonprofit agencies and local government agencies for local reemployment centers. In order to provide a breadth of experience and geographic dispersion, one center shall be located in King county, one center shall be located in a southwest Washington county in which the unemployment rate was at least 20 percent above the state average during the preceding

calendar year, and one center shall be located in an eastern Washington standard metropolitan statistical area in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, psychotherapy, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department. Each grant recipient must match state dollars on a one-for-one basis with non-state dollars.

(9) \$118,000 of the general fund—state appropriation is provided solely for a study to determine the economic contribution of sport and commercial salmon and sturgeon fishing.

(10) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$1,600,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations for scholarships or support services, including but not limited to child care or transportation, for parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program.

(13) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) In addition to the fee imposed under RCW 19.27.085, there is imposed through June 30, 1989, a fee of two dollars on each building permit issued by a county or a city. Quarterly, each county and city shall remit moneys collected under this subsection to the state treasury for deposit in the building code council account. However, no remittance is required until at least fifty dollars has accumulated pursuant to this subsection.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	17,889,000
General Fund Appropriation—Federal	\$	4,690,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	28,746,000

NEW SECTION. Sec. 219. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	3,199,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	4,163,000

NEW SECTION. Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation	\$	5,000
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NEW SECTION. Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	176,000
Accidental Fund Appropriation	\$	6,015,000
Medical Aid Fund Appropriation	\$	6,015,000
Total Appropriation	\$	12,206,000

NEW SECTION. Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation	\$	32,000
Public Safety and Education Account Appropriation	\$	7,866,000
Total Appropriation	\$	7,898,000

The appropriations in this section are subject to the following conditions and limitations: \$68,000 of the public safety and education account appropriation is provided solely for one-time costs associated with conversion to an incident-based uniform crime reporting system. Expenditure of these funds is contingent upon receipt of federal matching funds equal to or greater than \$68,000.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	8,384,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accidental Fund Appropriation	\$	85,037,000
Electrical License Fund Appropriation	\$	9,620,000
Farm Labor Revolving Account Appropriation	\$	292,000
Medical Aid Fund Appropriation	\$	81,983,000
Plumbing Certificate Fund Appropriation	\$	640,000
Pressure Systems Safety Fund Appropriation	\$	1,111,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	199,992,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall study the feasibility of establishing an independent ombuds office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

NEW SECTION, Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$ 4,042,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

(3) Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release. The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

NEW SECTION, Sec. 225. FOR THE HOSPITAL COMMISSION

General Fund Appropriation	\$ 1,948,000
Hospital Commission Account Appropriation	\$ 1,420,000
Total Appropriation	\$ 3,368,000

NEW SECTION, Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$ 5,700,000
General Fund Appropriation—Federal	\$ 146,257,000
General Fund Appropriation—Local	\$ 18,373,000
Administrative Contingency Fund	
Appropriation—Federal	\$ 6,918,000
Unemployment Compensation Administration Fund Appropriation—Federal	\$ 110,569,000
Employment Service Administration Account Appropriation—Federal	\$ 2,334,000
Total Appropriation	\$ 290,151,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

(4) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. 'Forest products industries' means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date the calculation is made. 'Average forest products employment' means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. The services of counter-cyclical employment members are exempt from unemployment compensation coverage under RCW 50.44.040 and the members shall be so advised by the department.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

(5) \$120,000 of the administrative contingency fund—federal appropriation is provided solely for a reemployment bonus demonstration project, contingent on the availability of federal or private funding of no less than \$500,000. The employment security department shall evaluate the effectiveness of the reemployment bonus in returning unemployed workers to employment and report to the commerce and labor committees of the senate and house of representatives by January 15, 1989. If federal or private moneys do not become available before June 30, 1988, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State	\$	2,357,000
General Fund Appropriation—Federal	\$	4,862,000
Total Appropriation	\$	7,219,000

The appropriations in this section are subject to the following conditions and limitations: \$11,000 in fiscal year 1988 and \$11,000 in fiscal year 1989 is provided for support of the deaf-blind service center.

NEW SECTION, Sec. 228. FOR THE CORRECTIONS STANDARDS BOARD

General Fund Appropriation—State	\$	185,000
General Fund Appropriation—Federal	\$	20,000
Total Appropriation	\$	205,000

<u>NEW SECTION, Sec. 229. FOR THE SENTENCING GUIDELINES COMMISSION</u>	
General Fund Appropriation	\$ 525,000
<u>NEW SECTION, Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN</u>	
General Fund Appropriation	\$ 19,109,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

PART III

NATURAL RESOURCES

<u>NEW SECTION, Sec. 301. FOR THE STATE ENERGY OFFICE</u>	
General Fund Appropriation—State	\$ 1,874,000
General Fund Appropriation—Federal	\$ 16,528,000
General Fund Appropriation—Private/Local	\$ 20,000
Geothermal Account Appropriation—Federal	\$ 45,000
Building Code Council Account Appropriation	\$ 632,000
Total Appropriation	\$ 19,099,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation is provided solely to contract with the institute for public policy at The Evergreen State College to complete a comprehensive state hydropower study. The study shall: (1) Be developed in consultation with other state agencies (2) be completed by December 1, 1987, and (3) result in recommendations for a state hydro-power plan for the balanced protection and development of the state's waterways.

<u>NEW SECTION, Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION</u>	
General Fund Appropriation—State	\$ 463,000
General Fund Appropriation—Private/Local	\$ 468,000
Total Appropriation	\$ 931,000

<u>NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF ECOLOGY</u>	
General Fund Appropriation—State	\$ 52,916,000
General Fund Appropriation—Federal	\$ 59,846,000
General Fund Appropriation—Private/Local	\$ 398,000
Hazardous Waste Control and Elimination Account Appropriation	\$ 2,616,000
Flood Control Account Appropriation	\$ 3,999,000
Wood Stove Public Education Account Appropriation	\$ 366,000
Special Grass Seed Burning Research Account Appropriation	\$ 40,000
Reclamation Revolving Account Appropriation	\$ 836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$ 175,000
Litter Control Account Appropriation	\$ 6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$ 761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$ 2,095,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$ 1,071,000
Stream Gaging Basic Data Fund Appropriation	\$ 139,000
Tire Recycling Account Appropriation	\$ 548,000
Water Quality Account Appropriation	\$ 2,398,000
Workers and Community Right to Know Fund Appropriation	\$ 229,000
Total Appropriation	\$ 134,828,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$150,000 of the general fund—state appropriation may be expended to implement the Nisqually river task force recommendations.

(2) \$75,000 of the general fund—state appropriation is provided solely for a wetlands restoration planning project. These funds may not be expended unless matched by a minimum of \$150,000 in federal, local, or private money.

(3) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

(4) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(5) \$10,500,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the state water quality plan.

(6) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

(7) A maximum of \$592,000 of the general fund—state appropriation may be expended on implementing the provisions of the timber fish wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(8) If House Bill No. 434 is enacted by June 30, 1987, the appropriation from the hazardous waste control and elimination account shall lapse.

(9) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, (b) contract with the department of community development to design a model oil spill contingency plan.

(10) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

(11) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

(12) Within the general fund appropriation, the department shall phase out state hazardous waste remedial action sites currently in progress and meet emergency response actions.

(13) \$288,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 304. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Federal	\$	57,000
General Fund Appropriation—Private/Local	\$	2,726,000
Total Appropriation	\$	2,783,000

NEW SECTION, Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	35,258,000
General Fund Appropriation—Federal	\$	999,000
General Fund Appropriation—Private/Local	\$	745,000
Trust Land Purchase Account Appropriation	\$	8,784,000
Winter Recreation Parking Account Appropriation	\$	322,000
Snowmobile Account Appropriation	\$	922,000
Public Safety and Education Account Appropriation	\$	10,000
Outdoor Recreation Account Appropriation	\$	159,000
Motor Vehicle Fund Appropriation	\$	1,000,000
Total Appropriation	\$	48,199,000

The appropriations in this section are subject to the following conditions and limitations: \$416,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

NEW SECTION, Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation—State	\$	1,638,000
Outdoor Recreation Account Appropriation—Federal	\$	108,000
Total Appropriation	\$	1,746,000

The appropriations in this section are subject to the following conditions and limitations: The committee shall coordinate the preparation of a comprehensive guide of recreation trails in the state of Washington. The guide shall include maps showing the location of recreation trails and may also include information regarding available facilities and recreational opportunities. All state agencies that maintain public recreational trails shall cooperate with the preparation of the comprehensive guide. The committee shall also solicit the cooperation of federal agencies that maintain public recreational trails within the state. The committee shall submit a plan for the production and distribution of the guide to the legislature by January 1, 1988.

NEW SECTION, Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	842,000
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NEW SECTION, Sec. 308. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	602,000
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The appropriation in this section is subject to the following conditions and limitations: \$182,000 of the general fund appropriation is provided solely for carrying out the water quality plan.

NEW SECTION, Sec. 309. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation	\$	2,910,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	4,010,000

NEW SECTION, Sec. 310. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	47,465,000
General Fund Appropriation—Federal	\$	14,057,000
General Fund Appropriation—Private/Local	\$	3,651,000
Aquatic Lands Enhancement Account Appropriation	\$	425,000
Total Appropriation	\$	65,598,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$106,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.
- (2) \$40,000 of the general fund—state appropriation is provided solely for the purposes of reintroducing an early coho salmon run to the Tilton river and Winston creek.
- (3) A maximum of \$587,000 of the general fund—state appropriation may be expended on implementing the provisions of the timber fish wildlife agreement. If Senate Bill No. 5845 is not enacted by July 1, 1987, the amount provided in this subsection shall lapse.
- (4) \$150,000 of the general fund—state appropriation is provided solely for shellfish enforcement on Hood Canal.
- (5) \$150,000 of the aquatic lands enhancement account appropriation is provided solely for the preparation of an ecological impact statement on the guidelines for the management of salmon net pens in Puget Sound.
- (6) The department shall present to the natural resource committees of the senate and house of representatives no later than February 1988 a report on the department's watershed plan, with specific identification of the benefits associated with the Queets hatchery and other Indian tribal agreements.
- (7) \$194,000 of the general fund—state appropriation may be expended for additional feed for the Deschutes hatchery.
- (8) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the department in conjunction with the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.
- (9) \$150,000 of the general fund—state appropriation is provided solely to maintain and operate the Toutle river fish collection facility.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF GAME

General Fund Appropriation	\$ 8,000,000
ORV (Off-Road Vehicle) Account Appropriation	\$ 256,000
Aquatic Lands Enhancement Account Appropriation	\$ 275,000
Public Safety and Education Account Appropriation	\$ 515,000
Game Fund Appropriation—State	\$ 36,821,000
Game Fund Appropriation—Federal	\$ 15,142,000
Game Fund Appropriation—Private/Local	\$ 1,856,000
Game Fund—Special Wildlife Account Appropriation	\$ 423,000
Total Appropriation	\$ 63,288,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The unexpended portion of the general fund appropriation shall lapse on December 10, 1987, unless on that day the governor has the authority to appoint the director of wildlife, without restriction other than the consent of the senate.
- (2) \$4,500,000 of the general fund appropriation shall be placed in reserve and not spent until the comprehensive spending plan submitted to the legislature under section 7(2) of Engrossed Second Substitute House Bill No. 758 is approved by the legislature in the 1988 session. 'Approved by the legislature,' as used in this subsection, means a statement in an enacted law that the plan is approved.
- (3) \$711,000 of the general fund appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement.
- (4) \$59,000 of the general fund appropriation is provided solely for carrying out the department's responsibilities contained in the Puget Sound water quality plan.

Sec. 312. Section 2, chapter 10, Laws of 1979 as last amended by section 3, chapter ... (E2SHB 758), Laws of 1987 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) the director of community development.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor: PROVIDED, That the director of wildlife shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041. ~~(There is appropriated from the general fund to the department of wildlife for the biennium ending June 30, 1989, the sum of eight million dollars: PROVIDED, That four million five hundred thousand dollars of this appropriation shall revert to the general fund if the comprehensive spending plan submitted to the legislature under section 7(2) of this 1987 act is rejected by the legislature in the 1988 session: PROVIDED~~

FURTHER. That three million five hundred thousand dollars of this appropriation may be expended by the department of wildlife without regard to approval of the comprehensive spending plan:))

NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	35,570,000
General Fund Appropriation—Federal	\$	78,000
General Fund Appropriation—Private/Local	\$	20,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	21,136,000
Survey and Maps Account Appropriation	\$	773,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	106,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,636,000
Resource Management Cost Account Appropriation	\$	52,495,000
Total Appropriation	\$	114,916,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,706,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by July 1, 1987, this amount shall lapse.

(3) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(4) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(5) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(6) \$100,000 of the general fund—state appropriation is provided solely for interim relocation of all department staff presently located in the John A. Cherberg building. The department shall vacate the John A. Cherberg building no later than February 29, 1988.

NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	15,941,000
General Fund Appropriation—Federal	\$	601,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000
Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Total Appropriation	\$	19,452,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$53,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

(6) \$50,000 of the general fund—state appropriation is provided for dispersal of hazardous waste pesticides.

(7) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

NEW SECTION, Sec. 315. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	23,650,000
Motor Vehicle Fund Appropriation	\$	532,000
Total Appropriation	\$	24,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund appropriation is provided solely for the business assistance center. The center, in concert with participating state agencies, shall develop a reporting system to document the work and results of state business assistance programs. The center shall forward annual reports to the ways and means committees of the house of representatives and senate, the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate, including but not limited to jobs created, investment generated, and measures of technical assistance provided and other program activities.

(2) \$195,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs. State funds for small business development center programs in Lewis county shall not be reduced from the level provided in the 1985-1987 biennium.

(3) \$625,000 of the general fund appropriation is provided solely for contracts with the export assistance center of Washington. At least \$100,000 of the amount provided in this subsection shall be used by the department and the export finance center for the development of a coordinated outreach program for trade information services and export finance assistance. In developing this program, the department and export finance center shall work with the business assistance center, ports, and other users and suppliers of trade services.

(4) The department shall analyze market trends and investment opportunities in at least eight key sectors of the Washington economy. The department shall publish five-year projections of selected mature and growth industries with current or potentially large impacts on the state economy, including barriers to competitiveness, potential market niches, investment trends, and their relationship to state economic development efforts. The department shall work in concert with the Washington state economic development board, the department of community development, CENTRAFOR, IMPACT, the employment security department, and the private sector to develop these industry studies and to analyze strategies for the retention and development of high-wage jobs.

(5) \$250,000 of the general fund appropriation is provided solely for a study of tourism in Washington state.

(6) \$7,297,000 of the general fund appropriation is provided solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(7) \$225,000 of the general fund appropriation is provided solely for preparation, if warranted, of a proposal to the federal department of energy that the proposed superconducting supercollider be located in Washington state.

NEW SECTION, Sec. 316. FOR THE ECONOMIC DEVELOPMENT BOARD

General Fund Appropriation—State	\$	666,000
General Fund Appropriation—Private/Local	\$	100,000
Total Appropriation	\$	766,000

NEW SECTION, Sec. 317. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	7,377,000
State Centennial Commission Account Appropriation	\$	2,540,000
Total Appropriation	\$	9,917,000

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

NEW SECTION, Sec. 318. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account Appropriation \$ 9,320,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 5901 is not enacted by June 30, 1987, the appropriation in this section shall lapse.

**PART IV
TRANSPORTATION**

NEW SECTION, Sec. 401. FOR THE STATE PATROL

Death Investigations Account Appropriation	\$	24,000
General Fund Appropriation—State	\$	15,938,000
General Fund Appropriation—Federal	\$	2,974,000
General Fund Appropriation—Private/Local	\$	1,769,000
Total Appropriation	\$	20,705,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$471,000 of the general fund—state appropriation shall be spent on crime labs. \$1,424,000 of the general fund—federal appropriation is provided solely for crime labs if federal narcotics enforcement moneys are granted to the state. If these moneys are not granted to the state, an additional \$471,000 of the general fund—state appropriation shall be spent on crime labs. If the additional \$471,000 is spent on crime labs, the expenditure for the narcotics section shall not exceed the expenditures for that purpose during the 1985-1987 biennium.

(2) \$431,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5063. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse. Fees resulting from implementation of the bill shall be placed in the state general fund.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to establish a separate unit to provide expertise in the investigation of major crimes and to provide assistance to law enforcement entities throughout the state at their request. The department shall develop a computer data base and record system to store crime scene information to assist in major crimes investigations and to make such data readily available to all law enforcement agencies. The chief of the state patrol shall contract with the Green river task force to develop the expertise for these activities. A maximum of \$100,000 may be expended for this purpose.

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	15,508,000
Architects' License Account Appropriation	\$	765,000
Health Professions Account Appropriation	\$	9,601,000
Medical Disciplinary Account Appropriation	\$	1,195,000
Professional Engineers' Account Appropriation	\$	1,207,000
Real Estate Commission Account Appropriation	\$	4,936,000
Total Appropriation	\$	33,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system. This funding is contingent on interagency transfers totaling \$548,000 in value. The office of financial management shall determine: (a) Which agencies shall make transfers to the department of licensing; (b) how much each agency shall transfer; and (c) whether the transfers shall be money or in-kind.

(3) \$163,000 of the general fund appropriation, \$155,000 of the architects' license account appropriation, \$161,000 of the medical disciplinary account appropriation, \$544,000 of the health professions account appropriation, \$121,000 of the professional engineers' account appropriation, and \$229,000 of the real estate commission account appropriation shall be placed in reserve status by the office of financial management pending reappropriation by the legislature during the 1988 session. The department shall submit a report prior to December 1, 1987, to the ways and means committees of the senate and house of representatives describing and justifying the methods used to set the fees charged for professional regulation.

(4) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed House Bill No. 713. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

PART V
EDUCATION

NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$ 17,666,000
General Fund Appropriation—Federal	\$ 10,683,000
Public Safety and Education Account Appropriation	\$ 456,000
Total Appropriation	\$ 28,805,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$364,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs. \$50,000 of this amount shall be used to contract for services to expand the program to include Latin America.

(3) \$18,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$50,000 of the general fund—state appropriation is provided solely for pilot programs for Hispanic dropout prevention and retrieval.

(5) The superintendent of public instruction shall, jointly with the state board for community college education, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$ 10,010,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION, Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$ 3,838,987,000
Revenue Accrual Account	\$ 62,000,000
Total Appropriation	\$ 3,900,987,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,786,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 504 of this act by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding hand-capped full time equivalent enrollment as recognized for funding purposes under section 505 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:

(i) Forty-six certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(ii) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(b)(i) For the 1987-88 school year, an additional two certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(ii) For the 1988-89 school year, an additional three certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(c) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the pro rata share that such district would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(d) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each seventeen and one-half full time equivalent students enrolled in a vocational education

program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(i) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 504(2)(a) of this act by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollments, including vocational enrollments recognized under subsection (2)(d) of this section, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and 19.53 percent in the 1987-88 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and 17.12 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a), (b), (c), and (e) through (i) of this section, there shall be provided a maximum of

\$6,049 per certificated staff unit in the 1987-88 school year and a maximum of \$6,267 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,526 per certificated staff unit in the 1987-88 school year and a maximum of \$11,941 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of \$3,209,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$342,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,140,000 may be expended in fiscal year 1989.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of section 101 of Engrossed Second Substitute House Bill No. 455, the following allocations for the 1987-88 school year shall be recognized as levy reduction funds:

(a) For certificated instructional staff units generated under subsection (2)(b)(i) of this section, all allocations for nonemployee-related costs and one-half of all allocations for certificated salaries and benefits.

(b) For certificated instructional staff units generated under subsection (2)(b)(ii) of this section, one-third of all allocations including nonemployee-related costs and certificated staff salaries and benefits.

(10) For the purposes of section 101 of Engrossed Second Substitute House Bill No. 455, the increase per full time equivalent student in the state basic education appropriation provided under this section is 3.5 percent between the 1986-87 and 1987-88 school years, and 4.4 percent between the 1987-88 and 1988-89 school years.

(11) The revenue accrual account appropriation is provided solely for allocations for employer contributions to the teachers' retirement system included under subsection (4) of this section.

(12) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. Any school district receiving an allocation under this subsection must certify that funding distributed for its remote and necessary school plants under this subsection and subsection (2)(e) of this section is used solely for programs for students enrolled in these school plants. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation \$ 26,406,000

For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(1) (a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of additional years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of subsection (2) of this section, 'basic education certificated instructional staff' is defined as provided in section 204 of Engrossed Second Substitute House Bill No. 455.

(c) 'LEAP Document 10' means the computerized tabulation of 1986-87 average salary allocations for basic education certificated administrative staff and basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 17, 1987, at 14:45 hours.

(d) 'Incremental fringe benefits' means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 percent in the 1988-89 school year for classified staff, which percentages shall

be the fringe benefit rates applied to the respective salary adjustments provided in subsection (5) of this section.

(2)(a)(i) For the 1987-88 school year, average salary allocations for basic education certificated administrative and classified staff under section 503 of this act shall be the district's respective 1986-87 average salaries shown on LEAP Document 10, increased by three percent of the LEAP Document 10 state-wide average salary.

(ii) For the 1988-89 school year, allocations for basic education certificated administrative and classified staff salaries under section 503 of this act shall be the district's respective average salary allocation for the 1987-88 school year provided under this section, further increased by 3.09 percent of the LEAP Document 10 state-wide average salary.

(b) Allocations for certificated instructional salaries in the 1987-88 school year under section 503(2) of this act shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1987-88 state-wide salary allocation schedule established in subsection (3)(a) of this section; or

(ii) The district's actual average annual basic education certificated instructional staff salary for the 1986-87 school year, as reported to the superintendent of public instruction prior to June 1, 1987, improved by three percent.

(c) Allocations for certificated instructional salaries in the 1988-89 school year under section 503(2) of this act shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1988-89 state-wide salary allocation schedule established in subsection (3)(b) of this section; or

(ii) For districts which received salary allocations for the 1987-88 school year under subsection (2)(b)(ii) of this section, the average basic education certificated instructional staff salary allocated for that year increased by 3 percent.

(3) Pursuant to section 205 of Engrossed Second Substitute House Bill No. 455, the following state-wide salary allocation schedules for certificated instructional staff, for allocation purposes only, are established:

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,200	17,664	18,146	18,628
1	17,836	18,318	18,817	19,333
2	18,490	18,989	19,505	20,072
3	19,178	19,694	20,227	20,829
4	19,883	20,434	20,984	21,620
5	20,623	21,190	21,758	22,446
6	21,397	21,964	22,566	23,306
7	22,188	22,773	23,392	24,183
8	22,996	23,616	24,252	25,112
9		24,493	25,164	26,058
10			26,092	27,056
11				28,088
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,176	21,173	20,176	21,397	22,446
1	20,932	21,947	20,932	22,188	23,272
2	21,706	22,756	21,706	23,014	24,132
3	22,498	23,598	22,498	23,856	25,026
4	23,340	24,476	23,340	24,734	25,955
5	24,200	25,387	24,200	25,662	26,901
6	25,095	26,316	25,095	26,608	27,898
7	26,024	27,296	26,024	27,589	28,930
8	26,987	28,311	26,987	28,604	30,014
9	27,984	29,360	27,984	29,670	31,115
10	29,016	30,444	29,016	30,771	32,267
11	30,100	31,562	30,100	31,906	33,454

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
12	31,218	32,732	31,218	33,093	34,692
13	32,370	33,936	32,370	34,314	35,982
14 or more		35,191	33,557	35,587	37,307

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	18,000	18,486	18,990	19,494
1	18,666	19,170	19,692	20,232
2	19,350	19,872	20,412	21,006
3	20,070	20,610	21,168	21,798
4	20,808	21,384	21,960	22,626
5	21,582	22,176	22,770	23,490
6	22,392	22,986	23,616	24,390
7	23,220	23,832	24,480	25,308
8	24,066	24,714	25,380	26,280
9		25,632	26,334	27,270
10			27,306	28,314
11				29,394
12				
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,114	22,158	21,114	22,392	23,490
1	21,906	22,968	21,906	23,220	24,354
2	22,716	23,814	22,716	24,084	25,254
3	23,544	24,696	23,544	24,966	26,190
4	24,426	25,614	24,426	25,884	27,162
5	25,326	26,568	25,326	26,856	28,152
6	26,262	27,540	26,262	27,846	29,196
7	27,234	28,566	27,234	28,872	30,276
8	28,242	29,628	28,242	29,934	31,410
9	29,286	30,726	29,286	31,050	32,562
10	30,366	31,860	30,366	32,202	33,768
11	31,500	33,030	31,500	33,390	35,010
12	32,670	34,254	32,670	34,632	36,306
13	33,876	35,514	33,876	35,910	37,656
14 or more		36,828	35,118	37,242	39,042

(c) As used in this subsection:

(i) 'BA' means a baccalaureate degree;

(ii) 'MA' means a masters degree;

(iii) 'PHD' means a doctorate degree;

(iv) '+ (N)' means the number of college quarter hour credits earned since the highest degree.

(4) A maximum of \$9,132,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 507 of this act shall be increased by \$14.06 per pupil for the 1987-88 school year and by \$30.50 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 508 of this act shall be increased by \$9.15 per pupil for the 1987-88 school year and by \$18.60 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 509 of this act shall be increased by \$8.33 per pupil for the 1987-88 school year and by \$18.06 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 511 of this act shall be increased by \$72.29 per full time equivalent student for the 1987-88 school year, and by \$155.07 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 514 of this act shall be increased by \$0.47 per weighted pupil-mile for the 1987-88 school year, and by \$0.95 per weighted pupil-mile for the 1988-89 school year.

(5) (a) A maximum of \$14,365,000 is provided for salary increases and incremental fringe benefits for state-supported certificated instructional staff unit allocations in the handicapped program, section 505, and for state-supported certificated instructional staff in institutional education programs, section 506. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under subsection (3) of this section.

(b) A maximum of \$2,909,000 is provided for salary increases and incremental fringe benefits for the following: (i) State-supported certificated administrative and classified staff allocations in the handicapped program; (ii) state-supported certificated administrative and classified staff in institutional education programs; and (iii) state-supported staff of educational service districts under section 502 of this act. Such moneys shall be distributed to implement a maximum salary increase of three percent effective September 1, 1987, and an additional three percent salary increase effective September 1, 1988.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	407,910,000
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	453,228,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,565,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on March 17, 1987, at 11:07 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	20,126,000
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	27,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,577,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,097,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,129,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student.

(b) \$2,979,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,407 per full time equivalent student.

(c) \$370,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,494 per full time equivalent student.

(d) \$564,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,395 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,055,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,014 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,298 per full time equivalent student and a total allocation of no more than \$3,735,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$5,412 per full time equivalent student and a total allocation of no more than \$2,896,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$3,504 per full time equivalent student and a total allocation of no more than \$371,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,387 per full time equivalent student and a total allocation of no more than \$560,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,024 per full time equivalent student and a total allocation of no more than \$2,060,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$153,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

NEW SECTION, Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 11,294,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,174,000 is provided solely for the remaining months of the 1986-87 school year.
- (2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

NEW SECTION, Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 48,011,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$3,982,000 is provided solely for the remaining months of the 1986-87 school year.
- (2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 and 1988-89 school years at a maximum rate of \$356 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.

NEW SECTION, Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 5,288,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$482,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.
- (2) \$2,483,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$339 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.
- (3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$342 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

(5) From the appropriation in this section, the superintendent of public instruction shall provide allocations to the University of Washington for tuition costs of needy students enrolled in the early entrance program or transition school for academically gifted children. For the purposes of this subsection, 'needy students' means students under seventeen years of age who are enrolled in such programs and who meet financial need criteria which are equivalent to those established under RCW 28B.10.810. The University of Washington shall reduce charges for such students by the amounts received under this subsection.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	123,866,000
(1) Education Consolidation and Improvement Act	\$	120,554,000
(2) Education of Indian Children	\$	290,000
(3) Adult Basic Education	\$	3,022,000

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	72,436,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,902 per student for a maximum of 12,050 full time equivalent students.

(2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of \$2,944 per student for a maximum of 12,050 full time equivalent students.

(3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.

(5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	11,584,000
General Fund Appropriation—Federal	\$	4,000,000
Total Appropriation	\$	15,584,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$855,000 of the general fund—state appropriation is provided solely for a contract with the Pacific Science Center for travelling van programs and other educational services for public schools. The Pacific Science Center shall work towards an equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(2) \$84,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$4,000,000 of the general fund—federal appropriation is provided solely for the implementation of the substance abuse prevention programs.

(4) \$5,500,000 of the general fund—state appropriation is provided for solely for the implementation of the drop-out prevention and retrieval provisions of Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(5) \$2,020,000 of the general fund—state appropriation is provided solely for the implementation of the schools for the twenty-first century pilot programs established by Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(6) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under Substitute Senate Bill No. 5622. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(7) \$225,000 of the general fund—state appropriation is provided solely for child abuse education provisions of Engrossed Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation	\$	3,400,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$1,688,000 of this appropriation shall be expended during fiscal year 1988.

(2) \$635,000 is provided solely to extend services to counties that were not served by educational clinics during the 1985-87 fiscal biennium.

NEW SECTION, Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 217,528,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,678,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$96,075,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

NEW SECTION, Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation \$ 13,391,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$565,000 may be expended for regional traffic safety education coordinators.

NEW SECTION, Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State \$ 6,000,000

General Fund Appropriation—Federal \$ 68,154,000

Total Appropriation \$ 74,154,000

NEW SECTION, Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State \$ 3,375,000

General Fund Appropriation—Federal \$ 4,677,000

Total Appropriation \$ 8,052,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$145,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific Science Center.

(3) \$2,129,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$832,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs.

NEW SECTION, Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 24,085,000

NEW SECTION, Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State \$ 9,613,000

General Fund Appropriation—Federal \$ 148,000

Total Appropriation \$ 9,761,000

NEW SECTION, Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation \$ 5,201,000

NEW SECTION, Sec.-621. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 21,510,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for state matching funds to equalize school district levies pursuant to section 102 of Engrossed Second Substitute House Bill No. 455.

**PART VI
HIGHER EDUCATION**

NEW SECTION, Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of

Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington	\$	7,889
Washington State University	\$	6,596
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students	\$	5,950
Each Student over 3000 FTE	\$	3,875
State Board for Community College Education	\$	2,805

(3) Each institution of higher education and the state board for community college education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students;

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(e) The process for evaluating and accepting students for admission into the institution or the system;

(f) Any process developed by the institution or the system for evaluating student performance;

(g) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(h) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention; and

(i) The annual faculty turnover rates experienced by the institution or the system.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(5) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

(6) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

University of Washington	\$	522,000
Washington State University	\$	225,000
Central Washington University	\$	113,000
Eastern Washington University	\$	150,000
The Evergreen State College	\$	75,000
Western Washington University	\$	150,000

(7) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604 of Engrossed Substitute Senate Bill No. 5351 from July 1, 1987 through August 31, 1987:

University of Washington	\$	492,000
Washington State University	\$	245,000
Central Washington University	\$	27,000

Eastern Washington University	\$	44,000
The Evergreen State College	\$	14,000
Western Washington University	\$	46,000
State Board for Community College Education	\$	354,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604 of Engrossed Substitute Senate Bill No. 5351, which are hereby incorporated by reference.

(8) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, 'faculty' includes all instructional and research faculty, academic deans, department chairpersons, and community college librarians and counselors who are not part of the state classified service system. 'Exempt staff' includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system.

University of Washington	\$	29,236,000
Washington State University	\$	14,823,000
Central Washington University	\$	3,036,000
Eastern Washington University	\$	3,485,000
The Evergreen State College	\$	1,503,000
Western Washington University	\$	4,100,000
State Board for Community College Education	\$	21,192,000
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide the faculty at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	September 1, 1987	September 1, 1988
University of Washington	8%	10.7%
Washington State University	8%	10.2%
Central Washington University	7%	7.5%
Eastern Washington University	7%	7.5%
The Evergreen State College	7%	7.5%
Western Washington University	7%	7.5%
State Board for Community College Education	6%	6.3%

The exempt staff at each four-year institution and the community college system as a whole are entitled to receive the percentage increase enumerated below on the effective dates indicated:

	September 1, 1987	September 1, 1988
University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

However, exempt librarians and counselors may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt staff salary increases is within the amounts provided in this subsection.

Teaching assistants, research assistants, and medical residents are entitled to receive an average eight percent salary increase effective September 1, 1987, and an average three percent salary increase effective September 1, 1988.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(9) In addition to the 6.3 and 6.0 percent salary increases provided to community college faculty in subsection (8) of this section, \$1,129,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate one third of these funds in fiscal year 1988 and two thirds in fiscal year 1989 as follows:

Lower Columbia College	\$	124,000
Shoreline Community College	\$	242,000
Community College of Spokane	\$	533,000
Skagit Valley College	\$	115,000
Whatcom Community College	\$	18,000

Community College District 12	\$	52,000
Walla Walla Community College	\$	18,000
Highline Community College	\$	27,000

(10) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified employees to provide a 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1987, and an additional 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1988. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	4,782,000
Washington State University	\$	3,192,000
Central Washington University	\$	655,000
Eastern Washington University	\$	796,000
The Evergreen State College	\$	461,000
Western Washington University	\$	889,000
State Board for Community College Education	\$	4,308,000
Higher Education Coordinating Board	\$	30,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(11) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (8) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsections (8) and (9) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
General Fund Appropriation

\$ 535,542,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$170,000 shall be spent solely for necessary expenditures attributable to the fire of February 16, 1987, at Everett Community College.

(2) At least \$480,000 shall be spent by the state board for community college education for the literacy tutor coordination project.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	525,090,000
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	530,790,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$75,000 shall be spent to identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service employees and for start-up costs of the day care centers.

(2) At least \$3,000,000 shall be spent to increase state funded applied research and public policy studies.

(3) \$400,000 is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.

(4) At least \$75,000 of the appropriations in this section shall be spent for research on the health and safety hazards of video display terminals in the workplace.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	290,020,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided to Washington State University to continue the Yakima nursing training program.

(2) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.

(3) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	81,292,000
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NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation	\$	68,581,000
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NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	40,045,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$200,000 shall be spent for a labor center. The college shall endeavor to obtain additional funds for the labor center from nonstate sources.

(2) \$100,000 is provided solely to the institute for public policy to identify future public policy issues in Washington and to prepare a research plan for collecting information and developing alternatives for future public policy direction. The institute shall report the finding of this project to the legislature by January 1, 1988.

NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	87,212,000
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NEW SECTION, Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State	\$	49,537,000
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General Fund Appropriation—Federal	\$	3,471,000
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State Educational Grant Appropriation	\$	40,000
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Total Appropriation	\$	53,048,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$43,392,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount, a minimum of \$17,372,000 shall be expended for work study grants. The state need grant program shall emphasize, to the extent possible, the provision of aid to low-income single parents with dependents.

(2) \$2,500,000 of the general fund—state appropriation is provided solely for the distinguished professorship trust fund.

(3) \$300,000 of the general fund appropriation is provided solely for the implementation of House Bill No. 857, the teachers conditional scholarship program.

NEW SECTION, Sec. 610. FOR WASHINGTON STATE LIBRARY

General Fund Appropriation—State	\$	9,280,000
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General Fund Appropriation—Federal	\$	4,399,000
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General Fund Appropriation—Private/Local	\$	634,000
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Western Library Network Computer System Revolving Fund Appropriation—Private/Local	\$	12,556,000
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Total Appropriation	\$	26,869,000
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NEW SECTION, Sec. 611. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	85,000
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NEW SECTION, Sec. 612. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation	\$	1,947,000
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NEW SECTION, Sec. 613. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	3,409,000
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General Fund Appropriation—Federal	\$	780,000
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Total Appropriation	\$	4,189,000
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NEW SECTION, Sec. 614. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	780,000
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The appropriation in this section is subject to the following conditions and limitations: \$70,000 is provided solely for costs of the Smithsonian Institution's 'Magnificent Voyagers' exhibit.

NEW SECTION, Sec. 615. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation—State	\$	685,000
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General Fund Appropriation—Federal	\$	88,000
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Total Appropriation	\$	773,000
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NEW SECTION, Sec. 616. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	746,000
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State Capitol Historical Association Museum Account Appropriation	\$	117,000
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Total Appropriation	\$	863,000
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PART VII

SPECIAL APPROPRIATIONS

NEW SECTION, Sec. 701. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State	\$	55,833,000
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General Fund Appropriation—Federal	\$	12,877,000
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Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation	\$	46,072,000
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Total Appropriation	\$	114,782,000
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The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$40,669,000 of the general fund—state appropriation, \$12,875,000 of the general fund—federal appropriation, and \$33,914,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1987, and an additional 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1988, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$2,000 of the general fund—federal appropriation and \$111,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1987, and an additional 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1988, for higher education personnel board classified and exempt employees employed by the higher education coordinating board and the higher education personnel board. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$164,000 of the general fund—state appropriation and \$2,747,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective September 1, 1987, followed by an additional three percent salary increase effective September 1, 1988, for commissioned officers of the Washington state patrol.

(4) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(5) (a) The monthly contributions for insurance benefits shall not exceed \$167.00 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(7) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

(8) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board or the higher education personnel board.

NEW SECTION. Sec. 702. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system.

	FY 1988	FY 1989
General Fund Appropriation	\$	20,000,000
Revenue Accrual Account Appropriation	\$ 46,750,000	43,250,000
Total Appropriation	\$110,000,000	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation	\$ 1,350,000	1,350,000
Total Appropriation	\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation	\$ 800,000	800,000
Total Appropriation	\$1,600,000	

(4) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.22% of earnable compensation for the 1987-89 biennium.

(5) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.92% of compensation earnable for the 1987-89 biennium.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation, the level recommended by the state actuary.

NEW SECTION. Sec. 703. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1988	FY 1989
General Fund Appropriation	\$ 1,300,000	1,300,000
Total Appropriation	\$2,600,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund—state appropriation shall be distributed to state agencies for the purpose of additional contributions required for the public employees' retirement system as a result of Senate Bill No. 5150.

(2) \$2,000,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of Senate Bill No. 5150.

(3) If Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse.

NEW SECTION. Sec. 704. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State	\$ 2,000,000
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The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 705. FOR THE GOVERNOR—INDIAN CLAIMS

General Fund Appropriation	\$ 4,000,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Before June 30, 1988, the governor, through the department of community development, in consultation with the attorney general, may use all or any portion of the amount appropriated for the purpose of settling the claims of the Puyallup Indian tribe to lands formerly lying beneath the Puyallup river.

(2) On and after July 1, 1988, the governor through the department of general administration may provide for purchasing, for current or future public purposes, any land for which the tribal claim remains unsettled, subject to all of the following:

(a) Before March 31, 1989, the owner of the land must offer in writing to sell the land at a price not exceeding what its market value would be without the tribal claim.

(b) If a parcel lies partially on lands formerly beneath the Puyallup river and partially outside such lands, the department also may elect to purchase all or part of the portion lying outside such lands if the purchase is reasonably necessary to make the purchased land suitable for a public purpose.

(c) The sale to the state of each parcel shall include an assignment of any rights the landowner has against others for defects in title to the land.

(d) In order to facilitate the use of the land for a public purpose, the department may purchase parcels conditioned on access being provided by the seller or other landowners. The department may also use any other lawful means to gain access to the purchased land.

NEW SECTION. Sec. 706. FOR THE GOVERNOR—UNIFIED BUSINESS IDENTIFIER

General Fund Appropriation	\$ 2,984,000
Accident Fund Appropriation	\$ 281,000
Medical Aid Fund Appropriation	\$ 281,000
Total Appropriation	\$ 3,546,000

NEW SECTION. Sec. 707. FOR THE GOVERNOR—STATE AND LOCAL CONTROLLED SUBSTANCES ENFORCEMENT ASSISTANCE

General Fund Appropriation—Federal	\$ 3,557,000
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NEW SECTION. Sec. 708. FOR THE GOVERNOR—LEGAL SERVICES AUGMENTATION

General Fund Appropriation	\$ 2,520,000
Special Fund Agency Legal Services Augmentation Revolving Fund	
Appropriation	\$ 3,780,000
Total Appropriation	\$ 6,300,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of the legal services augmentation from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency legal services augmentation revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for legal services augmentation.

NEW SECTION. Sec. 709. FOR THE GOVERNOR—ARTS STABILIZATION

General Fund Appropriation	\$ 600,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a state-wide stabilization program for arts organizations which have annual budgets exceeding \$200,000.

NEW SECTION, Sec. 710. FOR THE GOVERNOR—VOCATIONAL EDUCATION AND TRAINING

General Fund Appropriation—State	\$	4,607,000
General Fund Appropriation—Federal	\$	22,562,000
Total Appropriation	\$	27,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) These appropriations are provided solely to carry out functions previously maintained by the commission for vocational education, which was terminated effective June 30, 1987, by RCW 43.131.288.

(2) The governor may designate by executive order the agency or agencies necessary to maintain and continue the availability of federal funds and the programs related thereto, such as the Carl Perkins vocational act, the federal job training and partnership act, and federal veterans administration approval of schools, pursuant to RCW 43.06.120.

(3) The governor may designate by executive order the agency or agencies whose substantive authority would allow them to carry out programs which were previously administered by the commission for vocational education and which were not terminated by RCW 43.131.288, such as the private vocational schools act, the job skills program, and the Washington award for vocational excellence.

NEW SECTION, Sec. 711. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	19,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	92,300

NEW SECTION, Sec. 712. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	316,600
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	2,500,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation during the period July 1, 1987 through June 30, 1989	\$	14,200,000

NEW SECTION, Sec. 713. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

(1) In settlement of all claims for expenses in State v. Blanusca, Superior Court for Pierce County, Judgment No. 85-1-00253-1, pursuant to RCW 9.01.200, including interest	\$	16,057.00
(2) Terence R. Whitten, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104	\$	92,020.00

(3) Richard D. McWilliams, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104	\$	68,835.00
(4) In settlement of all claims for expenses in State v. Austin, Superior Court for Thurston County, Judgment No. 85-1-00497-7, pursuant to RCW 9.01.200, including interest	\$	10,213.00
(5) In settlement of all claims for expenses in City of Bellevue v. Irons, Superior Court for King County, Judgment No. 86-1-03095-2, pursuant to RCW 9.01.200, including interest	\$	27,888.00
(6) In settlement of all claims for expenses in State v. Striegel, South District Court of Snohomish County, Judgment No. 86-07847, pursuant to RCW 9.01.200, including interest	\$	5,926.00
(7) In settlement of all claims for expenses in State v. Shirley, Cascade District Court of Snohomish County, Judgment No. SCS-58916, pursuant to RCW 9.01.200, including interest	\$	1,623.00
(8) In settlement of all claims for expenses in City of Wenatchee v. Pedersen, District Court of Chelan County, Judgment No. 6723 WPD, pursuant to RCW 9.01.200, including interest	\$	1,432.00
(9) In settlement of all claims for expenses in State v. Enemark, District Court # 1 of Pierce County, Judgment No. 85-6-52377-3, pursuant to RCW 9.01.200, including interest	\$	5,334.00
(10) In settlement of all claims for expenses in State v. Thompson, Superior Court of Spokane County, Judgment No. 82-1-0064-7, pursuant to RCW 9.01.200, including interest	\$	8,233.00
(11) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Kenneth Allen Hammond	\$	1,272.00
(b) Rudy Etkorn	\$	4,200.00
(c) Joe C. Grentz	\$	14,261.00
(12) Department of social and health services, for payment of retroactive salary increases as required in Washington Federation of State Employees v. State Personnel Board, superior Court of Thurston County, Order No. 80-2-00966-1: PROVIDED, That to the extent that federal financial participation is available, the department shall apply such funds before using this appropriation	\$	10,970,000.00

NEW SECTION, Sec. 714. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

\$	1,125,000
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(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	4,655
Institutional Impact Account	\$	36,816
Architects' License Account	\$	1,062
Cemetery Account	\$	45
Hazardous Waste Control and Elimination Account	\$	6
Public Safety and Education Account	\$	31,011
Health Professions Account	\$	13,465
Professional Engineers' Account	\$	81
Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142
Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879

Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146
General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629
Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386
Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196

NEW SECTION. Sec. 715. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	6,187,000
General Fund Appropriation for public utility district excise tax distribution	\$	24,031,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,950,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	58,630,000
General Fund Appropriation for local mass transit assistance	\$	177,580,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,283,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	17,807,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	272,649,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	39,100,000
Timber Tax Distribution Account Appropriation for distribution to 'Timber' counties	\$	39,044,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	31,570,000
County Sales and Use Tax Equalization Account Appropriation	\$	10,900,000
Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	592,000
Total Appropriation	\$	682,383,000

NEW SECTION. Sec. 716. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	58,414,601
General Fund Appropriation for federal flood control funds distribution	\$	24,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	60,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	300,000
Total Appropriation	\$	58,848,601

NEW SECTION. Sec. 717. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,619,731
Highway Bond Retirement Fund Appropriation	\$	171,910,324

Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,790
Spokane River Toll Bridge Account Appropriation	\$	889,088
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	327,069,045
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation	\$	656,800
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropriation	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,700
Total Appropriation	\$	749,650,859

PART VIII
MISCELLANEOUS

NEW SECTION. Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION. Sec. 802. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1987.

NEW SECTION. Sec. 803. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 804. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also

appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 805. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 806. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 807. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1987 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 808. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 809. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions. Section 312 of this act shall take effect July 26, 1987. The remainder of this act shall take effect July 1, 1987, except as otherwise provided in this act."

On page 1, beginning on line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; amending RCW 43.17.020; providing effective dates; and declaring an emergency."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grimm, Ballard and McMullen spoke in favor of passage of the bill.

Mr. McMullen demanded an oral roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1221, and the bill passed the House by the following vote: Yeas, 81; nays, 9; absent, 2; excused, 6.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Braddock, Fisher, Fuhrman, Gallagher, Lux, Niemi, Padden, Sayan, Wineberry - 9.

Absent: Representatives Basich, King P - 2.

Excused: Representatives Allen, Beck, Ferguson, Hargrove, Schoon, Wilson S - 6.

Engrossed Substitute House Bill No. 1221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I was not present when the House voted on Engrossed Substitute House Bill No. 1221. Had I been present I would have cast a "Yes" vote on this measure.

DICK SCHOON, 30th District.

MOTION

On motion of Mr. McMullen, the House adjourned until 4:00 p.m., Monday, May 11, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, May 11, 1987

The House was called to order at 4:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Belcher, Cole, Crane, Day, Kremen, Nutley, Spanel, Sutherland and K. Wilson who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Darin Lyon and Sally Cordell. Prayer was offered by Representative Doug Sayan.

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

MESSAGES FROM THE GOVERNOR

May 8, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 8, 1987, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 24: Relating to motor vehicle fuel excise tax payments;
HOUSE BILL NO. 39: Relating to special districts;
SUBSTITUTE HOUSE BILL NO. 244: Relating to exemptions from public disclosure;
SUBSTITUTE HOUSE BILL NO. 291: Relating to voting challenges;
SUBSTITUTE HOUSE BILL NO. 373: Relating to rural development;
HOUSE BILL NO. 549: Relating to the Washington centennial commission;
SUBSTITUTE HOUSE BILL NO. 695: Relating to property tax exemptions for senior citizens and disabled persons;
SUBSTITUTE HOUSE BILL NO. 739: Relating to private activity bond allocation;
HOUSE BILL NO. 795: Relating to marriages;
SUBSTITUTE HOUSE BILL NO. 937: Relating to reports by self-insured employers;
SUBSTITUTE HOUSE BILL NO. 1012: Relating to the annexation of areas currently served by a public utility district.

Sincerely,
Terry Sebring, Counsel.

May 11, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 11, 1987, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 86: Relating to improvement districts;
SECOND SUBSTITUTE HOUSE BILL NO. 163: Relating to compensation of school board directors;
SECOND SUBSTITUTE HOUSE BILL NO. 221: Relating to telecommunications devices for the hearing impaired;
HOUSE BILL NO. 379: Relating to insurance;
SUBSTITUTE HOUSE BILL NO. 677: Relating to industrial insurance administration;

SUBSTITUTE HOUSE BILL NO. 755: Relating to community corrections;
HOUSE BILL NO. 1021: Relating to higher educational opportunities.

Sincerely,
Terry Sebring, Counsel.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4694, by Representatives Wineberry, Brough, Miller, Valle, Nelson, Leonard, Niemi, Rust, Heavey, Prince, Allen, Amondson, Appelwick, Armstrong, Baillard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Winsley and Zellinsky

WHEREAS, Bertha Pitts Campbell has been a highly valued citizen of the State of Washington for the past sixty-four years; and

WHEREAS, Bertha Pitts Campbell has led a life of public service, distinguished by her leadership in national and state efforts to promote human rights and racial equality; and

WHEREAS, Bertha Pitts Campbell is one of the cherished founders of the Delta Sigma Theta Sorority, born on the campus of Howard University in 1913; and

WHEREAS, The Delta Sigma Theta Sorority is a national public service organization of black professional women dedicated to the promotion of academic excellence, cultural enrichment and the social welfare of all people; and

WHEREAS, In 1933, she organized the Seattle Alumna Chapter of the Delta Sigma Theta Sorority, the first black sorority in the Northwest; and

WHEREAS, The Delta Sigma Theta Sorority has grown into an international service organization of over 100,000 women; and

WHEREAS, Bertha Pitts Campbell was an active member of the Christian Friends for Racial Equality, a group that fought discrimination in Seattle in the 1940s; and

WHEREAS, She organized canteen services for black soldiers during the Second World War; and

WHEREAS, She has served the YMCA for forty years as a board member and as chairperson, and has been an active member of the N.A.A.C.P. and the Urban League; and

WHEREAS, Bertha Pitts Campbell, who remains active in her community today, is a black woman pioneer of great magnitude and a model for all who believe in the importance of public service;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize the many achievements of Bertha Pitts Campbell and thank her for her courage and perseverance and for the contributions she has made to her state and nation and the causes of racial equality and human rights; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit a copy of this Resolution to Bertha Pitts Campbell, the Seattle Alumna Chapter of the Delta Sigma Theta Sorority and the national Washington, D.C. office of the Delta Sigma Theta Sorority.

Ms. Hine moved adoption of the resolution. Ms. Hine spoke in favor of the resolution, and it was adopted.

MOTION

On motion of Ms. Hine, the House adjourned until 1:30 p.m., Tuesday, May 12, 1987.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

SIXTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Tuesday, May 12, 1987

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Beck, Braddock, Fuhrman, Hankins, P. King, Leonard, McLean, Niemi, Sanders, D. Sommers, H. Sommers and Sutherland. Representatives Beck, Hankins, McLean and D. Sommers were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rick Nelson and Lani Cossette. Prayer was offered by The Reverend Ray Dimino, Minister of Emanuel Baptist Church of Olympia.

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

MESSAGE FROM SECRETARY OF STATE

The Honorable,
Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

We herewith respectfully transmit for your consideration the following section of a bill partially vetoed by the Governor, together with a copy of the official veto message of the Governor setting forth his objections to the section as provided by Article III, Section 12, of the Washington State Constitution:

Portions of Section 9 and all of Section 10 of HOUSE BILL NO. 954, the remainder of which has been designated Chapter 295, Laws of 1987.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this eleventh day of May, 1987.

(SEAL) RALPH MUNRO,
Secretary of State

MESSAGE FROM THE GOVERNOR

May 8, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to portions of section 9 and all of section 10, HOUSE BILL NO. 954, entitled:

"AN ACT Relating to genderless designations in some of the elections statutes."

Parts of section 9 of this bill conflict with amendments to RCW 29.36.030 contained in section 11 of Substitute House Bill No. 614. Section 10 of this bill conflicts with section 15 of Substitute House Bill No. 614. In order to avoid confusion in the code, I have vetoed most of section 9 and all of section 10.

With these exceptions, House Bill No. 954 is approved.

Respectfully submitted,
Booth Gardner, Governor.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4690, by Representatives McMullen, Spanel, Moyer, Wineberry, Brooks, Cole, Fuhrman, Cantwell, Lewis, Sprenkle, Bumgarner, Kremen, Jacobsen, Gallagher, Vekich, Brekke, K. Wilson, Locke, Scott, Todd, Leonard, R. King, Heavey, Pruitt, Sayan, Cooper, Haugen, Madsen, Grant, Rust, Wang, Unsoeld, Lux and Ebersole

WHEREAS, Benjamin Ernest Linder was raised and educated in the Pacific Northwest, graduated from the University of Washington School of Engineering and lived most of his life in the Pacific Northwest; and

WHEREAS, Ben Linder worked with the Nicaraguan Energy Institute on geothermal energy and low-head hydroelectric projects designed to provide energy for the rural poor in Nicaragua; and

WHEREAS, Ben Linder worked as a volunteer in the town of El Cua on the Bocay River in Jinotega Province of Nicaragua to develop a low-head hydroelectric facility for an area without electricity, to train the Nicaraguan people to use the facility to develop economic self-sufficiency, and to provide an economic base to bring together peasants in the region suffering attacks in isolated areas; and

WHEREAS, For nearly four years, Ben Linder worked in this poor and remote rural area of Nicaragua on community development projects designed to assist local residents to utilize the electricity generated from hydroelectric projects, such as the establishment of power lines to bring the first electric power to peasant villagers and to establish a lumber mill to provide work for war refugees; and

WHEREAS, Benjamin Ernest Linder was murdered on the Bocay River in Jinotega Province of Nicaragua while working to provide electric power to poor people in rural areas; and

WHEREAS, Ben Linder was the first American volunteer to be slain while working with the Nicaraguan government to provide community development and humanitarian service to the people of Nicaragua;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives extend its sympathy and condolences to the family, friends and colleagues of Benjamin Ernest Linder, and recognize and honor the courage, integrity, compassion and accomplishments of Ben Linder; and

BE IT FURTHER RESOLVED, That the House of Representatives deplore the continuing violence that ended the life of Benjamin Ernest Linder; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Benjamin Ernest Linder, including his parents, David and Elisabeth, his sister, Miriam, and his brother, John.

Mr. McMullen moved adoption of the resolution.

On motion of Mr. Padden, the following amendments were adopted:

On page 1, line 1 of paragraph 5, strike "murdered" and insert "killed"

On line 2 of paragraph 5, after "working" insert "in a restricted military war zone"

Ms. Spanel spoke in favor of the resolution as amended, and it was adopted.

MOTION

On motion of Mr. McMullen, the House adjourned until 1:30 p.m., Wednesday, May 13, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wednesday, May 13, 1987

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Amondson, Basich, Belcher, Bristow, Bumgarner, Haugen, Sanders, H. Sommers, Sutherland, Vekich and Wineberry. Representatives Bumgarner and Vekich were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nhi Hoang and Sara McInturff. Prayer was offered by Doctor Carl Pfeil, Minister of Emmanuel Baptist Church of Olympia.

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

MESSAGE FROM THE GOVERNOR

May 12, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 12, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 95: Relating to public contracts;
SUBSTITUTE HOUSE BILL NO. 168: Relating to fire protection districts;
SUBSTITUTE HOUSE BILL NO. 324: Relating to the exemption from public disclosure of financial and commercial information and records supplied by businesses;
HOUSE BILL NO. 396: Relating to transportation benefit districts;
SUBSTITUTE HOUSE BILL NO. 450: Relating to the cemetery board;
SUBSTITUTE HOUSE BILL NO. 454: Relating to state boards and commissions;
SUBSTITUTE HOUSE BILL NO. 458: Relating to measured telecommunications service;

SUBSTITUTE HOUSE BILL NO. 902: Relating to cities and towns;

Sincerely,
Terry Sebring, Counsel.

INTRODUCTION AND FIRST READING

HJM 4028 by Representatives Schmidt and Walk

Opposing efforts to increase federal fuel taxes for deficit reduction.

MOTIONS

On motion of Mr. Appelwick, the rules were suspended and the memorial was advanced to second reading and read the second time in full.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Schmidt and Walk spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4028, and the memorial passed the House by the following vote: Yeas, 87; absent, 9; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Betzoff, Braddock, Brekke, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 87.

Absent: Representatives Amondson, Basich, Belcher, Bristow, Haugen, Sanders, Sommers H, Sutherland, Wineberry - 9.

Excused: Representatives Bumgarner, Vekich - 2.

House Joint Memorial No. 4028, having received the constitutional majority, was declared passed.

Representatives Amondson and Wineberry appeared at the bar of the House.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4695, by Representatives Brekke, Lux, O'Brien, Scott, Winsley, Moyer, Valle, Cantwell, Brooks, Wang and Leonard

WHEREAS, Sister Sharon Park has been an advocate since 1977 before the legislature on behalf of senior citizens, children and families in association with the Catholic Conference; Alliance for Children, Youth and Families; and the Senior Citizens Lobby; and

WHEREAS, Her energies and abilities have been marked by the highest degree of professionalism and integrity, by grace under pressure, by humor at all times and by a sense of abiding kindness for all whom she encountered here; and

WHEREAS, Her service to the people and the State of Washington has been exemplary in her persistent pursuit of economic and social justice for those in need; and

WHEREAS, Sister Sharon Park will be pursuing a Master's Degree program in ethics, with a concentration in economics, at the University of California for the next two years;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That Sister Sharon Park be recognized and applauded for her contributions to and achievements in public service, and for the highest personal standards through which she pursued her mission.

Ms. Brekke moved adoption of the resolution. Representatives Brekke and Padden spoke in favor of the resolution, and it was adopted.

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:30 a.m., Thursday, May 14, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, May, 14, 1987

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Amondson, Beck, Bumgarner, Dellwo, and Locke. Representative Bumgarner was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dan Austin and Kristen Thompson. Prayer was offered by The Reverend Ray Dimino, Minister of the Emmanuel Baptist Church of Olympia.

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

MESSAGE FROM THE GOVERNOR

May 13, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 13, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 116: Relating to the administrative approval of plats;

SUBSTITUTE HOUSE BILL NO. 217: Relating to superior court;

HOUSE BILL NO. 338: Relating to the transportation commission;

SUBSTITUTE HOUSE BILL NO. 388: Relating to certification and regulation of operators of domestic waste treatment plants;

SUBSTITUTE HOUSE BILL NO. 391: Relating to deeds of trust;

SUBSTITUTE HOUSE BILL NO. 506: Relating to child abuse;

HOUSE BILL NO. 551: Relating to the use of proceeds from the sale or lease of aquatic lands and the sale of materials therefrom;

SUBSTITUTE HOUSE BILL NO. 578: Relating to the date boundaries of taxing districts are established for the levy of property taxes;

SUBSTITUTE HOUSE BILL NO. 601: Relating to hotels, motels, boarding houses, and lodging houses;

HOUSE BILL NO. 698: Relating to collections by county treasurers;

HOUSE BILL NO. 748: Relating to the urban arterial board;

SUBSTITUTE HOUSE BILL NO. 773: Relating to voter registration;

SUBSTITUTE HOUSE BILL NO. 984: Relating to satellite extensions of licensed facilities;

HOUSE BILL NO. 992: Relating to termination by cities or towns of utility service for residential heating;

HOUSE BILL NO. 1199: Relating to the designation of certain individuals who may receive service of process for certain corporations and local governments.

Sincerely,
Terry Sebring, Counsel.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4696, by Representatives Zellinsky, Meyers, Prince, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry and Winsley

WHEREAS, The Washington State Patrol selects from among its ranks a trooper who exemplifies the goals and objectives of the department which are excellence, professionalism and community service; and

WHEREAS, The Outstanding Trooper of the Year Award is presented to the trooper who, by his concerns for the community, commitment to public service and professional conduct, sets himself apart; and

WHEREAS, Trooper Mark C. Brown, whose duty area includes Kitsap County, is being recognized and commended for his outstanding personal and professional demeanor on and off duty and for his outstanding interpersonal relationships within the community; and

WHEREAS, Trooper Brown's supplemental responsibilities have included executive protection for Governor Booth Gardner, Field Training Officer, first aid instruction, and membership in the State Patrol Honor Guard and Emergency Response Team; and

WHEREAS, Trooper Mark C. Brown was selected Officer of the Year by the Silverdale V.F.W. and has received commendations from the Kitsap County Prosecutors office and other law enforcement agencies;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That it extends its congratulations to Trooper Mark C. Brown and expresses its heartfelt gratitude to Trooper Brown for his exemplary service to the citizens of Washington State; and

BE IT FURTHER RESOLVED, That copies of this Resolution be presented to Trooper Mark C. Brown and to George B. Tellevik, Chief of the Washington State Patrol, by the Chief Clerk of the Washington State House of Representatives.

Mr. Zellinsky moved adoption of the resolution. Mr. Zellinsky spoke in favor of the resolution, and it was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 3:00 p.m.

AFTERNOON SESSION

The House was called to order by the Speaker (Mr. O'Brien presiding).

MOTION

On motion of Mr. Meyers, the House adjourned until 9:00 a.m., Friday, May 15, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETEENTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, May, 15, 1987

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Brooks, Bumgarner and Zellinsky. Representatives Beck, Brooks and Bumgarner were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Laura Schoening and Angie Hilborn. Prayer was offered by The Reverend Ray Dimino, Minister of the Emmanuel Baptist Church of Olympia.

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

MESSAGE FROM THE GOVERNOR

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 14, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 170: Relating to infractions of natural resources laws;

HOUSE BILL NO. 277: Relating to proof of financial responsibility under the motor vehicle code;

HOUSE BILL NO. 279: Relating to financial responsibility under the motor vehicle code;

HOUSE BILL NO. 432: Relating to fraternal benefit societies;

HOUSE BILL NO. 541: Relating to acquisition by joint operating agencies of public works, materials, equipment, supplies, and conservation resources;

SUBSTITUTE HOUSE BILL NO. 542: Relating to state trapping activities;

HOUSE BILL NO. 707: Relating to the Washington conservation corps;

SUBSTITUTE HOUSE BILL NO. 776: Relating to the qualifications and expenses of hearing officers in cases involving school employees;

SUBSTITUTE HOUSE BILL NO. 790: Relating to timeshare regulation;

SUBSTITUTE HOUSE BILL NO. 928: Relating to the commercial harvesting of subtidal hardshell clams;

HOUSE BILL NO. 985: Relating to automobile insurance premiums reduction;

HOUSE BILL NO. 1016: Relating to aquifer protection areas;

HOUSE BILL NO. 1049: Relating to blood alcohol content.

Sincerely,
Terry Sebring, Counsel

MESSAGE FROM SECRETARY OF STATE

The Honorable
Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

We herewith respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the respective

veto messages of the Governor setting forth his objections to the sections of each of the bills as provided by Article III, Section 12, of the Washington State Constitution:

Section 22 of SUBSTITUTE HOUSE BILL NO. 614, the remainder of which has been designated Chapter 346, Laws of 1987.

Section 1(3)(c) of SUBSTITUTE HOUSE BILL NO. 440, the remainder of which has been designated Chapter 379, Laws of 1987.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this fifteenth day of May, 1987.

(SEAL) RALPH MUNRO,
Secretary of State.

MESSAGES FROM THE GOVERNOR

May 13, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I am returning, herewith, without my approval as to section 22, SUBSTITUTE HOUSE BILL NO. 614, entitled:

"AN ACT Relating to absentee voting."

Section 22 contains identical language to a bill I have already signed into law, Substitute Senate Bill No. 5045, section 2. I would note the language is identical except that the bill already signed into law has an additional new paragraph not contained in section 22 of Substitute House Bill No. 614. To avoid confusion in the law, I have vetoed section 22.

With the exception of section 22, Substitute House Bill No. 614 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 14, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I am returning, herewith, without my approval as to one subsection, SUBSTITUTE HOUSE BILL NO. 440, entitled:

"AN ACT Relating to retirement of elected officials of a city or town."

Section 1(3)(c) of this bill is similar and serves the same purpose as section 5 of Engrossed Substitute Senate Bill No. 5150, which is preferable and is now Chapter 192, Laws of 1987. I have therefore vetoed section 1(3)(c).

With the exception of section 1(3)(c), Substitute House Bill No. 440 is approved.

Respectfully submitted,
Booth Gardner, Governor.

MESSAGE FROM SECRETARY OF STATE

The Honorable
Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

We herewith respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the respective veto messages of the Governor setting forth his objections to the sections of each of the bills as provided by Article III, Section 12, of the Washington State Constitution:

Section 1(1) of SUBSTITUTE HOUSE BILL NO. 920, the remainder of which has been designated Chapter 320, Laws of 1987.

Section 9 of ENGROSSED HOUSE BILL NO. 772, the remainder of which has been designated Chapter 319, Laws of 1987.

Section 5 of HOUSE BILL NO. 146, the remainder of which has been designated Chapter 338, Laws of 1987.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this thirteenth day of May, 1987.

(SEAL) LAURA ECKERT,
Assistant Secretary of State.

The Speaker assumed the Chair.

MESSAGES FROM THE GOVERNOR

May 11, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(1), SUBSTITUTE HOUSE BILL NO. 920, entitled:

"AN ACT Relating to rate-making criteria for private passenger automobile insurance."

Subsection 2 of this bill applies to "anti-theft devices installed in private passenger automobiles," and subsection 3 applies to "lights and lighting devices that have been proven effective in increasing the visibility of motor vehicles during daytime or in poor visibility conditions and to the use of rear stop lights that have proven effective in reducing rear end collisions." Both subsections indicate these devices should be reflected in the losses, credits or discounts charged by private passenger automobile insurance companies. I endorse these ideas.

Section 1(1) contains the identical language to section 1(2) of Substitute Senate Bill No. 5113. In order to avoid a duplication in the statute, I have vetoed this subsection.

With the exception of section 1(1), which I have vetoed, Substitute House Bill No. 920 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 11, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, ENGROSSED HOUSE BILL NO. 772, entitled:

"AN ACT Relating to the administration of property tax refunds, collections and revaluation plans."

This bill makes a number of changes to update and clarify various issues related to the administration of property taxes. I support these changes.

Section 9 would exempt owners of satellite dishes from the TV improvement district levy. Apparently there are only two TV improvement districts in the state and this technical amendment is not practical for them to implement. For this reason I have vetoed this section.

With the exception of section 9, Engrossed House Bill No. 772 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, House Bill NO. 146, entitled:

"AN ACT Relating to credit unions."

This bill makes several changes to the Credit Union Code as revised by the Legislature in 1984. State chartered credit unions are now granted the authority to engage in activities permitted for federal credit unions in this update.

Section 5 of House Bill No. 146 is applicable to all credit union members with sums owing a credit union. It would significantly expand a credit union's authority over access to members' accounts without establishing adequate limitations on the exercise of this authority. If this section were left in, it would grant a statutory right of immediate set-off which would allow a credit union the right to refuse withdrawals from any share account of a member who owes any sum to the credit union. I do not feel that it is necessary to create this statutory right. Typically, members are asked by their credit unions to sign a consensual lien on their shares as collateral for loans. It is my understanding that other organizations in the banking industry do not have similar statutory lien rights but, like credit unions, must rely on consensual authorization from their depositors. For this reason I have vetoed section 5.

With the exception of section 5, House Bill No. 146 is approved.

Respectfully submitted,
Booth Gardner, Governor.

The Speaker declared the House to be at ease.

The House was called to order by the Speaker.

SENATE AMENDMENTS TO HOUSE BILL

May 14, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) 'Fiscal year 1988' or 'FY 1988' means the fiscal year ending June 30, 1988.

(b) 'Fiscal year 1989' or 'FY 1989' means the fiscal year ending June 30, 1989.

(c) 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) 'Revert' or 'lapse' means the amount shall return to an unappropriated status.

(e) 'FTE' means full time equivalent.

(3) Agencies receiving appropriations under this act shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act unless the services were provided on March 1, 1987. Agencies may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act and, in the case of unanticipated unrestricted federal moneys, as long as an equal amount of appropriated state general fund moneys is placed in a reserve status. Unrestricted federal moneys shall be used, to the maximum extent permitted under federal law, to replace state general fund moneys appropriated under this act for the biennium ending June 30, 1989. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(4) The legislature intends to establish a contingency fund of \$100,000,000 in the 1988 legislative session through cost reductions and efficiencies in state government agencies. The Washington state commission for efficiency and accountability in government, established under Substitute House Bill No. 833, shall report to the legislature no later than December 31, 1987, with recommendations identifying savings in state government general funds. The 1988 legislature shall consider said recommendations with a goal of establishing a revenue balance of no less than \$100,000,000.

PART I
GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE HOUSE OF REPRESENTATIVES	
General Fund Appropriation	\$ 44,349,000
NEW SECTION, Sec. 102. FOR THE SENATE	
General Fund Appropriation	\$ 29,631,000

NEW SECTION, Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$ 1,880,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The legislative budget committee shall conduct a performance audit on the office of the superintendent of public instruction with emphasis on identifying:

(a) Data collection and dissemination goals, policies, procedures, and management;

(b) Duplication of services provided and programs delivered among local districts, educational service districts, the superintendent of public instruction, and, where possible, the private sector; and

(c) Cost efficiencies in carrying out the responsibilities of the office of the superintendent of public instruction.

(2) The legislative budget committee shall report its findings and recommendations under subsection (1) of this section to the senate and house of representatives ways and means committees at the beginning of the 1989 legislative session. Recommendations shall include, but not be limited to:

(a) Ways to reduce reporting and paperwork at the local district level;

(b) Consolidation of reports, where practical;

(c) Ways to reduce duplication of effort and program delivery; and

(d) Other potential cost efficiencies.

NEW SECTION, Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation	\$ 2,403,000
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NEW SECTION, Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation	\$ 5,524,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION, Sec. 106. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$ 5,394,000
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NEW SECTION, Sec. 107. FOR THE SUPREME COURT

General Fund Appropriation	\$ 10,678,000
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The appropriation in this section is subject to the following conditions and limitations: \$3,337,000 is provided solely for the indigent appeals program.

NEW SECTION, Sec. 108. FOR THE LAW LIBRARY

General Fund Appropriation	\$ 2,574,000
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NEW SECTION, Sec. 109. FOR THE COURT OF APPEALS

General Fund Appropriation	\$ 12,013,000
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NEW SECTION, Sec. 110. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$ 21,588,000
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Public Safety and Education Account Appropriation	\$ 18,828,000
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Total Appropriation	\$ 40,416,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(3) \$50,000 of the public safety and education account appropriation is provided solely for the administrator for the courts to initiate measures to prevent gender and minority bias in the courts. Such measures shall include but not be limited to:

(a) A study of the status of women and minorities as litigants, attorneys, judges, and court employees;

(b) Recommendations for implementing reform; and

(c) Providing attitude awareness training for judges and legal professionals.

(4) \$260,000 of the general fund—state appropriation is provided solely for the Snohomish County preprosecution diversion program.

NEW SECTION, Sec. 111. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation	\$ 477,000
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NEW SECTION, Sec. 112. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$ 5,260,000
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General Fund Appropriation—Federal	\$ 500,000
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Total Appropriation	\$ 5,760,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$167,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$389,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor.

including prior claims, and for extradition-related legal services as determined by the attorney general.

NEW SECTION, Sec. 113. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	363,000
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NEW SECTION, Sec. 114. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	6,374,000
Archives and Records Management Account Appropriation	\$	2,116,000
Total Appropriation	\$	8,490,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

NEW SECTION, Sec. 115. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation	\$	280,000
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The appropriation in this section is subject to the following conditions and limitations: \$49,000 is provided solely to meet additional workload associated with the federal immigration reform and control act.

NEW SECTION, Sec. 116. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	285,000
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NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation	\$	241,000
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NEW SECTION, Sec. 118. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation	\$	45,000
State Treasurer's Service Fund Appropriation	\$	9,080,000
Total Appropriation	\$	9,125,000

NEW SECTION, Sec. 119. FOR THE STATE AUDITOR

General Fund Appropriation	\$	832,000
Motor Vehicle Fund Appropriation	\$	287,000
Municipal Revolving Fund Appropriation	\$	14,733,000
Auditing Services Revolving Fund Appropriation	\$	9,359,000
Total Appropriation	\$	25,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$180,000 of the auditing services revolving fund appropriation is provided solely to perform multi-agency audits of fixed assets, capital construction projects, and lease acquisitions and to perform deferred audits of state agencies.

(2) \$609,000 of the audit services revolving fund appropriation is provided solely for additional workload associated with the federal single audit act.

NEW SECTION, Sec. 120. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	5,143,000
Legal Services Revolving Fund Appropriation	\$	46,142,000
Total Appropriation	\$	51,285,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$840,000 of the legal services revolving fund appropriation is provided solely to support additional attorneys to defend an increased number of cases expected from an increase in the number of industrial appeals board staff.

(2) \$10,233,000 of the legal services revolving fund appropriation is provided solely for legal services augmentation; of which a maximum of \$3,933,000, including the state-wide salary increase allocation, is for salary increases consistent with the Price Waterhouse recommendation of March 19, 1987, for assistant attorneys general, \$5,000,000 is for additional funding for the defense of tort actions, \$400,000 is for increased legal services for the department of corrections and the indeterminate sentence review board, \$200,000 is for increased legal services for the department of ecology, \$200,000 is for increased legal services for the department of transportation, and \$500,000 is for increased legal services for the department of licensing.

(3) Pursuant to chapter 365, Laws of 1985, the attorney general shall transmit to the judiciary committees of the senate and house of representatives and the human rights commission by January 1, 1988, and by January 1 of every year thereafter a progress report which states the agency's progress in meeting its affirmative action goals and timetables. The agency's

goals for assistant attorneys general and other exempt employees shall be based on the percentage of each and every minority group's representation in the state labor force population.

NEW SECTION, Sec. 121. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	18,168,000
General Fund Appropriation—Federal	\$	60,000
Motor Vehicle Fund Appropriation	\$	100,000
Medical Aid Fund Appropriation	\$	98,000
Local Jail Improvement and Construction Fund Appropriation	\$	780,000
Total Appropriation	\$	19,206,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for the services of an actuarial consultant.

(2) Reports required to be submitted to the legislature or its committees by dates specified in this act shall be submitted by such dates, notwithstanding time necessary for review by the office of financial management. For agencies under the authority of the governor, the office may require submission of draft reports for its review prior to the dates required for submission to the legislative branch.

(3) By January 1, 1988, the office of financial management shall submit a report to the committees on ways and means of the senate and house of representatives describing a system to control the initial acquisition and replacement of furniture and equipment by state agencies. The system shall include proposed criteria for justifying furniture and equipment purchases by state agencies, a uniform accounting and reporting system for such purchases, and a centralized inventory and acquisition system that would fill state agency furniture and equipment requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate.

(4) \$135,000 of the general fund—state appropriation is provided solely for one-time costs of establishing a state-wide inventory of school facilities, using surveys conducted by qualified engineers and architects. The inventory shall be developed jointly and in cooperation with the state board of education and the superintendent of public instruction and shall be designed to yield consistent and easily accessible information intended to facilitate administrative decisions on school construction projects and analysis of long-term facilities needs.

(5) \$205,000, of which \$145,000 is from the general fund—state appropriation, is provided solely for the purposes of implementing the agency's responsibilities under Substitute House Bill No. 738. If Substitute House Bill No. 738 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) For agencies for which the governor has allotment authority, the office of financial management shall take such action as is necessary to limit expenditures for personal services contracts, goods and services, travel, and furnishings and equipment to achieve a savings of \$18,000,000 from general fund—state appropriations otherwise provided in this act.

NEW SECTION, Sec. 122. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation	\$	8,752,000
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NEW SECTION, Sec. 123. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation	\$	1,736,000
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The appropriation in this section is subject to the following conditions and limitations: \$7,000 is provided solely for services to be provided by the investor responsibility research council.

NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	13,618,000
State Employees' Insurance Fund Appropriation	\$	2,164,000
Total Appropriation	\$	15,782,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the state employees' insurance fund appropriation is provided solely for the revision of the automated insurance eligibility system.

NEW SECTION, Sec. 125. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	354,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance. If Engrossed Substitute House Bill No. 844 is not enacted by June 30, 1987, this appropriation shall lapse.

NEW SECTION, Sec. 126. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation	\$	807,000
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NEW SECTION, Sec. 127. FOR THE DATA PROCESSING AUTHORITY

Data Processing Revolving Fund Appropriation	\$	1,268,000
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NEW SECTION, Sec. 128. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation	\$	43,697,000
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The appropriation in this section is subject to the following conditions and limitations: \$27,300,000 of the lottery administrative account appropriation is provided solely for the payment of costs incurred in the purchase and promotion of lottery games. If Engrossed Substitute House Bill No. 26 is enacted without requiring that costs of purchase and promotion of lottery

games be paid out of the lottery administrative account, this amount of the appropriation shall lapse.

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	63,667,000
Hazardous Waste Control and Elimination Account Appropriation	\$	111,000
Timber Tax Distribution Account Appropriation	\$	3,276,000
State Toxics Control Account Appropriation	\$	106,000
Total Appropriation	\$	67,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The hazardous waste control and elimination account appropriation shall lapse if Substitute House Bill No. 434 is enacted by June 30, 1987.

(2) The state toxics control account appropriation shall lapse if Substitute House Bill No. 434 is not enacted by June 30, 1987.

(3) \$100,000 of the general fund appropriation is provided solely to support additional staff to perform tax research and statistical analysis.

(4) If Substitute Senate Bill No. 5293 is enacted by June 30, 1987, the department shall not collect business and occupation tax from adult family homes after the effective date of the bill.

NEW SECTION, Sec. 130. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	1,214,000
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The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	8,312,000
General Fund Appropriation—Federal	\$	1,623,000
General Fund Appropriation—Private/Local	\$	93,000
Motor Transport Account Appropriation	\$	10,925,000
General Administration Facilities and Services Revolving Fund Appropriation	\$	19,562,000
Total Appropriation	\$	40,515,000

NEW SECTION, Sec. 132. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation	\$	1,937,000
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NEW SECTION, Sec. 133. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation	\$	1,000
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NEW SECTION, Sec. 134. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation	\$	10,205,000
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NEW SECTION, Sec. 135. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	1,229,000
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NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	20,666,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$554,000 is provided solely for data correction and other necessary costs incurred in implementing Engrossed Substitute Senate Bill No. 5150. If this bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(2) Not more than \$877,000 of this appropriation may be expended for the expenses of the office of the state actuary, including interagency reimbursements for services and statutory reports.

NEW SECTION, Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	2,104,000
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NEW SECTION, Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$	36,000
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NEW SECTION, Sec. 139. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	415,000
Certified Public Accountant Examination Account Appropriation	\$	571,000
Total Appropriation	\$	986,000

NEW SECTION, Sec. 140. FOR THE BOXING COMMISSION

General Fund Appropriation	\$	105,000
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NEW SECTION, Sec. 141. FOR THE CEMETERY BOARD

Cemetery Account Appropriation	\$	143,000
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NEW SECTION, Sec. 142. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	4,293,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than six hundred ninety-eight racing days during the fiscal biennium ending June 30, 1989, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses as required under RCW 67.16.075.

(3) \$70,000 is provided solely for implementation of Substitute House Bill No. 177. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$160,000 is provided solely for drug testing and two additional security guards. This amount is contingent on the enactment of House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 143. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 87,777,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At the expiration of the lease of any state liquor store, except in an incorporated city in which more than one liquor store exists, if the yearly average of gross bottle sales falls below 80,000 bottles, that store shall be closed and an agency may be established in its place.

(2) \$60,000 is provided solely for computer programming needed to use the state payroll system.

NEW SECTION, Sec. 144. FOR THE PHARMACY BOARD

General Fund Appropriation \$ 1,343,000

NEW SECTION, Sec. 145. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—State \$ 23,712,000

Public Service Revolving Fund Appropriation—Federal \$ 426,000

Grade Crossing Protective Fund Appropriation \$ 320,000

Total Appropriation \$ 24,458,000

The appropriations in this section are subject to the following conditions and limitations: \$975,000 of the public service revolving fund appropriation is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistance, and consultants.

NEW SECTION, Sec. 146. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation \$ 233,000

NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State \$ 7,769,000

General Fund Appropriation—Federal \$ 5,149,000

Total Appropriation \$ 12,918,000

NEW SECTION, Sec. 148. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ 1,719,000

NEW SECTION, Sec. 149. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation \$ 63,000

**PART II
HUMAN SERVICES**

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation \$ 59,605,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$23,884,000 is provided solely for the operation and/or contracting with nonprofit corporations for work training release for convicted felons.

(b) \$2,071,000 is provided solely for the support of the office of the director of community services.

(c) \$200,000 is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(d) \$854,000 is provided solely for the implementation of the sex offender treatment program for offenders under the jurisdiction of the division of community services as required by Engrossed Second Substitute Senate Bill No. 5086.

(e) A maximum of \$285,000 may be spent for the replacement of used equipment within the community services division.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 269,824,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation \$ 17,961,000

Institutional Impact Account Appropriation \$ 317,000

Total Appropriation \$ 18,278,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) At least \$1,000,000 of the general fund appropriation in subsections (1) and (2) of this section shall be spent to provide and contract for drug and alcohol treatment services for offenders in institutions and/or work release facilities.

(d) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation \$ 2,268,000

The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) For the purposes of caseload administrative control, the department shall expand mandatory monthly reporting to cover at least thirty percent of the aid to families with dependent children—regular and aid to families with dependent children—employable case-loads with the goal of attaining a biennial savings of \$12,500,000 of general fund—state moneys in income assistance grant payments, medical assistance costs, and administrative staff. The department shall report to the ways and means committees of the senate and house of representatives by January 15, 1988, on progress toward achieving the goal enumerated in this subsection, including a report on the methods adopted to accomplish reporting requirements in the most economical and effective manner.

(2) Appropriations made in this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(3) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1987. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(4) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(5) The department of social and health services shall not revise eligibility criteria for any of its programs or services in a manner which will increase the number of eligible persons or the general fund—state expenditures for the program or service unless specifically authorized by this act. To the extent that revisions to eligibility criteria are required by federal or state statute or court order, including the setting of need standards for public assistance recipients, such revisions shall be reviewed by appropriate committees of the legislature prior to implementation.

(6) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

(7) The department shall implement the plan for performance-based contracts developed under sections 203(6) and 204(1)(c), chapter 6, Laws of 1985 ex. sess., whereby a portion of vendor payments for private group care and other community residential placements shall reflect achievement of client outcome standards. The department shall report on implementation of the plan to the ways and means committees of the senate and house of representatives by December 15, 1987, and December 15, 1988.

(8) The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act shall be expended as provided in each section, except that the department may expend money,

appropriated for other purposes, for the family independence program only after approval by the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

(9) The department shall report monthly unit cost performance data for all budget units, including comparisons to previous periods, to the legislative evaluation and accountability program committee on a quarterly basis.

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$ 165,009,000
General Fund Appropriation—Federal	\$ 58,552,000
Total Appropriation	\$ 223,561,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff, necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement by July 1, 1988, the provisions of Engrossed Second Substitute House Bill No. 586 which establish a pilot project in order to guide the state in developing a comprehensive system of children and family services. If the bill is not enacted by June 30, 1987, this amount shall lapse. The department shall report to the ways and means and human services committees of the senate and house of representatives on implementation of this section by January 15, 1988. The report shall include the following information:

(a) The effectiveness of providing additional casework, support staff, and other services provided in this section in reducing and refocusing the workload of child protective services caseworkers;

(b) The impact on caseloads of hiring child protective services support staff, including clerical support, assistant attorneys general, eligibility determination specialists, and public health nurses; and

(c) The number and classifications of staff and the level and types of additional services for which the moneys in this section are used.

(3) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of therapeutic day care.

(4) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(5) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(6) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(7) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(8) \$300,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse.

(9) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(10) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(11) \$93,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) A maximum of \$332,000, of which \$275,000 is from the general fund—state appropriation, and 7.8 full time equivalent staff may be transferred from the division of children and family services to the administration and supporting services program to consolidate the social

service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(13) \$125,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) \$33,300,000, of which \$20,100,000 is from the general fund—state appropriation, is provided solely for day care programs.

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	27,988,000
General Fund Appropriation—Federal	\$	78,000
Total Appropriation	\$	28,066,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	44,385,000
General Fund Appropriation—Federal	\$	890,000
Total Appropriation	\$	45,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offender unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,788,000
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NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	118,088,000
General Fund Appropriation—Federal	\$	42,363,000
General Fund Appropriation—Local	\$	1,580,000
Total Appropriation	\$	162,031,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals of Kitsap county residents may be made to Western state hospital. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce commitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services

shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) \$4,375,000, of which \$3,500,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, other interested members of the community, and legislative staff and shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate an experimental design. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (d). If Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(d) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(e) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates and any other relevant factors required to reflect actual county administration costs. The mental health division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than January 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(f) Grants to counties for community mental health programs shall total not less than \$56,457,000 of the general fund—state appropriation under RCW 71.24.155. Of this amount, \$2,000,000 is provided solely to expand outpatient treatment of children through the community mental health system.

(g) \$480,000 of the general fund—state appropriation is provided solely for continuation of the community psychiatric training program at the University of Washington.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$ 150,711,000
General Fund Appropriation—Federal	\$ 7,962,000
Total Appropriation	\$ 158,673,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall prepare a transition plan for moving clients served by the program for adaptive living at Western state hospital into community residential facilities beginning on July 1, 1988. The transition plan shall include a list of qualified vendors and an appropriate amount of funding to be transferred from Western state hospital to cover the cost of establishing and operating community residential treatment beds. It is the intent of the legislature to provide community residential services in local noninstitutional settings. No other community residential programs may be established on the grounds of state mental institutions.

(b) \$300,000 of the general fund—state appropriation is provided solely for equipment and operating costs related to two additional PORTAL cottages on the Northern state hospital campus. Of this amount, a maximum of \$44,000 may be used to contract with local community mental health centers to provide services to clients who have exited the PORTAL program and reside locally in the community.

(c) The legislative budget committee shall evaluate the PORTAL program as to its treatment outcomes and general effectiveness. The legislative budget committee shall report its findings to the senate and house of representatives ways and means committees by December 1, 1987.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$ 3,477,000
General Fund Appropriation—Federal	\$ 1,341,000
Total Appropriation	\$ 4,818,000

The appropriations in this subsection are subject to the following conditions and limitations: \$78,600 from the general fund—state appropriation is provided solely for allocations to non-profit agencies that provide technical assistance to state agencies, mental health education programs, outreach and family support, and self-help support groups, provided that this appropriation is matched in-kind.

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,059,000
NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—		
DEVELOPMENTAL DISABILITIES PROGRAM		

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	79,042,000
General Fund Appropriation—Federal	\$	62,027,000
Total Appropriation	\$	141,069,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(c) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(d) \$2,600,000, of which \$2,185,000 is from the general fund—state appropriation, is provided solely for existing county contracted employment programs for the developmentally disabled.

(e) \$1,169,000 is appropriated solely for the division of developmental disabilities to contract for an additional twenty-four group home beds and associated services in King county.

(f) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	100,602,000
General Fund Appropriation—Federal	\$	94,921,000
Total Appropriation	\$	195,523,000

(3) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,199,000
Total Appropriation	\$	1,199,000

(4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,991,000
General Fund Appropriation—Federal	\$	479,000
Total Appropriation	\$	4,470,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$46,000, of which \$38,000 is from the general fund—state appropriation, and two biennial full time equivalent staff may be transferred from the division of developmental disabilities to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(b) The appropriations in this section are subject to the following conditions and limitations: If Engrossed Second Substitute House Bill No. 221 is enacted before June 30, 1987, the department is authorized to expend the proceeds of the telecommunication devices for the deaf excise tax established under the bill for the distribution and maintenance of telecommunication devices, signal devices, and amplifying accessories to hearing-impaired persons as provided in the bill.

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	326,755,000
General Fund Appropriation—Federal	\$	333,612,000
Total Appropriation	\$	660,367,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for the adult residential care, adult day health, and senior citizens services act programs.

(3) Department-contracted chore services shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988. Department reimbursement to clients for attendant care and services provided by the community options program entry system shall provide for and assure payment of a monthly rate equivalent to \$4.76 per hour for full time employment beginning September 1, 1987, and \$5.15 per hour for full time employment beginning September 1, 1988. If Engrossed Second Substitute House Bill No. 1006 is enacted before July 1, 1987, department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989.

(4) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.7 percent on July 1, 1987 and 3.6 percent on July 1, 1988.

(5) \$650,000, of which \$312,000 is from the general fund—state appropriation, is provided solely for laundry services to state clients residing in skilled nursing facilities and intermediate care facilities.

(6) Grant payment standards shall be increased by 2.0 percent on September 1, 1987 and 4.0 percent on September 1, 1989, for adult residential care clients.

(7) \$1,090,000 of the general fund—state appropriation is provided solely for the respite care demonstration project.

(8) At least \$14,766,000 of the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	456,961,000
General Fund Appropriation—Federal	\$	436,034,000
Total Appropriation	\$	892,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(3) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(4) \$5,316,000, of which \$2,658,000 is from the general fund—state appropriation, is provided solely to increase day care, transportation, and other support services for participants in the opportunities program.

(5) Payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs shall contain an energy allowance to offset the costs of energy and such allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	62,580,000
General Fund Appropriation—Federal	\$	16,466,000
General Fund Appropriation—Local	\$	166,000
Total Appropriation	\$	79,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) \$24,565,000 of the general fund—state appropriation is provided solely for implementation of Substitute House Bill No. 646, establishing the alcohol and drug addiction treatment and support act. If Substitute House Bill No. 646 is not enacted by July 1, 1987, the funds in this subsection shall be transferred to the division of income assistance.

(4) The department shall provide shelter services under Substitute House Bill No. 646 to any individual requesting such services who meets the eligibility criteria established under that act.

(5) The department shall report to the appropriate committees of the legislature by January 5, 1988, on implementation of the alcohol and drug addiction treatment and shelter act. The report shall include at least the following information:

(a) The number of persons receiving client assessment services, including the number receiving assistance in the application process for supplemental security income benefits;

(b) The number of persons receiving treatment services, including the number receiving inpatient and outpatient treatment, and the number receiving a living allowance while undergoing outpatient treatment;

(c) The number of persons receiving shelter services and the type of shelter services provided;

(d) The number of applicants for general assistance payments referred to the program and the number of recipients of general assistance transferred to the program; and

(e) An assessment of the need to revise projected funding levels of \$2,700,000 for client assessment services, \$11,378,000 for treatment services, and \$10,487,000 for shelter services.

NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	511,589,000
General Fund Appropriation—Federal	\$	471,180,000
Total Appropriation	\$	982,769,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,250,000 of the general fund—state appropriation and \$11,296,000 of the general fund—federal appropriation are provided solely for an adult dental program which may be provided to Title XIX categorically eligible and medically needy persons. The \$9,250,000 general fund—state appropriation may be transferred to the public health program for expansion of dental services provided by public and private community health clinics if the department chooses not to seek matching funds under Title XIX.

(2) \$8,338,000 of the general fund—state appropriation and \$9,823,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy pregnant women and, on a phased-in basis, children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose resources do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(3) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(4) \$3,000,000 of the general fund—state appropriation is provided solely for matching grants to hospitals under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(5) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	58,757,000
General Fund Appropriation—Federal	\$	73,551,000
General Fund Appropriation—Local	\$	8,025,000
Total Appropriation	\$	140,333,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) Public and private community health clinics providing dental services under this section shall give priority to populations that lack access to federally supported dental services. The department shall prepare contracts which implement this requirement.

(3) \$1,919,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan, including \$50,000 for a review of the alternative on-site sewage program at both the state and local levels. The review shall address, but not be limited to, the process and procedures associated with the review and application of alternative systems. Recommendations shall include, but not be limited to:

(a) Ways to expedite review of applications;

(b) Changes in rules and statutes to address unique alternative on-site system applications;

(c) Staffing and resources required to implement an effective alternative on-site program;

and

(d) Any additional issues that are necessary for an effective and efficient alternative on-site sewage system program.

The department shall report to the legislature no later than January 30, 1988.

(4) \$5,500,000 of the general fund—state appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program.

(5) A maximum of \$86,842,000, of which \$24,437,000 is from the general fund—state appropriation, and 132 biennial full time equivalent staff may be transferred from the public health program to the division of children and family services to provide parent and child health services, dental health care for children, women, infant and children services, crippled children's services, nutrition services to children, family planning services, and program and category support services. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(6) \$3,100,000 of the general fund—state appropriation is provided solely to continue the kidney disease program.

(7) \$300,000 of the general fund—state appropriation is provided solely to enhance high-risk infant tracking.

(8) \$41,000 of the general fund—state appropriation is provided solely to expand PKU testing.

(9) \$1,500,000, of which \$300,000 is from the general fund—state appropriation, is provided solely for enhancing the women, infants, and children programs.

(10) \$580,000 of the general fund—state appropriation is provided solely to fund the environmental monitoring and radioactive waste management activities of the office of radiation protection not otherwise funded through fees or federal funding.

**NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,583,000
General Fund Appropriation—Federal	\$	32,654,000
Total Appropriation	\$	46,237,000

The appropriations in this section are subject to the following condition and limitations: Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

**NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	46,280,000
General Fund Appropriation—Federal	\$	32,045,000
Institutional Impact Account Appropriation	\$	78,000
Total Appropriation	\$	78,403,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 biennial FTE staff for the office of the long-term care ombudsman.

(2) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation may be transferred from sections referenced in section 202(7) of this act solely for the evaluation of the aid to families with dependent children and the family independence programs as provided in Engrossed Second Substitute House Bill No. 448. The department may contract with objective independent evaluators subject to legislative budget committee approval, as specified in Engrossed Second Substitute House Bill No. 448. The department shall contract with the Washington state institute for public policy to conduct a longitudinal study of public assistance recipients. \$652,000 of the general fund—state moneys and \$652,000 of the general fund—federal moneys provided in this subsection are provided solely for the longitudinal study.

(3) If Senate Bill No., transferring caseload forecasting functions to the economic and revenue forecast council, is enacted by June 30, 1987, \$500,000 of the general fund—state appropriation shall be transferred to the department of revenue.

**NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	155,750,000
General Fund Appropriation—Federal	\$	171,909,000
General Fund Appropriation—Local	\$	705,000
Total Appropriation	\$	328,364,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$283,000 of the general fund—state appropriation and \$270,000 of the general fund—federal appropriation are provided solely for administrative costs associated with the provision of medical assistance to categorically needy pregnant women and, on a phased-in basis, children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose incomes do not exceed reasonable standards established by

the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(2) \$4,922,000, of which \$2,461,000 is from the general fund—state appropriation, is provided solely to increase services for participants in the opportunities program.

(3) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(4) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665.

(5) A maximum of \$554,000, of which \$460,000 is from the general fund—state appropriation, and 14.2 biennial full time equivalent staff may be transferred from the community services administration program to the administration and supporting services program to consolidate the social service payment system.

(6) If any transfer under this section affects the comparability of historical expenditure information at the program, category or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(7) The department shall submit a plan to the human services committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(8) \$350,000 of the general fund—state appropriation is provided solely for providing matching grants on a one-to-one state/local basis to regional health councils as established in RCW 70.38.085, or to the successor agencies. Grants shall be distributed equitably on the basis of need in order to preserve regional health planning.

NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	25,749,000
General Fund Appropriation—Federal	\$	51,135,000
General Fund Appropriation—Local	\$	200,000
Total Appropriation	\$	77,084,000

NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation—State	\$	28,259,000
General Fund Appropriation—Federal	\$	13,945,000
Total Appropriation	\$	42,204,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	32,592,000
General Fund Appropriation—Federal	\$	143,939,000
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Low Income Weatherization Account Appropriation	\$	4,000,000
Total Appropriation	\$	181,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,576,000 of the general fund—state appropriation is provided solely for grants to public and private nonprofit organizations to operate food banks, food distribution centers, and emergency shelters.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives Resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,136,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$325,000 of the general fund—state appropriation is provided solely for pilot demonstrations and development of model vocational programs, including a study of a technology demonstration skills center, in Lewis county.

(5) \$708,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 3 of Engrossed Substitute Senate Bill No. 5285. \$42,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 4 of Engrossed Substitute Senate Bill No. 5285. If the bill is not enacted by June 30, 1987, the amounts provided in this subsection shall lapse.

(6) The department shall review the needs of low-income migrant and seasonal workers. To the extent that funds are available, the legislature encourages the department to give special attention to low-income migrant and seasonal workers.

(7) \$360,000 of the general fund—state appropriation is provided solely for grants to three nonprofit agencies and local government agencies for local reemployment centers. In order to provide a breadth of experience and geographic dispersion, one center shall be located in King county, one center shall be located in a southwest Washington county in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year, and one center shall be located in an eastern Washington standard metropolitan statistical area in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, psychotherapy, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department. Each grant recipient must match state dollars on a one-for-one basis with non-state dollars.

(8) \$118,000 of the general fund—state appropriation is provided solely for a study to determine the economic contribution of sport and commercial salmon and sturgeon fishing.

(9) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(10) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program.

(11) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) \$187,000 of the general fund—state appropriation is provided solely for technical assistance to Okanogan county for the preparation of plans and permits relating to winter sports facilities development.

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	17,889,000
General Fund Appropriation—Federal	\$	4,615,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	28,671,000

NEW SECTION, Sec. 219. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	3,199,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	4,163,000

NEW SECTION, Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation	\$	5,000
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NEW SECTION, Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	176,000
Accident Fund Appropriation	\$	6,015,000
Medical Aid Fund Appropriation	\$	6,015,000
Total Appropriation	\$	12,206,000

NEW SECTION, Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation	\$	32,000
Public Safety and Education Account Appropriation	\$	7,866,000
Total Appropriation	\$	7,898,000

The appropriations in this section are subject to the following conditions and limitations: \$68,000 of the public safety and education account appropriation is provided solely for one-time costs associated with conversion to an incident-based uniform crime reporting system. Expenditure of these funds is contingent upon receipt of federal matching funds equal to or greater than \$68,000.

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	8,384,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,037,000
Electrical License Fund Appropriation	\$	9,620,000
Farm Labor Revolving Account Appropriation	\$	292,000
Medical Aid Fund Appropriation	\$	81,983,000
Plumbing Certificate Fund Appropriation	\$	640,000
Pressure Systems Safety Fund Appropriation	\$	1,111,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	199,992,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall study the feasibility of establishing an independent ombuds office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the

recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

NEW SECTION, Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ 4,042,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

(3) Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release. The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

NEW SECTION, Sec. 225. FOR THE HOSPITAL COMMISSION

General Fund Appropriation \$ 1,948,000

Hospital Commission Account Appropriation \$ 1,420,000

Total Appropriation \$ 3,368,000

NEW SECTION, Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State \$ 5,700,000

General Fund Appropriation—Federal \$ 146,257,000

General Fund Appropriation—Local \$ 18,373,000

Administrative Contingency Fund

Appropriation—Federal \$ 6,918,000

Unemployment Compensation Administration Fund Appropriation—Federal \$ 110,569,000

Employment Service Administration Account Appropriation—Federal \$ 2,334,000

Total Appropriation \$ 290,151,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

(4) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. 'Forest products industries' means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date the calculation is made. 'Average forest products employment' means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. The services of counter-cyclical employment members are exempt from unemployment compensation coverage under RCW 50.44.040 and the members shall be so advised by the department.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

(5) \$120,000 of the administrative contingency fund—federal appropriation is provided solely for a reemployment bonus demonstration project, contingent on the availability of federal or private funding of no less than \$500,000. The employment security department shall evaluate the effectiveness of the reemployment bonus in returning unemployed workers to employment and report to the commerce and labor committees of the senate and house of representatives by January 15, 1989. If federal or private moneys do not become available before June 30, 1988, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State	\$	2,357,000
General Fund Appropriation—Federal	\$	4,862,000
Total Appropriation	\$	7,219,000

The appropriations in this section are subject to the following conditions and limitations: \$11,000 in fiscal year 1988 and \$11,000 in fiscal year 1989 is provided for support of the deaf-blind service center.

NEW SECTION. Sec. 228. FOR THE CORRECTIONS STANDARDS BOARD

General Fund Appropriation—State	\$	185,000
General Fund Appropriation—Federal	\$	20,000
Total Appropriation	\$	205,000

NEW SECTION. Sec. 229. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	525,000
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NEW SECTION. Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	19,109,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

PART III
NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$ 1,874,000
General Fund Appropriation—Federal	\$ 16,528,000
General Fund Appropriation—Private/Local	\$ 20,000
Geothermal Account Appropriation—Federal	\$ 45,000
Building Code Council Account Appropriation	\$ 437,000
Total Appropriation	\$ 18,904,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation is provided solely to contract with the institute for public policy at The Evergreen State College to complete a comprehensive state hydropower study. The study shall: (1) Be developed in consultation with other state agencies (2) be completed by December 1, 1987, and (3) result in recommendations for a state hydropower plan for the balanced protection and development of the state's waterways.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$ 463,000
General Fund Appropriation—Private/Local	\$ 468,000
Total Appropriation	\$ 931,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$ 51,627,000
General Fund Appropriation—Federal	\$ 59,846,000
General Fund Appropriation—Private/Local	\$ 398,000
Hazardous Waste Control and Elimination Account Appropriation	\$ 2,616,000
Flood Control Account Appropriation	\$ 3,999,000
Wood Stove Public Education Account Appropriation	\$ 366,000
Special Grass Seed Burning Research Account Appropriation	\$ 40,000
Reclamation Revolving Account Appropriation	\$ 836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$ 175,000
Litter Control Account Appropriation	\$ 6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$ 761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$ 2,095,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$ 1,071,000
Stream Gaging Basic Data Fund Appropriation	\$ 139,000
Tire Recycling Account Appropriation	\$ 548,000
Water Quality Account Appropriation	\$ 2,398,000
Workers and Community Right to Know Fund Appropriation	\$ 229,000
Total Appropriation	\$ 133,539,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) A maximum of \$150,000 of the general fund—state appropriation may be expended to implement the Nisqually river task force recommendations.
- (2) \$75,000 of the general fund—state appropriation is provided solely for a wetlands restoration planning project. These funds may not be expended unless matched by a minimum of \$150,000 in federal, local, or private money.
- (3) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.
- (4) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.
- (5) \$11,950,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the state water quality plan.
- (6) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.
- (7) \$553,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(8) If House Bill No. 434 is enacted by June 30, 1987, the appropriation from the hazardous waste control and elimination account shall lapse.

(9) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, (b) contract with the department of community development to design a model oil spill contingency plan.

(10) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

(11) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

(12) Within the general fund appropriation, the department shall phase out state hazardous waste remedial action sites currently in progress and meet emergency response actions.

(13) \$288,000 from the general fund—state appropriation is provided solely for the purposes of Substitute Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 304. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Federal	\$	57,000
General Fund Appropriation—Private/Local	\$	2,726,000
Total Appropriation	\$	2,783,000

NEW SECTION, Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	35,258,000
General Fund Appropriation—Federal	\$	999,000
General Fund Appropriation—Private/Local	\$	745,000
Trust Land Purchase Account Appropriation	\$	8,784,000
Winter Recreation Parking Account Appropriation	\$	322,000
Snowmobile Account Appropriation	\$	922,000
Public Safety and Education Account Appropriation	\$	10,000
Outdoor Recreation Account Appropriation	\$	159,000
Motor Vehicle Fund Appropriation	\$	1,000,000
Total Appropriation	\$	48,199,000

The appropriations in this section are subject to the following conditions and limitations: \$416,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

NEW SECTION, Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation—State	\$	1,638,000
Outdoor Recreation Account Appropriation—Federal	\$	108,000
Total Appropriation	\$	1,746,000

The appropriations in this section are subject to the following conditions and limitations: The committee shall coordinate the preparation of a comprehensive guide of recreation trails in the state of Washington. The guide shall include maps showing the location of recreation trails and may also include information regarding available facilities and recreational opportunities. All state agencies that maintain public recreational trails shall cooperate with the preparation of the comprehensive guide. The committee shall also solicit the cooperation of federal agencies that maintain public recreational trails within the state. The committee shall submit a plan for the production and distribution of the guide to the legislature by January 1, 1988.

NEW SECTION, Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	842,000
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NEW SECTION, Sec. 308. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	602,000
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The appropriation in this section is subject to the following conditions and limitations: \$182,000 of the general fund appropriation is provided solely for carrying out the water quality plan.

NEW SECTION, Sec. 309. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation	\$	2,910,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	4,010,000

NEW SECTION, Sec. 310. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	48,465,000
General Fund Appropriation—Federal	\$	14,057,000
General Fund Appropriation—Private/Local	\$	3,651,000
Aquatic Lands Enhancement Account Appropriation	\$	425,000
Total Appropriation	\$	66,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$106,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$40,000 of the general fund—state appropriation is provided solely for the purposes of reintroducing an early coho salmon run to the Tilton river and Winston creek.

(3) \$587,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. If Senate Bill No. 5845 is not enacted by July 1, 1987, the amount provided in this subsection shall lapse.

(4) \$4,400,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for the marine fish program and shellfish program, including \$150,000 for shellfish enforcement on Hood Canal.

(5) \$150,000 of the aquatic lands enhancement account appropriation is provided solely for the preparation of an ecological impact statement on the guidelines for the management of salmon net pens in Puget Sound.

(6) The department shall present to the natural resource committees of the senate and house of representatives no later than February 1988 a report on the department's watershed plan, with specific identification of the benefits associated with the Queets hatchery and other Indian tribal agreements.

(7) \$194,000 of the general fund—state appropriation may be expended for additional feed for the Deschutes hatchery.

(8) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the department in conjunction with the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.

(9) \$150,000 of the general fund—state appropriation is provided solely to maintain and operate the Toutle river fish collection facility.

NEW SECTION, Sec. 311. FOR THE DEPARTMENT OF GAME

ORV (Off-Road Vehicle) Account Appropriation	\$	256,000
Aquatic Lands Enhancement Account Appropriation	\$	275,000
Public Safety and Education Account Appropriation	\$	515,000
Game Fund Appropriation—State	\$	36,821,000
Game Fund Appropriation—Federal	\$	15,142,000
Game Fund Appropriation—Private/Local	\$	1,856,000
Game Fund—Special Wildlife Account Appropriation	\$	423,000
Total Appropriation	\$	55,288,000

The appropriations in this section are subject to the following conditions and limitations:

The department shall, in carrying out its responsibilities under the timber, fish, and wildlife agreement, accomplish the following:

(a) Perform the necessary data collection, research and monitoring programs which examine the differences, and make provisions for those differences, between eastern and western Washington timber, fish, and wildlife agreement; and

(b) Conduct a study on the department's cooperative road closure program and land-owner education program in eastern Washington.

NEW SECTION, Sec. 312. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	36,170,000
General Fund Appropriation—Federal	\$	78,000
General Fund Appropriation—Private/Local	\$	20,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	21,136,000
Survey and Maps Account Appropriation	\$	773,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	106,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,636,000
Resource Management Cost Account Appropriation	\$	52,495,000
Total Appropriation	\$	115,516,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by July 1, 1987, this amount shall lapse.

(2) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(3) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-

cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(4) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(5) \$100,000 of the general fund—state appropriation is provided solely for interim relocation of all department staff presently located in the John A. Cherberg building.

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	15,993,000
General Fund Appropriation—Federal	\$	601,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000
Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Total Appropriation	\$	19,504,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$25,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

(6) \$50,000 of the general fund—state appropriation is provided for disposal of hazardous waste pesticides.

(7) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

(8) \$80,000 of the general fund—state appropriation is provided solely for the aquaculture program.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	23,759,000
Motor Vehicle Fund Appropriation	\$	532,000
Total Appropriation	\$	24,291,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department, in concert with participating state agencies, shall develop a reporting system to document the work and results of state business assistance programs. The department shall forward annual reports to the ways and means committees of the house of representatives and senate, the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate, including but not limited to jobs created, investment generated, and measures of technical assistance provided and other program activities.

(2) \$301,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs. State funds for small business development center programs in Lewis county shall not be reduced from the level provided in the 1985-1987 biennium. \$106,000 of this \$301,000 appropriation shall be used for new or expanded programs in the distressed counties of Cowlitz, Skagit, Grays Harbor and Lewis.

(3) \$625,000 of the general fund appropriation is provided solely for contracts with the export assistance center of Washington. At least \$100,000 of the amount provided in this subsection shall be used by the department and the export finance center for the development of a coordinated outreach program for trade information services and export finance assistance. In developing this program, the department and export finance center shall work with the business assistance center, ports, and other users and suppliers of trade services.

(4) \$600,000 of the general fund appropriation is provided solely for the business assistance center. The center, in concert with participating state agencies, shall develop a reporting system to document the work and results of state business assistance programs. The center shall forward annual reports to the ways and means committees of the house of representatives and senate, the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate, including but not limited to jobs created, investment generated, and measures of technical assistance provided and other program activities.

(5) The department shall analyze market trends and investment opportunities in at least eight key sectors of the Washington economy. The department shall publish five-year projections of selected mature and growth industries with current or potentially large impacts on the state economy, including barriers to competitiveness, potential market niches, investment trends, and their relationship to state economic development efforts. The department shall work in concert with the Washington state economic development board, the department of community development, CENTRAFOR, IMPACT, the employment security department, and the private sector to develop these industry studies and to analyze strategies for the retention and development of high-wage jobs.

(6) \$7,000,000 of the general fund appropriation is provided solely for the University of Washington for the continuation of the Washington high technology center and \$300,000 of the general fund appropriation is provided solely for the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(7) \$225,000 of the general fund appropriation is provided solely for preparation, if warranted, of a proposal to the federal department of energy that the proposed superconducting supercollider be located in Washington state.

(8) The department shall contract with associate development organizations for maintaining a readiness to assist the department in recruiting new firms, for assisting local businesses, for maintaining industrial property, labor force, power and other information, and for having available personnel with adequate knowledge to assist the state. Said readiness shall be audited by the department at least once each year.

NEW SECTION. Sec. 315. FOR THE ECONOMIC DEVELOPMENT BOARD

General Fund Appropriation—State	\$	535,000
General Fund Appropriation—Private/Local	\$	100,000
Total Appropriation	\$	635,000

NEW SECTION. Sec. 316. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	8,000,000
State Centennial Commission Account Appropriation	\$	2,540,000
Total Appropriation	\$	10,540,000

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

NEW SECTION. Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account Appropriation	\$	9,320,000
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The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 5901 is not enacted by June 30, 1987, the appropriation in this section shall lapse.

NEW SECTION. Sec. 318. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	27,000
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PART IV
TRANSPORTATION

NEW SECTION, Sec. 401. FOR THE STATE PATROL

Death Investigations Account Appropriation	\$ 24,000
General Fund Appropriation—State	\$ 16,938,000
General Fund Appropriation—Federal	\$ 2,974,000
General Fund Appropriation—Private/Local	\$ 1,769,000
Total Appropriation	\$ 21,705,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$471,000 of the general fund—state appropriation shall be spent on crime labs. \$1,424,000 of the general fund—federal appropriation is provided solely for crime labs if federal narcotics enforcement moneys are granted to the state. If these moneys are not granted to the state, an additional \$471,000 of the general fund—state appropriation shall be spent on crime labs. If the additional \$471,000 is spent on crime labs, the expenditure for the narcotics section shall not exceed the expenditures for that purpose during the 1985-1987 biennium.

(2) \$431,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5063. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse. Fees resulting from implementation of the bill shall be placed in the state general fund.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to establish a separate unit to provide expertise in the investigation of major crimes and to provide assistance to law enforcement entities throughout the state at their request. The state patrol shall develop a computer data base and record system to store crime scene information to assist in major crimes investigations and to make such data readily available to all law enforcement agencies. The chief of the state patrol shall contract with the Green river task force to develop the expertise for these activities. A maximum of \$100,000 may be expended for this purpose.

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$ 15,466,000
Architects' License Account Appropriation	\$ 765,000
Health Professions Account Appropriation	\$ 9,601,000
Medical Disciplinary Account Appropriation	\$ 1,195,000
Professional Engineers' Account Appropriation	\$ 1,207,000
Real Estate Commission Account Appropriation	\$ 4,936,000
Total Appropriation	\$ 33,170,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system. This funding is contingent on interagency transfers totaling \$548,000 in value. The office of financial management shall determine: (a) Which agencies shall make transfers to the department of licensing; (b) how much each agency shall transfer; and (c) whether the transfers shall be money or in-kind.

(3) \$163,000 of the general fund appropriation, \$155,000 of the architects' license account appropriation, \$161,000 of the medical disciplinary account appropriation, \$544,000 of the health professions account appropriation, \$121,000 of the professional engineers' account appropriation, and \$229,000 of the real estate commission account appropriation shall be placed in reserve status by the office of financial management pending reappropriation by the legislature during the 1988 session. The department shall submit a report prior to December 1, 1987, to the ways and means committees of the senate and house of representatives describing and justifying the methods used to set the fees charged for professional regulation.

PART V
EDUCATION

NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$ 17,701,000
General Fund Appropriation—Federal	\$ 10,683,000
Public Safety and Education Account Appropriation	\$ 456,000
Total Appropriation	\$ 28,840,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$364,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs. \$50,000 of this amount shall be used to contract for services to expand the program to include Latin America.

(3) \$18,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$50,000 of the general fund—state appropriation is provided solely for pilot programs for Hispanic dropout prevention and retrieval.

(5) \$43,000 of the general fund—state appropriation is provided solely for the purchase of multi-cultural/multi-ethnic instructional materials to be distributed to all elementary and secondary school buildings in the state.

(6) The superintendent of public instruction shall, jointly with the state board for community college education, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(7) \$35,000 of the general fund—state appropriation is provided solely for the development of a horticulture greenhouse project within the Sequim school district.

NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 10,010,000

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION, Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 3,706,298,000
 Revenue Accrual Account Appropriation \$ 55,100,000
 Total Appropriation \$ 3,761,398,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,646,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated salary as determined under section 504(3)(a) of this act by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 505 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (h) of this subsection:

(i) Fifty certificated staff units for each one thousand full time equivalent kindergarten through twelfth grade students;

(ii) For the 1987-88 school year, three additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three; and

(iii) For the 1988-89 school year, four additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three.

(iv) If it is the intent of the legislature that school districts use the increased funds provided in subsection (2)(a) of this section to provide improved adult-student classroom ratios and, to the extent possible, additional certificated instructional staff.

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) For the 1987-89 school year one certificated staff unit for each seventeen and one-tenth full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction. For the 1988-89 school year one certificated staff unit for each sixteen and two-thirds students enrolled in a vocational educational program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be one certificated staff unit for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-twentieth of a certificated staff unit for each additional student enrolled; and

(i) For those enrolling students in either grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-tenth of a certificated staff unit for each additional student enrolled.

(e) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, three certificated staff units; and

(ii) For enrollments of up to twenty annual average full time equivalent students in grades seven and eight, one certificated staff unit.

(f) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated staff unit.

(g) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated staff unit.

(h) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per each additional forty-three and one-half average annual full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 504(3)(b) of this act by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit per each three certificated staff units allocated under such subsection.

(b) For all other enrollments, including vocational enrollments recognized under subsection (2)(c) of this section, but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and 19.53 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17 percent in the 1987-88 school year and 17.12 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,049 per certificated staff unit in the 1987-88 school year and a maximum of \$6,267 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$11,526 per certificated staff unit in the 1987-88 school year and a maximum of \$11,941 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of \$3,176,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$342,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,121,000 may be expended in fiscal year 1989.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of section 1 of Engrossed Second Substitute House Bill No. 455, the increase per full time equivalent student in the state basic education appropriation provided under this section is 3.1 percent between the 1986-87 and 1987-88 school years, and 3.7 percent between the 1987-88 and 1988-89 school years.

(10) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of section 101 of Engrossed Second Substitute House Bill No. 455, the following shall be recognized as levy reduction funds:

(a) For certificated staff units generated under subsection (2)(a)(ii) of this section, all allocations for nonemployee related costs and one-half of all allocations for certificated salaries and benefits; and

(b) For certificated staff units generated under subsection (2)(a)(iii) of this section, one-third of all allocations including salaries, benefits, and nonemployee related costs.

(11) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent of public instruction shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(12) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. Any school district receiving an allocation under this subsection must certify that funding distributed for its remote and necessary school plants under this subsection and subsection (2)(d) of this section is used solely for programs for students enrolled in these school plants. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

(13) The revenue accrual account appropriation in this section is provided solely for pension contribution allocations under subsection (4) of this section.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation \$ 108,074,000

For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(1)(a) 'LEAP Document 10A' means the computer tabulation of 1986-87 derived base salaries for basic education certificated staff and 1986-87 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:07 hours.

(b) 'LEAP Document 1' means the computer tabulation of staff mix factors characterizing certificated staff by educational experience and years of service, as developed by the legislative evaluation and accountability program committee on April 20, 1981, at 11:35 hours.

(c) 'Incremental fringe benefits' means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in this section.

(2) For the purposes of RCW 28A.58.095 and section 503(10) of this act, the following conditions and limitations apply:

(a) Effective January 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the sum of: (i) The district's certificated derived base salary as shown on LEAP Document 10A; and (ii) 3 percent of the state-wide average certificated derived base salary shown on LEAP Document 10A.

(b) Effective January 1, 1989, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the sum of: (i) The district's maximum certificated derived base salary for the 1987-88 school year under (a) of this subsection; and (ii) 3.09 percent of the state-wide average certificated derived base salary as shown on LEAP Document 10A.

(c) Effective January 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's average classified salary as shown on LEAP Document 10A; and (ii) 3 percent of the state-wide average classified salary shown on LEAP Document 10A.

(d) Effective January 1, 1989, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum

of: (l) The district's maximum average classified salary for the 1987-88 school year under (c) of this subsection; and (li) 3.09 percent of the state-wide average classified salary as shown on LEAP Document 10A.

(e) The maximum percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

(f) (i) The maximum percentage increase in each district's certificated derived base salary shall not exceed the percentage increase authorized pursuant to this section in the district's basic education certificated derived base salary.

(ii) The maximum percentage increase in each district's classified average salary shall not exceed the percentage increase authorized pursuant to this section in the district's basic education average classified salary.

(g) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1987-88 or 1988-89 school year which would raise the rate per full time equivalent unit to more than \$167 per month.

(h) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(i) School districts may elect an alternate measure of salary compliance for classified staff by comparing average salaries for the current school year to the imputed classified average salary that was or would have been paid the same staff in the same positions during the prior school year if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year thereafter is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(j) For the purposes of this subsection and implementation of RCW 28A.58.095, 'basic education' means those school district programs defined in the accounting manual for public schools in the state of Washington as 01 - Basic Education, 31 - Vocational Secondary, 94 - General Instructional Support, and 97 - General Support Services;

(3)(a) For the purposes of the appropriation in section 503 of this act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary as shown on LEAP Document 10A, multiplied by the district's prior year staff mix factor for basic education certificated staff calculated using LEAP Document 1.

(b) For the purposes of the appropriation in section 503 of this act, each district's average basic education classified salary allocation shall be the amount shown on LEAP Document 10A.

(4)(a) \$57,030,000 is provided to increase funding for each basic education certificated staff unit allocated for the 1987-88 and 1988-89 school years under section 503(2) of this act by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by 3 percent of the state-wide average certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(b) \$18,928,000 is provided to increase funding for each basic education certificated staff unit allocated under section 503(2) of this act for the 1988-89 school year by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by 3.09 percent of the state-wide average certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(c) \$11,300,000 is provided to increase funding for each basic education classified staff unit allocated for the 1987-88 and 1988-89 school years under section 503(3) of this act by 3 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(d) \$3,745,000 is provided to increase funding for each basic education classified staff unit allocated under section 503(3) of this act for the 1988-89 school year by 3.09 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(5) A maximum of \$6,460,000 is provided to implement salary increases for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection are for 3 percent salary increases effective January 1, 1988, and January 1, 1989, including costs of incremental fringe benefits, and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 507 of this act shall be increased by \$7.81 per pupil for the 1987-88 school year and by \$19.77 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 508 of this act shall be increased by \$5.94 per pupil for the 1987-88 school year and by \$15.03 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 509 of this act shall be increased by \$4.62 per pupil for the 1987-88 school year and by \$11.71 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 511 of this act shall be increased by \$41.49 per full time equivalent student for the 1987-88 school year, and by \$105.07 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 514 of this act shall be increased by \$0.31 per weighted pupil-mile for the 1987-88 school year, and by \$0.79 per weighted pupil-mile for the 1988-89 school year.

(6) A maximum of \$10,611,000 is provided for salary increases and incremental fringe benefits for state-supported certificated and classified staff allocations in the handicapped program and state-supported staff in institutional education programs and educational service districts. Such moneys shall be distributed to implement a maximum salary increase of 3 percent effective January 1, 1988, and an additional 3 percent salary increase effective January 1, 1989.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY EQUALIZATION

General Fund Appropriation \$ 12,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to equalize the certificated derived base salaries and the statewide average classified salaries on January 1, 1988. For allocation purposes, the superintendent shall use the instructional staff allocation schedule defined in either HB 455 or SB 5909 if either is enacted by June 30, 1987.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ 49,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this section is to provide a grant, in addition to the district's basic education allocation, to each school district based on full-time equivalent student enrollment to meet the educational needs of each district.

(2) School districts shall be eligible to receive a grant in addition to their basic education allocation. This additional grant shall be distributed to local school districts from the superintendent of public instruction on the basis of full-time equivalent students. For districts enrolling not more than one hundred average annual full-time equivalent students, except as otherwise specified, and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, the grant shall be distributed as follows:

(a) For grades K-6, for districts enrolling not more than sixty average full-time equivalent students, the grant shall be based on sixty full-time equivalent students;

(b) For grades 7 and 8, for districts enrolling not more than twenty average full-time equivalent students, the grant shall be based on twenty full-time equivalent students; and

(c) For districts that have high schools with sixty or fewer full-time equivalent students, the grant shall be based on sixty full-time equivalent students.

(3) For the 1987-89 biennium, each school district shall receive, in addition to the basic education allocation, a grant of no less than \$67.50 per full time equivalent student.

(4) For the purposes of this section, each school board shall:

(a) Assess the needs of the schools within the district;

(b) Assign priority to addressing the identified needs;

(c) Prepare a comprehensive two-year plan to address the priority needs identified by the committee within the grant funding limitations; and

(d) Develop an evaluation methodology to assess specifically how the expenditure of the grants demonstrate a direct educational benefit to the pupils within the district.

(5) New or existing programs enhanced by the funds provided to districts by a grant under this chapter shall not become a part of the state's basic education obligation as set forth by the Constitution.

(6) Funding appropriated and plans developed shall not be subject to collective bargaining.

(7) No school district board of directors may grant salary and compensation increases from a grant under this chapter in excess of the amount and or percentage as may be provided for employees as set forth in the state operating appropriations act in effect at the time the compensation is payable.

(8) Local district grants may be used to fund any or all of the following activities:

(a) Innovative programs to increase the adult-pupil ratio without increasing the number of certificated staff, including but not limited to:

- (i) Providing stipends to competent retired teachers to return them to the classroom as 'team teachers' or classroom assistants;
- (ii) Providing stipends to teachers' aides;
- (iii) Providing incentives to administrators who spend a portion of their work day in the classroom team teaching or providing classroom assistance;
- (iv) Providing recognition to citizen volunteers who assist in the classroom;
- (v) Providing training programs for classroom assistants, including volunteers; and
- (vi) Purchasing equipment that directly relates to classroom instruction or assists the teacher in minimizing time away from teaching.

(b) Dropout prevention and retrieval programs, including, but not limited to:

- (i) Curriculum development;
- (ii) Public and private sector partnerships in expanding offerings in programs such as 'Choices' and the 'Registry' program;
- (iii) Alternative learning program development;
- (iv) Enhancement of vocational, career, college, and pupil advisory programs;
- (v) Elementary school advisory programs;
- (vi) Mentor pupil programs such as 'Natural Helpers'; and
- (vii) Curriculum materials and equipment purchases.

(c) Drug and alcohol abuse programs, including, but not limited to:

- (i) In-service staff training programs for the identification of students at-risk; and
- (ii) Community services networking to direct students who are substance abusers to appropriate treatment facilities.

(d) Early childhood programs, including but not limited to:

- (i) A parents as first teachers program that provides for resource materials on home learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other appropriate activities to enable parents to improve learning in the home, understand the relationship between developmental stages and behavior, and monitor their children's growth and development relating to understanding and use of language; perception through sight and hearing; motor development and hand-eye coordination; and health, physical development, and emotional, social, and mental development;

(ii) Nutritional programs;

(iii) Parental participation programs; and

(iv) Child day-care programs.

(e) In-service training programs for staff development including, but not limited to:

- (i) Funding speakers or group leaders to deliver in-service training to staff;
 - (ii) Program materials and equipment;
 - (iii) Tuition, registration fees, and associated fees for attendance at seminars, workshops, or courses that directly relate to enhancing adult training for classroom duties; and
 - (iv) Travel reimbursement directly related to in-service training.
- (f) Programs that develop and promote logical reasoning and improved analytical skills, including programs for highly capable students.

(9) Stipends may be awarded under RCW 28A.58.093 to certificated or classified staff who assume extra duties that specifically relate to any activities included in subsection (10) of this section.

(10) Small or rural districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds.

(11) The superintendent of public instruction shall make a comprehensive report to the legislature on the use of the local district grants and the educational benefits derived therefrom by January 31, 1989.

NEW SECTION, Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	407,476,000
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	452,794,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,565,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on March 17, 1987, at 11:07 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

NEW SECTION, Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	20,121,000
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	27,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,577,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,097,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,129,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student.

(b) \$2,979,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,407 per full time equivalent student.

(c) \$370,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,494 per full time equivalent student.

(d) \$564,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,395 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,055,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,014 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,298 per full time equivalent student and a total allocation of no more than \$3,735,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$5,412 per full time equivalent student and a total allocation of no more than \$2,896,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$3,504 per full time equivalent student and a total allocation of no more than \$371,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,387 per full time equivalent student and a total allocation of no more than \$560,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,024 per full time equivalent student and a total allocation of no more than \$2,060,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$153,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

NEW SECTION, Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation	\$	11,294,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,174,000 is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

NEW SECTION, Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation	\$	54,148,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,982,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 and 1988-89 school years at a maximum rate of \$407 per unit as calculated pursuant to this subsection. The number of units for each

school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.

(3) If Substitute Senate Bill No. 5632 is not enacted by June 30, 1987, \$6,137,000 of the appropriation in this section shall lapse and the rate in subsection (2) of this section shall be \$357 per unit.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 5,288,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$482,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) \$2,483,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$339 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$342 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

(5) From the appropriation in this section, the superintendent of public instruction shall provide allocations to the University of Washington for tuition costs of needy students enrolled in the early entrance program or transition school for academically gifted children. For the purposes of this subsection, 'needy students' means students under seventeen years of age who are enrolled in such programs and who meet financial need criteria which are equivalent to those established under RCW 28B.10.810. The University of Washington shall reduce charges for such students by the amounts received under this subsection.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal \$ 123,866,000
 (1) Education Consolidation and Improvement Act \$ 120,554,000
 (2) Education of Indian Children \$ 290,000
 (3) Adult Basic Education \$ 3,022,000

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 72,536,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,902 per student for a maximum of 12,050 full time equivalent students.

(2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of \$2,944 per student for a maximum of 12,050 full time equivalent students.

(3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.

(5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.

(6) \$100,000 is provided solely to conduct a feasibility study and needs assessment for a vocational technical institute in the Seattle area.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State \$ 11,784,000
 General Fund Appropriation—Federal \$ 4,000,000
 Total Appropriation \$ 15,784,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$855,000 of the general fund—state appropriation is provided solely for a contract with the Pacific Science Center for travelling van programs and other educational services for public schools. The Pacific Science Center shall work towards an equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(2) \$84,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$4,000,000 of the general fund—federal appropriation is provided solely for the implementation of the substance abuse prevention programs.

(4) \$5,500,000 of the general fund—state appropriation is provided for solely for the implementation of the drop-out prevention and retrieval provisions of Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(5) \$2,020,000 of the general fund—state appropriation is provided solely for the implementation of the schools for the twenty-first century pilot programs established by Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(6) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under Substitute Senate Bill No. 5622. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(7) \$225,000 of the general fund—state appropriation is provided solely for child abuse education provisions of Engrossed Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund—state appropriation is provided solely for grants to field-test teacher evaluation models in local school districts.

NEW SECTION, Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$1,688,000 of this appropriation shall be expended during fiscal year 1988.

(2) \$635,000 is provided solely to extend services to counties that were not served by educational clinics during the 1985-87 fiscal biennium.

NEW SECTION, Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CAREER LADDER DEMONSTRATION PROJECT

General Fund Appropriation \$ 1,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely to establish an experimental career ladder program to be conducted by a school district with more than 16,000 students. The school district shall use the career ladder model established under the study conducted by the temporary committee on educational policies, structure and management, or shall use the model developed by an independent Washington organization which has made recommendations on career ladder models.

(2) \$500,000 is provided solely to establish an experimental career ladder program to be conducted by a school district with less than 16,000 students. The school district shall use the career ladder model established under the study conducted by the temporary committee on educational policies, structure and management, or shall use the model developed by an independent Washington organization which has made recommendations on career ladder models.

(3) The superintendent of public instruction is authorized to select participating school districts upon application by the school districts.

NEW SECTION, Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 217,528,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,678,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$96,075,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

NEW SECTION, Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation \$ 13,391,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$565,000 may be expended for regional traffic safety education coordinators.

NEW SECTION, Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$	6,000,000
General Fund Appropriation—Federal	\$	68,154,000
Total Appropriation	\$	74,154,000

NEW SECTION, Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State	\$	3,375,000
General Fund Appropriation—Federal	\$	4,677,000
Total Appropriation	\$	8,052,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$145,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific Science Center.

(3) \$2,129,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$832,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs.

NEW SECTION, Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal	\$	24,085,000
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NEW SECTION, Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State	\$	9,613,000
General Fund Appropriation—Federal	\$	148,000
Total Appropriation	\$	9,761,000

NEW SECTION, Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation	\$	5,201,000
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**PART VI
HIGHER EDUCATION**

NEW SECTION, Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington	\$	7,964
Washington State University	\$	6,724

Central Washington University, Eastern Washington University, The

Evergreen State College, and Western Washington University:

The first 3000 FTE Students	\$	6,040
Each Student over 3000 FTE	\$	3,941
State Board for Community College Education	\$	2,854

(3) Each institution of higher education and the state board for community college education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students;

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expend the equipment enhancement authorized in sections 602 through 608 of this act;

(e) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(f) The process for evaluating and accepting students for admission into the institution or the system;

(g) Any process developed by the institution or the system for evaluating student performance;

(h) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(i) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention; and

(j) The annual faculty turnover rates experienced by the institution or the system.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education, in cooperation with the office of financial management, shall study the cost of faculty salary increments, including savings from full time faculty turnover, identify the faculty salary increment policy at each college district, and report the findings and recommendations to the 1989 regular session of the legislature.

(5) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(6) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

(7) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

University of Washington	\$	522,000
Washington State University	\$	225,000
Central Washington University	\$	113,000
Eastern Washington University	\$	150,000
The Evergreen State College	\$	75,000
Western Washington University	\$	150,000

(8) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington	\$	3,893,000
Washington State University	\$	2,083,000
Central Washington University	\$	440,000
Eastern Washington University	\$	489,000
The Evergreen State College	\$	212,000
Western Washington University	\$	575,000
State Board for Community College Education	\$	4,036,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

(9) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, 'faculty' includes all instructional and research faculty, academic deans, departmental chairpersons, teaching and research assistants, and medical residents: PROVIDED, That state-funded part time faculty at four-year institutions and the community college system as a whole shall be considered 'exempt.' 'Exempt staff' includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year

institution librarians and counselors who are exempt from the classified service system: PROVIDED, That the librarians and counselors in the state community college system shall be considered 'faculty.'

University of Washington	\$	19,266,000
Washington State University	\$	9,493,000
Central Washington University	\$	2,159,000
Eastern Washington University	\$	2,469,000
The Evergreen State College	\$	1,069,000
Western Washington University	\$	2,893,000
State Board for Community College Education	\$	14,283,000
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide the faculty at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%
Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Part time faculty and exempt staff at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

Exempt librarians and counselors at the four-year institutions may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt salary increases is within the amounts provided in this subsection.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(10) In addition to the 6.4 and 6.3 percent salary increases provided to community college faculty in subsection (9) of this section, \$760,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate these funds as follows:

Lower Columbia College	\$	83,000
Shoreline Community College	\$	163,000
Community College of Spokane	\$	358,000
Skagit Valley College	\$	77,000
Whatcom Community College	\$	13,000
Community College District 12	\$	35,000
Walla Walla Community College	\$	13,000
Highline Community College	\$	18,000

(11) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified employees to provide a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	3,501,000
Washington State University	\$	2,365,000
Central Washington University	\$	478,000
Eastern Washington University	\$	583,000
The Evergreen State College	\$	337,000
Western Washington University	\$	652,000

State Board for Community College Education	\$	3,166,000
Higher Education Coordinating Board	\$	23,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(12) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (9) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsections (9) and (10) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$	536,125,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$170,000 shall be spent solely for necessary expenditures attributable to the fire of February 16, 1987, at Everett Community College.

(2) At least \$480,000 shall be spent by the state board for community college education for the literacy tutor coordination project.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	517,455,000
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	523,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,017,000 of the general fund appropriation is provided solely for equipment.

(2) At least \$1,500,000 shall be spent to increase state funded applied research and public policy studies.

(3) A maximum of \$1,504,000 shall be spent to enlarge the dimensions of the international studies program focusing on the Pacific Rim.

(4) The university shall conduct research on the health and safety hazards of video display terminals in the workplace. No more than \$75,000 shall be expended for this purpose.

(5) \$400,000 of the general fund appropriation is provided solely to conduct a study of the potential environmental and economic impacts of oil and gas exploration off the coast of Washington.

(6) A maximum of \$75,000 shall be spent to identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service employees and for start-up costs of the day care centers.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	286,800,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,950,000 is provided solely for equipment.

(2) \$300,000 is provided solely to continue the Yakima nursing training program.

(3) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.

(4) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

(5) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	81,248,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,214,000 is provided solely for equipment.

(2) \$150,000 is provided solely for start-up and operation of the health research and education center in Spokane.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation	\$	69,140,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,065,000 is provided solely for equipment.

(2) \$310,000 is provided solely to assist Central Washington University's school of business in achieving accreditation.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	40,028,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$958,000 is provided solely for equipment.

(2) \$400,000 of the general fund appropriation is provided solely for the Washington state center for the improvement of the quality of undergraduate education.

(3) \$300,000 of the general fund appropriation is provided solely for summer seminars in coordination with the national faculty of humanities, arts and sciences to improve the quality of teaching in high schools and community colleges.

(4) \$200,000 is provided solely for a labor center which will serve as a mechanism for offering labor-related short courses and seminars in continuing education. The college shall endeavor to obtain additional funds for the center from nonstate funds.

NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$ 88,343,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,632,995 is provided solely for equipment.

(2) \$96,000 of the general fund appropriation is provided solely for development of a value-added testing program to measure educational attainment of students while enrolled at the university.

NEW SECTION, Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State	\$ 53,580,000
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General Fund Appropriation—Federal	\$ 3,471,000
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State Educational Grant Appropriation	\$ 40,000
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Total Appropriation	\$ 57,091,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$43,392,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount, a minimum of \$18,100,000 shall be expended for work study grants. The state need grant program shall emphasize, to the extent possible, the provision of aid to low-income single parents with dependents.

(2) \$5,000,000 of the general fund—state appropriation is provided solely for the distinguished professor trust fund.

(3) If Substitute House Bill No. 857, establishing the future teachers conditional scholarship program, is not enacted by June 30, 1987, \$300,000 of the general fund—state appropriation shall lapse.

(4) \$650,000 of the general fund—state appropriation is provided solely for grants for innovative projects that will improve the quality of education in the state's higher education system. Grants may be awarded to state agencies and institutions of higher education for projects submitted for educational improvements in one or more of the areas listed below:

(a) Curriculum development for a masters in teaching degree program;

(b) The quality of the teaching and learning environment at the undergraduate level;

(c) The assessment of the effectiveness of institutions in achieving educational goals;

(d) The number of students from targeted populations participating at and matriculating from institutions of higher education;

(e) Articulation between two-year and four-year institutions.

The board shall establish a competitive evaluation process for selecting projects to be awarded grants and shall report to the legislature the results of the research projects. The grants shall not be used to supplant funds currently available for such purposes.

(5) \$900,000 of the general fund—state appropriation is provided solely for the displaced homemaker program.

NEW SECTION, Sec. 610. FOR WASHINGTON STATE LIBRARY

General Fund Appropriation—State	\$ 9,280,000
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General Fund Appropriation—Federal	\$ 4,399,000
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General Fund Appropriation—Private/Local	\$ 634,000
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Western Library Network Computer System Revolving Fund Approp- riation—Private/Local	\$ 12,556,000
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Total Appropriation	\$ 26,869,000
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NEW SECTION, Sec. 611. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$ 85,000
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NEW SECTION, Sec. 612. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation	\$ 1,947,000
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NEW SECTION, Sec. 613. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$ 3,409,000
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General Fund Appropriation—Federal	\$ 780,000
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Total Appropriation	\$ 4,189,000
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NEW SECTION, Sec. 614. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$ 863,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$70,000 is provided solely for costs of the Smithsonian Institution's 'Magnificent Voyagers' exhibit.

(2) \$83,000 is provided solely to fund an assistant director position to assist in the implementation of the society's long-range plan. The plan includes, but is not limited to, increasing private funds to support operational costs, achieving national accreditation, and improving current programs.

NEW SECTION, Sec. 615. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation—State	\$	685,000
General Fund Appropriation—Federal	\$	88,000
Total Appropriation	\$	773,000
NEW SECTION, Sec. 616. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION		
General Fund Appropriation	\$	746,000
State Capitol Historical Association Museum Account Appropriation	\$	117,000
Total Appropriation	\$	863,000

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION, Sec. 701. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS		
General Fund Appropriation—State	\$	45,845,000
General Fund Appropriation—Federal	\$	9,645,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	36,835,000
Total Appropriation	\$	92,325,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$30,722,000 of the general fund—state appropriation, \$9,644,000 of the general fund—federal appropriation, and \$25,397,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$1,000 of the general fund—federal appropriation and \$82,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for higher education personnel board classified and exempt employees employed by the higher education coordinating board and the higher education personnel board. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective January 1, 1988, followed by an additional three percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(4) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(5) (a) The monthly contributions for insurance benefits shall not exceed \$167.00 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(7) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

(8) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board or the higher education personnel board.

NEW SECTION, Sec. 702. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system.

		FY 1988	FY 1989
Revenue Accrual Account Appropriation	\$	57,134,000	52,866,000
Total Appropriation		\$110,000,000	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

		FY 1988	FY 1989
General Fund Appropriation	\$	1,350,000	1,350,000
Total Appropriation		\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

		FY 1988	FY 1989
General Fund Appropriation	\$	800,000	800,000
Total Appropriation		\$1,600,000	

(4) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.22% of earnable compensation for the 1987-89 biennium.

(5) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.92% of compensation earnable for the 1987-89 biennium.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation, the level recommended by the state actuary.

NEW SECTION, Sec. 703. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

		FY 1988	FY 1989
General Fund Appropriation	\$	1,300,000	1,300,000
Total Appropriation		\$2,600,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund—state appropriation shall be distributed to state agencies for the purpose of additional contributions required for the public employees' retirement system as a result of Senate Bill No. 5150.

(2) \$2,000,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of Senate Bill No. 5150.

(3) If Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse.

NEW SECTION, Sec. 704. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State	\$	2,000,000
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The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION, Sec. 705. FOR THE GOVERNOR—INDIAN CLAIMS

General Fund Appropriation	\$	4,000,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Before June 30, 1988, the governor, through the department of community development, in consultation with the attorney general, may use all or any portion of the amount appropriated for the purpose of settling the claims of the Puyallup Indian tribe to lands formerly lying beneath the Puyallup river.

(2) On and after July 1, 1988, the governor through the department of general administration may provide for purchasing, for current or future public purposes, any land for which the tribal claim remains unsettled, subject to all of the following:

(a) Before March 31, 1989, the owner of the land must offer in writing to sell the land at a price not exceeding what its market value would be without the tribal claim.

(b) If a parcel lies partially on lands formerly beneath the Puyallup river and partially outside such lands, the department also may elect to purchase all or part of the portion lying outside such lands if the purchase is reasonably necessary to make the purchased land suitable for a public purpose.

(c) The sale to the state of each parcel shall include an assignment of any rights the landowner has against others for defects in title to the land.

(d) In order to facilitate the use of the land for a public purpose, the department may purchase parcels conditioned on access being provided by the seller or other landowners. The department may also use any other lawful means to gain access to the purchased land.

(3) Up to \$100,000 of the appropriation may be used by the department of community development to conduct a study of other Indian claims. An initial report shall be presented to the legislature by December 31, 1987.

NEW SECTION, Sec. 706. FOR THE GOVERNOR—UNIFIED BUSINESS IDENTIFIER

General Fund Appropriation	\$	2,984,000
Accident Fund Appropriation	\$	281,000
Medical Aid Fund Appropriation	\$	281,000
Total Appropriation	\$	3,546,000

NEW SECTION, Sec. 707. FOR THE GOVERNOR—STATE AND LOCAL CONTROLLED SUBSTANCES ENFORCEMENT ASSISTANCE

General Fund Appropriation—Federal	\$	3,557,000
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NEW SECTION, Sec. 708. FOR THE GOVERNOR—LEGAL SERVICES AUGMENTATION

General Fund Appropriation	\$	2,520,000
Special Fund Agency Legal Services Augmentation Revolving Fund Appropriation	\$	3,780,000
Total Appropriation	\$	6,300,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of the legal services augmentation from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency legal services augmentation revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for legal services augmentation.

NEW SECTION, Sec. 709. FOR THE GOVERNOR—ARTS STABILIZATION

General Fund Appropriation	\$	600,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a state-wide stabilization program for arts organizations which have annual budgets exceeding \$200,000.

NEW SECTION, Sec. 710. FOR THE GOVERNOR—CONTINGENCY RESERVE

General Fund Appropriation	\$	12,500,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purposes of supplementing appropriations provided in sections 208 and 210 of this act if anticipated savings resulting from the expansion of mandatory monthly reporting for caseload administrative control are not realized.

NEW SECTION, Sec. 711. FOR THE GOVERNOR—VOCATIONAL EDUCATION AND TRAINING

General Fund Appropriation—State	\$	4,607,000
General Fund Appropriation—Federal	\$	22,562,000
Total Appropriation	\$	27,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) These appropriations are provided solely to carry out functions previously maintained by the commission for vocational education, which was terminated effective June 30, 1987, by RCW 43.131.288.

(2) The governor may designate by executive order the agency or agencies necessary to maintain and continue the availability of federal funds and the programs related thereto, such as the Carl Perkins vocational act, the federal job training and partnership act, and federal veterans administration approval of schools, pursuant to RCW 43.06.120.

(3) The governor may designate by executive order the agency or agencies whose substantive authority would allow them to carry out programs which were previously administered by the commission for vocational education and which were not terminated by RCW 43.131.288, such as the private vocational schools act, the job skills program, and the Washington award for vocational excellence.

(4) No state funds may be used by the advisory council for vocational education.

NEW SECTION, Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	19,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	92,300

NEW SECTION, Sec. 713. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	316,600
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General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for

fiscal year 1990, for credit to the fiscal year in which earned	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	2,500,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation during the period July 1, 1987 through June 30, 1989	\$	14,200,000

NEW SECTION. Sec. 714. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

- | | | |
|---|----|-----------|
| (1) In settlement of all claims for expenses in State v. Blanusca, Superior Court for Pierce County, Judgment No. 85-1-00253-1, pursuant to RCW 9.01.200, including interest | \$ | 16,057.00 |
| (2) Terence R. Whitten, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104 | \$ | 92,020.00 |
| (3) Richard D. McWilliams, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104 | \$ | 68,835.00 |
| (4) In settlement of all claims for expenses in State v. Austin, Superior Court for Thurston County, Judgment No. 85-1-00497-7, pursuant to RCW 9.01.200, including interest | \$ | 10,213.00 |
| (5) In settlement of all claims for expenses in City of Bellevue v. Irons, Superior Court for King County, Judgment No. 86-1-03095-2, pursuant to RCW 9.01.200, including interest | \$ | 27,888.00 |
| (6) In settlement of all claims for expenses in State v. Striegel, South District Court of Snohomish County, Judgment No. 86-07847, pursuant to RCW 9.01.200, including interest | \$ | 5,926.00 |
| (7) In settlement of all claims for expenses in State v. Shirley, Cascade District Court of Snohomish County, Judgment No. SCS-58916, pursuant to RCW 9.01.200, including interest | \$ | 1,623.00 |
| (8) In settlement of all claims for expenses in City of Wenatchee v. Pedersen, District Court of Chelan County, Judgment No. 6723 WPD, pursuant to RCW 9.01.200, including interest | \$ | 1,432.00 |
| (9) In settlement of all claims for expenses in State v. Enemark, District Court # 1 of Pierce County, Judgment No. 85-6-52377-3, pursuant to RCW 9.01.200, including interest | \$ | 5,334.00 |
| (10) In settlement of all claims for expenses in State v. Thompson, Superior Court of Spokane County, Judgment No. 82-1-0064-7, pursuant to RCW 9.01.200, including interest | \$ | 8,233.00 |
| (11) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund: | | |
| (a) Kenneth Allen Hammond | \$ | 1,272.00 |
| (b) Rudy Etzkorn | \$ | 4,200.00 |
| (c) Joe C. Grentz | \$ | 14,261.00 |
| (12) Department of social and health services, for payment of retroactive salary increases as required in Washington Federation of State Employees v. State Personnel Board, superior Court of Thurston County, Order No. 80-2-00966-1: PROVIDED, That to the extent that federal financial participation is available, the | | |

department shall apply such funds before using this appropriation \$ 10,970,000.00

NEW SECTION, Sec. 715. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 1,125,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	4,655
Institutional Impact Account	\$	36,816
Architects' License Account	\$	1,062
Cemetery Account	\$	45
Hazardous Waste Control and Elimination Account	\$	6
Public Safety and Education Account	\$	31,011
Health Professions Account	\$	13,465
Professional Engineers' Account	\$	81
Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142
Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879
Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146
General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629
Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386
Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196

NEW SECTION, Sec. 716. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	6,187,000
General Fund Appropriation for public utility district excise tax distribution	\$	24,031,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,950,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	58,630,000
General Fund Appropriation for local mass transit assistance	\$	177,580,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,283,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	17,807,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	272,649,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	39,100,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	39,044,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	31,570,000
County Sales and Use Tax Equalization Account Appropriation	\$	10,900,000
Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	592,000
Total Appropriation	\$	682,383,000

NEW SECTION, Sec. 717. FOR THE STATE TREASURER—FEDERAL REVENUES FOR

DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	58,414,601
General Fund Appropriation for federal flood control funds distribution	\$	24,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	60,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	300,000
Total Appropriation	\$	58,848,601

NEW SECTION, Sec. 718. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST,

INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,619,731
Highway Bond Retirement Fund Appropriation	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,790
Spokane River Toll Bridge Account Appropriation	\$	889,088
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	327,069,045
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation	\$	656,800
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropriation	\$	559,915

Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,700
Total Appropriation	\$	749,650,859

PART VIII

MISCELLANEOUS

NEW SECTION. Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION. Sec. 802. Notwithstanding the provisions of chapter 82, Laws of 1973 1st sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1987.

NEW SECTION. Sec. 803. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 804. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 805. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 806. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 807. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1987 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 808. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 809. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect July 1, 1987."

On page 1, beginning on line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTIONS

Mr. Grimm moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1221 and ask the Senate for a conference thereon.

Mr. Ballard moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1221.

Mr. Ballard spoke in favor of the motion to concur, and Mr. Grimm opposed it. The motion was not carried.

The Speaker stated that the House had, by its action, refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1221.

MOTION

On motion of Mr. McMullen, the House asked the Senate for a conference on Engrossed Substitute House Bill No. 1221.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives McMullen, Grimm and Ballard as conferees on Engrossed Substitute House Bill No. 1221.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4698, by Representatives Leonard, Ebersole and Armstrong

WHEREAS, House Floor Resolution 86-131 recognized the Washington State Permanency Planning Task Force's efforts to undertake an in-depth review of the state's juvenile code; and

WHEREAS, The Task Force has been meeting regularly since HFR 86-131 was adopted; and

WHEREAS, The work of the Task Force is not yet completed; and WHEREAS, Recent public attention to children's issues demonstrates the need for an intensive review of the laws affecting children; and

WHEREAS, The Task Force has received additional funding from the National Council of Juvenile and Family Court Judges to continue its study;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the legislature continue its support of the Washington Task Force on Permanency Planning and respectfully request the Task Force to present its findings to the appropriate legislative committees by November 1, 1987 regarding any proposed changes in Title 13 RCW and chapter 26.44 RCW.

Ms. Leonard moved adoption of the resolution. Representatives Leonard and Armstrong spoke in favor of the resolution, and it was adopted.

The Speaker declared the House to be at ease.

The House was called to order by the Speaker.

MESSAGE FROM THE SENATE

May 15, 1987

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221. The President has appointed the following members as Conferees: Senators McDermott, McDonald and Hansen.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Appelwick, the House adjourned until 10:00 a.m., Saturday, May 16, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTIETH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, May 16, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. Appelwick presiding). The Clerk called the roll and all members were present except Representatives Allen, Basich, Beck, Braddock, Bumgarner, Cantwell, Day, Dellwo, Doty, Fisch, Fuhrman, Grant, Haugen, P. King, Meyers, Miller, Nealey, Niemi, Nutley, Pruitt, Sanders, H. Sommers, Todd, Wang, J. Williams, Winsley and Zellinsky. Representatives Beck, Bumgarner, Cantwell, Day, Doty, Fuhrman, Meyers, Miller, Nealey, Sanders and Zellinsky were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kristen Andrade and Kari Tjersland. Prayer was offered by The Reverend Ray Dimino, Minister of the Emmanuel Baptist Church of Olympia.

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

MESSAGE FROM THE GOVERNOR

May 15, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 15, 1987, Governor Gardner approved the following House Bills entitled:

- SUBSTITUTE HOUSE BILL NO. 80: Relating to mortgage brokers;
- HOUSE BILL NO. 91: Relating to state employees' suggestion awards and team-work incentive programs;
- SUBSTITUTE HOUSE BILL NO. 231: Relating to ground water management;
- SUBSTITUTE HOUSE BILL NO. 325: Relating to curriculum based assessment of students for learning disabled programs;
- SUBSTITUTE HOUSE BILL NO. 353: Relating to the department of agriculture;
- SUBSTITUTE HOUSE BILL NO. 571: Relating to municipal water treatment plants;
- HOUSE BILL NO. 629: Relating to discipline of state licensed pilots;
- SUBSTITUTE HOUSE BILL NO. 734: Relating to minor access to erotic materials;
- SUBSTITUTE HOUSE BILL NO. 786: Relating to encouragement and measurement of innovative programs by school districts;
- SUBSTITUTE HOUSE BILL NO. 1158: Relating to liquor licenses.

Sincerely,
Terry Sebring, Counsel

MOTION

On motion of Mr. Crane, the House adjourned until 9:00 a.m., Sunday, May 17, 1987.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

TWENTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Sunday, May 17, 1987

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Amondson, Appelwick, Braddock, Bristow, Bumgarner, Cantwell, Day, Doty, Ebersole, Ferguson, P. King, Locke, Niemi, Padden, Sanders, Sayan, Schoon, C. Smith, Scott, H. Sommers, Todd, Vekich, B. Williams, J. Williams, S. Wilson and Winsley. Representatives Amondson, Bumgarner, Doty, Ferguson, Padden, Sanders, Schoon, C. Smith, B. Williams and Winsley were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Sally Cordell and Nhi Hoang. Prayer was offered by The Reverend Ray Dimino, Minister of the Emmanuel Baptist Church of Olympia.

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

MESSAGES FROM THE SENATE

May 15, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5293,
HOUSE JOINT MEMORIAL NO. 4028,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

May 16, 1987

Mr. Speaker:

The Senate has passed:

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5086,

ENGROSSED SENATE BILL NO. 5263,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5901,

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8412,

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8413,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE JOINT MEMORIAL NO. 4028.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1225, by Committee on Health Care (originally sponsored by Representatives Brekke, Sayan, Lewis, Braddock, Sprenkle, Nelson, Allen, Jacobsen, Grimm, Appelwick, Wineberry, Hine, Niemi, Hargrove, Bristow, Belcher, Lux and P. King)

Developing and implementing prepaid capitated dental hygiene and care programs for medical assistance recipients.

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

Representatives McMullen and Holland spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1225, and the bill passed the House by the following vote: Yeas, 72; absent, 16; excused, 10.

Voting yea: Representatives Allen, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Brooks, Brough, Chandler, Cole, Cooper, Crane, Dellwo, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King R. Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schmidt, Silver, Smith L. Sommers D. Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Wilson K. Wineberry, Zellinsky, and Mr. Speaker - 72.

Absent: Representatives Appelwick, Braddock, Bristow, Cantwell, Day, Ebersole, King P. Locke, Niemi, Sayan, Scott, Sommers H. Todd, Vekich, Williams J, Wilson S - 16.

Excused: Representatives Amondson, Bumgarner, Doty, Ferguson, Padden, Sanders, Schoon, Smith C, Williams B. Winsley - 10.

Substitute House Bill No. 1225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative S. Wilson appeared at the bar of the House.

MOTION

Mr. McMullen moved that the Committee on Rules be relieved of House Bill No. 1239 and that the bill take its place on today's second reading calendar. The motion was carried.

Representatives Appelwick, Braddock, Bristow, Cantwell, Ebersole, Locke, Niemi and P. King appeared at the bar of the House.

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

INTRODUCTION AND FIRST READING

ESSB 5293 by Committee on Ways & Means (originally sponsored by Senators McDermott, Bender, McDonald, Bluechel, Wojahn and Deccio)

Revising business and occupation taxation of health and social welfare services.

MOTION

On motion of Mr. McMullen, the rules were suspended and Engrossed Substitute Senate Bill No. 5293 was advanced to second reading and placed on the calendar for second reading.

Representatives Schoon and Vekich appeared at the bar of the House.

STATEMENTS FOR THE JOURNAL

I was excused from voting when SHB 1225 came up for final passage. Had I been in the chambers I would have voted "Yes" on this bill.

DICK SCHOON, 30th District.

I was delayed on the freeway or I would have voted "Yes" on SHB 1225.

PAUL H. KING, 44th District.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6016, by Committee on Transportation (originally sponsored by Senator Peterson)

Revising transportation-related fees and taxes.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6016, and the bill failed to pass the House by the following vote: Yeas, 46; nays, 38; absent, 5; excused, 9.

Voting yea: Representatives Allen, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Bristow, Brough, Cantwell, Dellwo, Gallagher, Grimm, Hankins, Haugen, Hine, King R, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nutley, O'Brien, Peery, Prince, Pruitt, Rayburn, Schmidt, Schoon, Scott, Sommers D, Spanel, Sutherland, Taylor, Unsoeld, Vekich, Walk, Walker, Wilson S, Zellinsky, and Mr. Speaker - 46.

Voting nay: Representatives Appelwick, Belcher, Betrozoff, Braddock, Brekke, Brooks, Chandler, Cole, Cooper, Crane, Ebersole, Fisch, Fisher, Fuhrman, Grant, Hargrove, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Locke, Lux, Nealey, Nelson, Niemi, Patrick, Rasmussen, Rust, Silver, Smith L, Sprengle, Valle, Wang, Wilson K, Wineberry - 38.

Absent: Representatives Day, Sayan, Sommers H, Todd, Williams J - 5.

Excused: Representatives Amondson, Bumgarner, Doty, Ferguson, Padden, Sanders, Smith C, Williams B, Winsley - 9.

Engrossed Substitute Senate Bill No. 6016, having failed to receive the constitutional majority, was declared lost.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5293, by Committee on Ways & Means (originally sponsored by Senators McDermott, Bender, McDonald, Bluechel, Wojahn and Deccio)

Revising business and occupation taxation of health and social welfare services.

The bill was read the second time.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove and Basich:

On page 1, following line 13 insert the following:

"Sec. 3. Section 10, chapter 232, Laws of 1985 and RCW 82.60.050 are each amended to read as follows:

RCW 82.60.030 and 82.60.040 shall expire July 1, (~~1991~~) 1994.

Sec. 4. Section 22, chapter 116, Laws of 1986 and RCW 82.62.040 are each amended to read as follows:

RCW 82.62.020 and 82.62.030 shall expire July 1, (~~1988~~) 1991."

POINT OF ORDER

Mr. Appelwick: Mr. Speaker, would you rule on the scope and object of the amendment?

Mr. Hargrove: Mr. Speaker, I believe that I already began debate on this amendment, therefore precluding the point of order on scope and object.

SPEAKER'S RULING

The Speaker: It's impossible, Representative Hargrove, to debate before the Speaker puts the question. There was no debate. We'll look at Representative Appelwick's point of order on scope and object.

I've examined both the bill and the proposed amendment. Engrossed Substitute Senate Bill No. 5293 is an act relating to the business and occupation taxation of health and social welfare agencies. The amendment pertains to an extension of tax referrals for distressed areas. The Speaker finds, Representative Appelwick, that your point is well taken. The offered amendment is outside the scope and object of the original bill.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5293, and the bill passed the House by the following vote: Yeas, 84; absent, 5; excused, 9.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 84.

Absent: Representatives Day, Sayan, Sommers H, Todd, Williams J - 5.

Excused: Representatives Amondson, Bumgarner, Doty, Ferguson, Padden, Sanders, Smith C, Williams B, Winsley - 9.

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

The Speaker declared the House to be at ease until 1:15 p.m.

AFTERNOON SESSION

The Speaker called the House to order.

Representatives Amondson, Day, Ferguson, Padden, Sanders, Sayan, C. Smith, H. Sommers, Todd, J. Williams and Winsley appeared at the bar of the House. Representative Brooks was excused.

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

MOTION FOR RECONSIDERATION

Ms. Fisher, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 6016 failed to pass the House.

The motion was carried.

The Speaker stated the question before the House to be final passage on reconsideration of Engrossed Substitute Senate Bill No. 6016.

ROLL CALL

The Clerk called the roll on the final passage on reconsideration of Engrossed Substitute Senate Bill No. 6016, and the bill passed the House by the following vote: Yeas, 50; nays, 42; absent, 2; excused, 4.

Voting yea: Representatives Allen, Armstrong, Ballard, Barnes, Basich, Baugher, Brough, Cantwell, Day, Dellwo, Ferguson, Fisher, Gallagher, Grimm, Hankins, Haugen, Heavey, Hine, King R, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Nutley, O'Brien, Peery, Prince, Pruitt, Rayburn, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sutherland, Taylor, Valle, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 50.

Voting nay: Representatives Amondson, Appelwick, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Chandler, Cole, Cooper, Crane, Ebersole, Fisch, Fuhrman, Grant, Hargrove, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Locke, Moyer, Nealey, Nelson, Niemi, Padden, Patrick, Rasmussen, Rust, Sanders, Silver, Smith C, Smith L, Sommers D, Sprenkle, Todd, Unsoeld, Williams J, Wilson K - 42.

Absent: Representatives Lux, Winsley - 2.

Excused: Representatives Brooks, Bumgarner, Doty, Williams B - 4.

Engrossed Substitute Senate Bill No. 6016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

HOUSE BILL NO. 1239, by Representative Grimm

Relating to fiscal matters.

The bill was read the second time.

Mr. Locke moved adoption of the following amendment by Representatives Grimm and Ballard:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 138, Laws of 1984 as amended by section 2, chapter 112, Laws of 1986 and RCW 82.01.120 are each amended to read as follows:

(1) The director shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts. ~~((As used in this section and RCW 82.01.125 and 82.01.130, 'supervisor' means the economic and revenue forecast supervisor.))~~

(2) The secretary of social and health services shall employ a caseload forecast supervisor to supervise the preparation of all state caseload forecasts.

(3) Approval by an affirmative vote of at least five members of the economic ~~((and))~~, revenue, and caseload forecast council is required for any decisions regarding employment of the supervisors. Employment of ~~((the))~~ a supervisor shall terminate after each term of three years, unless the supervisor is reappointed ~~((by the director))~~ and is approved by the economic ~~((and))~~, revenue, and caseload forecast council for another three years. The supervisors shall employ staff sufficient to accomplish the purposes of this section.

~~((2))~~ (4) Four times each year, the economic and revenue forecast supervisor shall prepare, subject to the approval of the economic ~~((and))~~, revenue, and caseload forecast council under RCW 82.01.130(2):

(a) An official state economic and revenue forecast;

(b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and

(c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

~~((3))~~ (5) Four times each year, the caseload forecast supervisor shall prepare, subject to the approval of the economic, revenue, and caseload forecast council under RCW 82.01.130(2):

(a) An official state caseload forecast;

(b) An unofficial state caseload forecast based on optimistic caseload projections; and

(c) An unofficial state caseload forecast based on pessimistic caseload projections.

(6) The supervisors shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.01.130(3), to the governor and the legislature on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th.

(7) 'Caseload,' as used in this section and RCW 82.01.125 through 82.01.135, means the number of persons expected to meet eligibility requirements or require services from the aid to families with dependent children program, the community mental health and involuntary treatment program, the medicaid program, the nursing home program, state correctional institutions, state institutions for the mentally ill, developmentally disabled, and juvenile offenders, and other state-funded programs as determined by the council.

Sec. 2. Section 3, chapter 138, Laws of 1984 and RCW 82.01.125 are each amended to read as follows:

The administrator of the legislative evaluation and accountability program committee may request, and the supervisors shall provide, alternative economic ~~((and))~~, revenue, and caseload forecasts based on assumptions specified by the administrator.

Sec. 3. Section 4, chapter 138, Laws of 1984 and RCW 82.01.130 are each amended to read as follows:

(1) The economic ~~((and))~~, revenue, and caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. In making the two appointments to the council, the governor may designate two other persons to serve as members, in lieu of the two primary appointees, when the council is dealing with issues directly related to caseload forecasts.

The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The economic ~~((and))~~, revenue, and caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official, optimistic, and pessimistic state economic ~~((and))~~, revenue, and caseload forecasts prepared under RCW 82.01.120. If the council is unable to approve a forecast before a date required in RCW 82.01.120, the supervisors shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(3) A council member who does not cast an affirmative vote for approval of the official economic ~~((and))~~, revenue, and caseload forecast may request, and the supervisors shall provide, an alternative economic ~~((and))~~, revenue, and caseload forecast based on assumptions specified by the member.

(4) Members of the economic ~~((and))~~, revenue, and caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by

the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 4. Section 5, chapter 138, Laws of 1984 as amended by section 23, chapter 158, Laws of 1986 and RCW 82.01.135 are each amended to read as follows:

(1) To promote the free flow of information and to promote legislative input in the preparation of forecasts, immediate access to all information relating to economic ~~((and))~~, revenue, and caseload forecasts shall be available to the economic ~~((and))~~, revenue, and caseload forecast work group, hereby created. Revenue collection information shall be available to the economic and revenue forecast work group the first business day following the conclusion of each collection period. Each state agency affected by caseloads shall submit caseload reports and data to the council as soon as the reports and data are available. The economic ~~((and))~~, revenue, and caseload forecast work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies or committees:

- (a) Department of revenue;
- (b) Office of financial management;
- (c) Legislative evaluation and accountability program committee;
- (d) Ways and means committee of the senate; and
- (e) Ways and means committee of the house of representatives.

(2) The economic ~~((and))~~, revenue, and caseload forecast work group shall provide technical support to the economic ~~((and))~~, revenue, and caseload forecast council. Meetings of the economic ~~((and))~~, revenue, and caseload forecast work group may be called by any member of the group for the purpose of assisting the ~~((economic and revenue forecast))~~ council, reviewing ~~((the state economic and revenue))~~ forecasts, or reviewing monthly revenue collection data or for any other purpose which may assist the ~~((economic and revenue forecast))~~ council.

Sec. 5. Section 2, chapter 138, Laws of 1984 and RCW 41.06.087 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter does not apply to the economic ~~((and))~~, revenue, and caseload forecast supervisors and staff employed under RCW 82.01.120.

Sec. 6. Section 43.88.030, chapter 8, Laws of 1965 as last amended by section 1, chapter 112, Laws of 1986 and by section 3, chapter 215, Laws of 1986 and RCW 43.88.030 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period based upon the estimated revenues and caseloads as approved by the economic ~~((and))~~, revenue, and caseload forecast council for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

- (a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;
 - (b) Cash surplus or deficit, by fund, to the extent provided by RCW 43.88.040 and 43.88.050;
 - (c) Such additional information dealing with expenditures, revenues, workload, performance and personnel as the legislature may direct by law or concurrent resolution;
 - (d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;
 - (e) Tabulations showing expenditures classified by fund, function, activity and object; and
 - (f) A delineation of each agency's activities, including those activities funded from non-budgeted, nonappropriated sources, including funds maintained outside the state treasury.
- (2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all

proposed operating or capital expenditures. The total of anticipated revenues shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

- (a) Interest, amortization and redemption charges on the state debt;
- (b) Payments of all reliefs, judgments and claims;
- (c) Other statutory expenditures;
- (d) Expenditures incident to the operation for each agency;
- (e) Revenues derived from agency operations;
- (f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium.

(3) A separate budget document or schedule may be submitted consisting of:

(a) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

(c) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

(d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 7, Section 43.88.120, chapter 8, Laws of 1965 as last amended by section 10, chapter 138, Laws of 1984 and RCW 43.88.120 are each amended to read as follows:

Each agency engaged in the collection of revenues shall prepare statements of revenue collections and estimates for the current and ensuing biennium and shall submit the statements and estimates to the director of revenue at times and in the form specified by the director, along with any other information which the director may request.

A copy of such collection reports and revenue estimates shall be simultaneously submitted to the economic ~~(and)~~, revenue, and caseload forecast work group."

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

On page 3, following line 30 of the amendment insert the following:

"(5) Revenue and caseload forecasts adopted by the council shall indicate whenever the official forecast differs from staff recommendations."

Mr. Locke spoke in favor of the amendment as amended, and it was adopted.

On motion of Mr. Locke, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "fiscal matters;" strike the remainder of the title and insert "amending RCW 82.01.120, 82.01.125, 82.01.130, 82.01.135, 41.06.087, and 43.88.120; and reenacting and amending RCW 43.88.030."

The bill was ordered engrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1239, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L,

Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Brooks, Bumgarner, Doty, Williams B - 4.

Engrossed House Bill No. 1239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

May 17, 1987

Mr. Speaker:

The Senate refused to grant a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477, suspended the rules, returned to second reading and passed the bill with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. This chapter shall be known and may be cited as the health care access act of 1987.

NEW SECTION, Sec. 2. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION, Sec. 3. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two hundred percent of the federal poverty guidelines who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.

NEW SECTION, Sec. 4. As used in this chapter:

(1) 'Washington basic health plan' or 'plan' means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) 'Administrator' means the Washington basic health plan administrator.

(3) 'Managed health care system' means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) 'Enrollee' means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare.

who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) 'Subsidy' means the difference between the amount of periodic payment the administrator makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the amount determined to be the enrollee's responsibility under section 8(2) of this act.

(6) 'Premium' means a periodic payment, based upon gross family income and determined under section 8(2) of this act, which an enrollee makes to the plan as consideration for enrollment in the plan.

(7) 'Rate' means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

NEW SECTION, Sec. 5. The basic health plan trust account is hereby established in the state treasury. All funds appropriated for this chapter shall be deposited in the basic health plan trust account and may be expended without further appropriation. Disbursements from other moneys in the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan administrator. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1988, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety percent of the amounts anticipated to accrue in the account during the fiscal period.

NEW SECTION, Sec. 6. (1) The Washington basic health plan is created as an independent agency of the state. The administrative head and appointing authority of the plan shall be the administrator who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The administrator shall appoint a medical director. The administrator, medical director, and up to five other employees shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) In the design, organization, and administration of the plan under this chapter, the administrator shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the administrator to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law.

NEW SECTION, Sec. 7. The administrator may promulgate and adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.04 RCW.

NEW SECTION, Sec. 8. The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to

receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the board deems appropriate.

(2) To design and implement a structure of periodic premiums due the board from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under section 12 of this act and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in section 10 of this act.

In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(8) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington

basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to section 13 of this act, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the administrator shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(13) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

(14) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(15) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(16) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

NEW SECTION. Sec. 9. The benefits available under the plan shall be subject to RCW 48.21-.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

NEW SECTION. Sec. 10. On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.

Hereafter, total enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in section 8(4) of this act.

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

NEW SECTION. Sec. 11. Any enrollee whose premium payments to the plan are delinquent or who moves his or her residence out of an area served by the plan may be dropped from enrollment status. An enrollee whose premium is the responsibility of the department of social and health services under section 13 of this act may not be dropped solely because of non-payment by the department. The administrator shall provide delinquent enrollees with advance written notice of their removal from the plan and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the decision to drop the enrollee from the plan. Upon removal of an enrollee from the plan, the administrator shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, if applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

NEW SECTION. Sec. 12. Managed health care systems participating in the plan shall do so by contract with the administrator and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the administrator on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The administrator may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the administrator to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The administrator shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the administrator shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

Any contract between a hospital and a participating managed health care system under this chapter is subject to the requirements of RCW 70.39.140(1) regarding negotiated rates.

Prior to negotiating with any managed health care system, the administrator shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state. In negotiating with managed health care systems for participation in the plan, the administrator shall adopt a uniform procedure that includes at least the following:

(1) The administrator shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The administrator shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The administrator may then select one or more systems to provide the covered services within a local area; and

(4) The administrator may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

NEW SECTION. Sec. 13. The department of social and health services shall make periodic payments to the administrator as an agent for the participating managed health care systems on behalf of any enrollee who is a recipient of medical assistance, medical care-limited casualty program, or medical care services under chapter 74.09 RCW, at the maximum rate allowable for federal matching purposes under Title XIX of the social security act, but not to exceed the rate negotiated by the administrator with the participating managed health care system for the services covered by the plan, and no premium or copayment may be charged to such an enrollee. Any enrollee on whose behalf the department of social and health services makes payments to the administrator under this section and chapter 74.09 RCW may continue as an enrollee, making premium payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended, as long as the enrollee remains eligible under this chapter. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services

covered by the plan. The administrator and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of plan enrollees and payments on their behalf between the plan and the programs established under chapter 74.09 RCW.

NEW SECTION. Sec. 14. In addition to the powers and duties specified in sections 6 and 8 of this act, the administrator has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the administrator in her or his duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the administrator, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the administrator under this section shall be exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION. Sec. 15. The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW, except as provided in section 9 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify any person filing a claim under this chapter who resides in a local area served by the Washington basic health plan of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.-- RCW (sections 1 through 15 of this act), unless the Washington basic health plan administrator has notified the commissioner of a closure of enrollment in the area. The commissioner shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the administrator, in each appropriate employment service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 17. A new section is added to chapter 51.28 RCW to read as follows:

The director shall notify persons receiving time-loss payments under this chapter of the availability of basic health care coverage to qualified enrollees under chapter 70.-- RCW (sections 1 through 15 of this act), unless the Washington basic health plan administrator has notified the director of closure of enrollment in the plan. The director shall maintain supplies of Washington basic health plan enrollment application forms in all field service offices where the plan is available, which shall be provided in reasonably necessary quantities by the administrator for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 18. A new section is added to chapter 74.04 RCW to read as follows:

The department shall notify any applicant for public assistance who resides in a local area served by the Washington basic health plan and is under sixty-five years of age of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.-- RCW (sections 1 through 15 of this act), unless the Washington basic health plan administrator has notified the department of a closure of enrollment in the area. The department shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the administrator, in each appropriate community service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 19. The Washington basic health plan administrator shall be appointed and commence operations as promptly as practicable after the effective date of this section. Not later than January 1, 1988, the administrator shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 8 of this act;

(2) A descriptive listing of managed health care systems expected to participate in the Washington basic health plan, along with an identification of prospective local areas for initial participation in the plan;

(3) The approximate amount of funds estimated to be on deposit in the basic health plan trust account as of March 31 and June 30, 1988;

(4) A description of the sliding fee schedule for enrollee premium payments and copayments adopted by the administrator under section 8 of this act;

(5) An evaluation of the financial viability of rural hospitals and the availability of necessary health care services in such areas, based upon any contacts or negotiations either the

administrator or staff may have had with providers in rural areas of the state, together with any specific recommendations they may wish to make;

(6) Any proposals for statutory changes which the administrator deems necessary to implement the purposes of this chapter; and

(7) Any other information which the administrator deems appropriate.

Not later than January 1, 1989, the administrator shall submit to the legislature a further progress report, updating its 1988 report, and covering the same items provided for therein, with projections based upon implementation of the plan to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 10 of this act. The administrator shall submit an annual report to the legislature by January 1 of each year thereafter.

NEW SECTION. Sec. 20. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services shall, to the extent that funds are specifically appropriated for this purpose, provide matching grants on a one-to-one state/local basis to hospitals that are designated by the hospital commission as meeting all of the following criteria:

(a) Providing an amount of charity care equal to or greater than two hundred fifty percent of the state average;

(b) A tertiary care center; and

(c) Providing ten percent of the tertiary care to patients from outside the county in which the hospital is located.

(2) Grants shall be allocated to eligible hospitals based on the hospital's relative amount of charity care.

(3) Local matching funds shall be from a nonrate-setting revenue source as defined by the hospital commission.

(4) The department shall seek matching federal Title XIX medicaid funds pursuant to the 'disproportionate share' provisions of the federal social security act. If necessary to obtain federal funds, the department may use the following provision in lieu of those set forth in subsections (1), (2), and (3) of this section: A hospital is eligible for a grant if it is designated by the hospital commission as having medical assistance charges exceeding twenty percent of the hospital's total rate-setting revenue during the preceding calendar year.

Sec. 21. Section 2, chapter 303, Laws of 1986 and RCW 74.09.522 are each amended to read as follows:

(1) For the purposes of this section, 'managed health care system' means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act.

(2) No later than July 1, ~~(1991)~~ 1989, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made within one class A county in the eastern part of the state for at least ten thousand recipients; and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state;

(b) At least one of the agreements shall include enrollment of all recipients of aid to families with dependent children residing in a defined geographical area;

(c) ~~(The department shall, to the extent possible, ensure that recipients have a choice of systems in which to enroll and, if necessary and medically appropriate treatment for a recipient is not available from or through a participating managed health care system, the department shall exempt the recipient from any requirement to receive some or all of their medical services from such a system))~~ To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system; PROVIDED, That the department may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed six months; AND PROVIDED FURTHER, That the department shall not restrict a recipient's right to terminate enrollment in a system for cause;

(d) ~~To the extent ((possible, the department shall ensure that participating managed health care systems do not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems)) that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except that this subsection (d) shall not apply to entities described in subparagraph (B) of section 1903(m) of Title XIX of the federal social security act;~~

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure that includes at least request for proposals, including standards regarding the quality of services to be provided; and financial integrity of the responding system. The department may negotiate with respondents to the extent necessary to refine any proposals:

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter:

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care:

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(i) Nothing in this section prevents the department from entering into similar agreements in additional counties or for other groups of people eligible to receive services under chapter 74.09 RCW.

(3) The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project. The department shall coordinate these projects with the plans developed under chapter 70.-- RCW (sections 1 through 15 of this 1987 act).

~~((3))~~ (4) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

Sec. 22. Section 3, chapter 303, Laws of 1986 (uncodified) is amended to read as follows:

The department shall report to the legislature not later than January 1, ~~((1987))~~ 1988, on progress toward implementation of the requirements of ~~((this))~~ chapter 303, Laws of 1986, but shall not delay implementation on account of this reporting requirement.

The report shall also include an analysis of the possible expansion of the use of managed health care within other medical assistance programs, including making it available to certain recipients of general assistance and supplemental security income.

NEW SECTION. Sec. 23. Sections 1 through 15 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health plan board and its powers and duties shall be terminated on June 30, 1992, as provided in section 26 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

- (1) Section 1 of this act and RCW 70.....;
- (2) Section 2 of this act and RCW 70.....;
- (3) Section 3 of this act and RCW 70.....;
- (4) Section 4 of this act and RCW 70.....;
- (5) Section 5 of this act and RCW 70.....;
- (6) Section 6 of this act and RCW 70.....;
- (7) Section 7 of this act and RCW 70.....;
- (8) Section 8 of this act and RCW 70.....;
- (9) Section 9 of this act and RCW 70.....;
- (10) Section 10 of this act and RCW 70.....;
- (11) Section 11 of this act and RCW 70.....;
- (12) Section 12 of this act and RCW 70.....;
- (13) Section 13 of this act and RCW 70.....;
- (14) Section 14 of this act and RCW 70.....;
- (15) Section 15 of this act and RCW 70.....;
- (16) Section 16 of this act and RCW 50.20.....;
- (17) Section 17 of this act and RCW 51.28.....; and
- (18) Section 18 of this act and RCW 74.04.....

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.09.522; amending section 3, chapter 303, Laws of 1986 (uncodified); adding new sections to chapter 43.131 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.28 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

William M. Gleason, Assistant Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Engrossed Second Substitute House Bill No. 477.

Representatives Braddock, Lewis and Moyer spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 477 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 477 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; nays, 8; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Belcher, Chandler, Fuhrman, Grant, Heavey, Padden, Smith L, Williams J - 8.

Excused: Representatives Brooks, Bumgarner, Doty, Williams B - 4.

Engrossed Second Substitute House Bill No. 477 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative B. Williams appeared at the bar of the House.

The Speaker declared the House to be at ease until 7:00 p.m.

EVENING SESSION

The House was called to order by the Speaker (Mr. Appelwick presiding).

Representative Wineberry was excused.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6076, by Committee on Transportation (originally sponsored by Senator Peterson)

Adopting the 1987-89 transportation budget.

The House resumed consideration of the bill from May 8, 1987.

On motion of Mr. Walk, the following amendment by Representatives Walk and Schmidt was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1989.

NEW SECTION, Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State	\$	310,449
Highway Safety Fund Appropriation—Federal	\$	4,190,574
Total Appropriation	\$	4,501,023

NEW SECTION, Sec. 3. FOR THE RAIL DEVELOPMENT COMMISSION

Rail Development Account	\$	300,000
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The appropriation in this section is subject to the following conditions and limitations: If House Bill No. 1034 is not enacted by July 1, 1987, the appropriation in this section shall be from the general fund.

NEW SECTION, Sec. 4. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Pilotage Account Appropriation	\$	101,533
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NEW SECTION, Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund—Rural Arterial Trust Account Appropriation	\$	21,434,298
Motor Vehicle Fund Appropriation	\$	942,041
Total Appropriation	\$	22,376,339

NEW SECTION, Sec. 6. FOR THE URBAN ARTERIAL BOARD

Motor Vehicle Fund—Urban Arterial Trust Account Appropriation	\$	61,487,000
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The appropriation includes \$40,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427.

NEW SECTION, Sec. 7. FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

Motor Vehicle Fund—State Patrol Highway Account Appropriation—State	\$	94,005,256
Motor Vehicle Fund—State Patrol Highway Account Appropriation—Federal	\$	2,733,175
Motor Vehicle Fund Appropriation	\$	463,045
Total Appropriation	\$	97,201,476

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section include \$675,000 for the sole purpose of providing additional commercial vehicle enforcement officers.

(2) The appropriations in this section include \$498,664 for the sole purpose of providing twelve additional traffic troopers, effective January 1, 1989.

NEW SECTION, Sec. 8. FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	41,564,153
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,310,000 is provided solely for implementation of the second phase of the patrol information collection system.

(2) \$150,000 is provided solely for a study of and development of curriculum for a safety education program in consultation with the superintendent of public instruction and the traffic safety commission.

(3) \$750,000 of the appropriation is provided solely for implementation of a safety education program and shall not be expended prior to July 1, 1988.

(4) The appropriation in this section includes \$131,400 for the sole purpose of providing necessary staff to conduct required labor negotiations.

NEW SECTION, Sec. 9. FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund Appropriation	\$	37,125,323
Game Fund Appropriation	\$	393,894
Total Appropriation	\$	37,519,217

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,005,000 of the motor vehicle fund appropriation is provided solely for the completion of the county auditor automation project.

(2) If Substitute House Bill No. 196 is not enacted by July 1, 1987, the motor vehicle fund appropriation shall be reduced by \$216,175.

(3) \$28,198 is provided for implementation of Engrossed House Bill No. 559 (chapter 175, Laws of 1987).

(4) \$1,474,488 is provided within the vehicle service appropriation for expansion of the curbstone program (chapter 241, Laws of 1986). No moneys may be expended beyond the funding source revenues.

NEW SECTION, Sec. 10. FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation	\$	3,352,618
Highway Safety Fund Appropriation	\$	30,866,231
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	265,014
Total Appropriation	\$	34,483,863

The appropriations in this section are subject to the following conditions and limitations:

(1) If House Bill No. 196 is not enacted by July 1, 1987, the highway safety fund appropriation is reduced by \$72,686.

(2) The department shall participate in the establishment of uniform rules for all commercial drivers, including special rules for training and testing of hazardous material drivers in compliance with the federal motor carrier safety act of 1986.

(3) \$286,909 is appropriated from the highway safety fund appropriation to implement section 5 of Engrossed Substitute Senate Bill No. 5850, if enacted.

(4) Revenues which accrue to the public safety and education account in the state treasury in excess of the March, 1987 forecast as approved by the economic and revenue forecast council shall be transferred to and deposited in the highway safety fund at the end of each fiscal year.

NEW SECTION, Sec. 11. FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS

Game Fund Appropriation	\$	7,256
Highway Safety Fund Appropriation	\$	6,619,625
Motor Vehicle Fund Appropriation	\$	3,785,108
Total Appropriation	\$	10,411,989

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriated in this section is an amount necessary for the department of licensing and the legislative transportation committee to conduct an organizational study of the vehicle and drivers' services related activities of the department by a management consultant. This study shall consider and recommend changes necessary to implement cost centers necessary for management control and legislative oversight of the appropriations and expenditures of the department.

(2) In the collection of motor vehicle license fees and excise taxes, the department shall collect data in sufficient detail to ensure the correct allocation of revenues between the motor vehicle fund and other funds and to provide an accurate data base to support revenue forecasting. Such data shall include but not be limited to vehicle weight distributions corresponding to combined licensing fee revenues. If the department finds that it is not cost effective to achieve these objectives with the existing data collection and reporting system, it shall undertake a study to determine feasible alternatives. The department shall report the results of this study, including its recommended alternative, to the legislative transportation committee and the office of financial management not later than November, 1987 and obtain approval from the legislative transportation committee and the office of financial management prior to the implementation of any alternative.

NEW SECTION, Sec. 12. FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

Game Fund Appropriation	\$	4,114
Highway Safety Fund Appropriation	\$	4,985,809
Motor Vehicle Fund Appropriation	\$	14,056,507
Total Appropriation	\$	19,046,430

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,956,000, of which \$978,000 is from the motor vehicle fund appropriation and \$978,000 is from the highway safety fund appropriation is provided for the vehicle/driver integration project.

(2) \$32,259 is provided for implementation of Engrossed House Bill No. 559 (chapter 175, Laws of 1987).

(3) If House Bill No. 196 is not enacted by July 1, 1987, the motor vehicle fund appropriation is reduced by \$23,269.

NEW SECTION, Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund Appropriation	\$	2,209,000
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NEW SECTION, Sec. 14. FOR THE MARINE EMPLOYEES COMMISSION

Ferry System Fund Appropriation	\$	250,600
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	107,400
Total Appropriation	\$	358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In the conduct of the commission's responsibility not specified in RCW 47.64.220, the legislature has determined that its requirement to appropriate all marine division operating expenditures necessitates certain advisory information. This advisory information pertains to the salary and benefit levels provided marine employees in relation to that level the marine employees commission recommends as appropriate. Such recommendations shall be submitted to the governor and legislature by September 1, 1988.

(2) No more than \$50,000 shall be used to employ a consulting authority in personnel survey procedures who shall evaluate existing salary survey limitations and procedures and who shall (a) develop revised procedures necessary to permit an expanded, viable survey, and (b) develop necessary statutory language changes to permit implementation of such recommended procedures. This study shall be submitted to the legislature and the governor prior to September 1, 1988. In the event the costs are less than \$50,000, such moneys shall revert to the respective funds.

NEW SECTION, Sec. 15. FOR THE TRANSPORTATION COMMISSION

General Fund—Aeronautics Account Appropriation	\$	1,019
General Fund Appropriation	\$	1,651
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	23,633
Ferry System Fund Appropriation	\$	34,065
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	14,599
Motor Vehicle Fund Appropriation	\$	419,130
Total Appropriation	\$	494,097
NEW SECTION, Sec. 16. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CON-		
STRUCTION—PROGRAM A		
Motor Vehicle Fund Appropriation—State	\$	108,000,000
Motor Vehicle Fund Appropriation—Federal	\$	80,000,000
Motor Vehicle Fund Appropriation—Local	\$	2,000,000
Total Appropriation	\$	190,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category 'A' under RCW 47.05.030: PROVIDED, That none of the funds in this section may be used for a study of the possible widening of the Portage Bay Bridge.

NEW SECTION, Sec. 17. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CON-
STRUCTION—PROGRAM B

Motor Vehicle Fund Appropriation—State	\$	57,000,000
Motor Vehicle Fund Appropriation—Federal	\$	509,000,000
Motor Vehicle Fund Appropriation—Local	\$	4,000,000
Total Appropriation	\$	570,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category 'B' under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund—state appropriation of \$57,000,000 includes \$37,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and \$20,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) If federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek unanticipated receipts for the federal portion.

(3) The department shall develop a design plan using federal discretionary funds made available under subsection (2) above to develop a design plan, prior to the completion of the I-90 project, that accommodates access to and from I-90 for those neighborhoods listed in the Washington State Transportation Commission Resolution No. 296; which design is consistent with the existing I-90 design and which can be constructed upon completion of the present I-90 project.

(4) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

NEW SECTION, Sec. 18. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CON-
STRUCTION—PROGRAM C

Motor Vehicle Fund Appropriation—State	\$	106,000,000
Motor Vehicle Fund Appropriation—Local	\$	2,000,000
Total Appropriation	\$	108,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category 'C' under RCW 47.05.030.

The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of \$106,000,000: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

The transportation commission shall adjust its list of category 'C' projects to include only those projects that can be accomplished within the moneys provided in this appropriation.

It is the intent of the legislature that no moneys shall be expended on projects that are not included on the transportation commission's funded priority list for the 1987-89 biennium. It is further the intent of the legislature that the category 'A' and 'H' programs take precedence over category 'C' projects and that the category 'A' and 'H' programs be fully funded in the 1989-91 biennium to the exclusion of category 'C' projects as required under chapter 47.05 RCW.

It is the intent of the legislature that the maximum amount of state motor vehicle funds not required for other purposes be made available for category 'C' program expenditures.

The department shall identify those amounts which may become available for category 'C' expenditures due to underexpenditures of state motor vehicle fund appropriations at the close of the 1985-87 biennium, revenue projections which exceed current estimates, or cost savings due to efficiencies effected in other programs. Amounts so identified shall be included in the department's 1988 supplemental budget request for category 'C' expenditures.

NEW SECTION, Sec. 19. FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D

Motor Vehicle Fund Appropriation \$ 35,168,228

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,000,000 of the motor vehicle fund—state appropriation, or so much thereof as may be required, is provided to fund the study required by Senate Concurrent Resolution No. 130 adopted by the 1983 legislature and provided for under RCW 46.68.110 and 46.68.120 of city, county, and state highway needs in relation to current statutory distributions of motor vehicle fuel taxes, other state and local highway revenue sources, and alternatives for financing long-term highway needs, and for other studies.

(2) The legislative transportation committee and the department of transportation shall conduct a review of the capital facilities needs study, which review shall be funded from the maintenance program appropriation. The results shall be presented to the 1988 legislature.

NEW SECTION, Sec. 20. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropriation—State \$ 2,192,803

General Fund—Aeronautics Account Appropriation—Federal \$ 862,725

Total Appropriation \$ 3,055,528

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. The aeronautics account—state appropriation contains \$100,000 for transfer to the motor vehicle fund as the second of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of *Osibov vs. the state of Washington*, Spokane county superior court, Cause No. 239168.

NEW SECTION, Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F

General Fund—Search and Rescue Account Appropriation \$ 110,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION, Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION—ECONOMIC TRAFFIC OPERATION IMPROVEMENTS AND SUPPORT—PROGRAM G

Economic Development Account Appropriation \$ 9,000,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION, Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION—BRIDGE REPLACEMENT AND REHABILITATION—PROGRAM H

Motor Vehicle Fund Appropriation—State \$ 23,000,000

Motor Vehicle Fund Appropriation—Federal \$ 31,000,000

Motor Vehicle Fund Appropriation—Local \$ 1,000,000

Total Appropriation \$ 55,000,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing state highway bridges.

NEW SECTION, Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation \$ 185,239,165

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may, after consultation with the legislative transportation committee, transfer motor vehicle funds budgeted for snow and ice control in this section to section 25 of this act to the extent that the plan is underrun.

(2) Appropriated in this section is an amount necessary for the legislative transportation committee and the department of transportation to conduct an independent study of the snow and ice control activity within the department.

NEW SECTION, Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND SUPPORT—PROGRAM P

Motor Vehicle Fund Appropriation \$ 15,875,977

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may, after consultation with the legislative transportation committee, transfer motor vehicle funds budgeted for highway inventories in this section to section 24 of this act to the extent that expenditures for snow and ice control budgeted in section 24 of this act exceeds the plan.

(2) If the 1985-87 biennium ending highway stores and aggregates inventory is less than the amount budgeted, the department may increase the appropriation in this section by the amount of the difference.

NEW SECTION, Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION—COUNTY-CITY PROGRAM—PROGRAM R

Motor Vehicle Fund Appropriation—State	\$	1,450,000
Motor Vehicle Fund Appropriation—Federal	\$	152,612,528
Motor Vehicle Fund Appropriation—Local	\$	20,065,734
Total Appropriation	\$	174,128,262

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations contain \$241,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Sound—Westport Ferry—Payments for operation and maintenance to Wahkiakum county). If Senate Bill No. 5159 is enacted, the department may request a supplemental appropriation.

(2) The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal of and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient therefor.

(3) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws.

(4) The appropriations contain \$91,612,528 of federal funds and \$15,227,923 of local funds for reimbursable expenditures for location, design, right-of-way, construction, and maintenance on the north metro operating base interchange, city streets, county roads, and other nonstate highways.

(5) The appropriations contain \$61,000,000 of federal funds and \$1,000,000 of local funds for location, design, right-of-way, and construction on state highways which is fully reimbursable: PROVIDED, That if the 1987 legislature fails to enact a fuel tax increase, no new contracts may be awarded for department of transportation project No. 42113H prior to approval by the legislative transportation committee.

(6) The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

(7) The appropriations contain \$3,437,811 of local funds for miscellaneous sales and services.

NEW SECTION, Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAM S

General Fund—Aeronautics Account Appropriation	\$	9,371
General Fund Appropriation	\$	15,194
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	217,442
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	459,076
Motor Vehicle Fund Appropriation	\$	33,518,175
Ferry System Fund Appropriation	\$	1,071,178
Total Appropriation	\$	35,290,436

NEW SECTION, Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

(1) For public transportation and rail programs:

General Fund Appropriation—State	\$	576,698
General Fund Appropriation—Federal	\$	3,767,602
General Fund Appropriation—Local	\$	188,000

(2) For planning and research:

Motor Vehicle Fund Appropriation—State	\$	6,280,453
Motor Vehicle Fund Appropriation—Federal	\$	10,802,000
Total Public Transportation and Planning Appropriation	\$	21,614,753

The appropriations in this section are subject to the following conditions and limitations: The department of transportation may transfer up to \$5,000,000 from the motor vehicle fund—federal appropriation to the motor vehicle fund—state appropriation if federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section. If additional federal funds become available to more than fully fund the motor vehicle fund—federal appropriation in this section, the department may transfer up to \$3,600,000 from the motor vehicle fund—state appropriation to the motor vehicle fund—federal appropriation.

NEW SECTION, Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W

Motor Vehicle Fund—Puget Sound Capital Construction Account		
Reappropriation—State	\$	3,500,000
Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation—State	\$	61,750,831
Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation—Federal	\$	8,500,000
Total Appropriation	\$	73,750,831

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation of state funds from the Puget Sound capital construction account contains \$5,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(2) It is the intent of the legislature that the Puget Sound capital construction account appropriation is provided to carry out only the projects presented to the house of representatives and senate transportation committees in the department's 1987-1989 biennial budget request dated February 1987. The department shall revise this list of projects to reconcile the 1985-87 actual expenditures within sixty days of the beginning of the biennium.

(3) Prior to the expenditure of any funds budgeted for additional passenger-only vessels and related terminal modifications, the department of transportation shall obtain approval from the legislative transportation committee: PROVIDED, That the marine division shall make application for reimbursement from the federal urban mass transit administration.

(4) Expenditures for propulsion control systems shall be limited to two vessels.

(5) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of this program.

NEW SECTION, Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Motor Vehicle Fund—Puget Sound Ferry Operations Account		
Appropriation	\$	45,896,956
Ferry System Fund Appropriation	\$	107,092,897
Total Appropriation	\$	152,989,853

The appropriations in this section are provided for management and support of the marine transportation division of the department of transportation and for the operation and maintenance of the state ferry system.

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are based on the budgeted expenditure of \$15,525,251 for vessel operating fuel in the 1987-89 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, it is the intent of the legislature that the department will request a supplemental appropriation.

(2) Prior to the expenditure of any funds budgeted for additional passenger-only service, the department of transportation shall obtain approval from the legislative transportation committee. If the additional passenger-only service is not approved, the funds appropriated in this section for that purpose shall not be expended for any other purpose.

(3) For the period from July 1, 1987, up to the actual implementation date of the 1987-89 biennial salary increase for employees under the jurisdiction of the state personnel board, none of the appropriations in this section may be expended to effect an increase in the hourly wage rates of ferry employees, as ferry employee is defined in RCW 47.64.011(5).

(4) The appropriation contained in this section provides for a compensation increase. The expenditures for compensation paid to ferry employees during the 1987-89 biennium shall not exceed \$105,210,000 and, for the purposes of this section, shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure 'A' and 'L' (7.2.6.2). Of the \$105,210,000 provided for compensation, a maximum of \$678,000 may be used to increase salary costs, effective January 1, 1988, for the 1987-88 fiscal year so that the June 30, 1988, hourly salary rate increase shall not exceed any average hourly salary rate increase granted during the 1987-88 fiscal year; and a maximum of \$2,145,000 may be used to increase salary costs, effective January 1, 1989, for the 1988-89 fiscal year so that the June 30, 1989, hourly salary rate increase shall not exceed any average hourly salary rate increase granted during the 1988-89 fiscal year.

(5) To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 biennium, employees will not be required to absorb a further offset

except to the extent the differential between employer contributions for those employees and all other state general government employees increases during the 1987-89 biennium. If the differential increases or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of this program.

NEW SECTION, Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION

General Fund Appropriation—Federal \$ 600,000

The appropriation in this section is provided for supportive services to on-the-job training programs for minority construction workers and for minority contractors' training programs: PROVIDED, That this appropriation shall be fully reimbursable from federal funds.

NEW SECTION, Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund—RV Account Appropriation Transfer:

For transfer to the Motor Vehicle Fund \$ 386,770

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system. This appropriation is part of the motor vehicle fund construction and maintenance appropriations.

NEW SECTION, Sec. 33. The department of transportation shall study and develop criteria regarding noise abatement. The department shall submit the results of its study and any recommended criteria and solutions to the legislative transportation committee on or before December 1, 1987.

NEW SECTION, Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION—FOR PAYMENT OF BELATED CLAIMS

Motor Vehicle Fund Appropriation \$ 10,000,000

NEW SECTION, Sec. 35. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE—FOR PAYMENT OF BELATED CLAIMS

Motor Vehicle Fund Appropriation \$ 100,000

NEW SECTION, Sec. 36. The department shall not plant Scotch Broom (*Cytisus Scotarius*) along highway rights of way. The department shall participate in its proportional share in any area-wide Scotch Broom eradication program sponsored by a public governmental agency.

Sec. 37. Section 46.68.110, chapter 12, Laws of 1961 as last amended by section 32, chapter 460, Laws of 1985 and RCW 46.68.110 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made:

(2) From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and (~~related~~) other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(4) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 38. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 33, chapter 460, Laws of 1985 and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made:

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted:

(3) From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and (~~related~~) other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made:

(4) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made:

(5) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. Sec. 39. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements.

NEW SECTION. Sec. 40. The legislature recognizes the economic importance to the state of attracting new industrial development, and that the availability of transportation services is a significant factor in attracting such industries. The transportation commission and the department of transportation may consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION. Sec. 41. It is the intent of the legislature that the amounts assumed in this act as presented to the house of representatives and senate transportation committees for all revolving funds for services provided to the department of transportation, Washington state patrol, and department of licensing by other agencies, including the department of personnel service fund for personnel services, the legal services revolving fund for tort claim administration costs and other legal costs, the audit services revolving fund for audits, and the archives and records management account for archiving, storage and records management services, shall not be exceeded without prior approval of the legislative transportation committee.

NEW SECTION. Sec. 42. In addition to such other appropriations as are made by this act, there is hereby appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 43. The legislature recognizes that actual receipts of motor fuel excise taxes payable in any given month have been delayed up to five days into the following month. House Bill No. 347 has been introduced to alleviate late collections and to facilitate receipts of motor fuel excise taxes in the periods when they are due. If House Bill No. 347 is not enacted, the legislature directs the department of licensing and the state treasurer to credit all motor fuel excise taxes collected during the first five working days in July 1987 to the 1985-87 fiscal biennium.

NEW SECTION. Sec. 44. As used in this act, 'St Patrol Hiwy Acct' means the State Patrol Highway Account.

NEW SECTION. Sec. 45. FOR THE WASHINGTON STATE PATROL

Port of entry station: Bellingham (83-R-006)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
312,000		462,000

NEW SECTION. Sec. 46. FOR THE WASHINGTON STATE PATROL

State-wide: Minor works request (86-1-002)

	Reappropriation	Appropriation
St Patrol Hiway Acct		868,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
525,000		1,393,000

NEW SECTION. Sec. 47. FOR THE WASHINGTON STATE PATROL

State-wide: Contingency request (86-1-003)			Reappropriation	Appropriation
St Patrol Hiway Acct				411,000
Project	Estimated		Estimated	
Costs	Costs		Total	
Through	7/1/89 and		Costs	
6/30/87	Thereafter			577,000
<u>NEW SECTION, Sec. 48. FOR THE WASHINGTON STATE PATROL</u>				
Construct district headquarters facility: Spokane (88-2-009)			Reappropriation	Appropriation
St Patrol Hiway Acct				2,391,000
Project	Estimated		Estimated	
Costs	Costs		Total	
Through	7/1/89 and		Costs	
6/30/87	Thereafter			2,391,000
<u>NEW SECTION, Sec. 49. FOR THE WASHINGTON STATE PATROL</u>				
Construct district headquarters facility: Wenatchee (88-2-007)			Reappropriation	Appropriation
St Patrol Hiway Acct				1,761,000
Project	Estimated		Estimated	
Costs	Costs		Total	
Through	7/1/89 and		Costs	
6/30/87	Thereafter			1,761,000
<u>NEW SECTION, Sec. 50. FOR THE WASHINGTON STATE PATROL</u>				
Program through design development: Tacoma headquarters (88-2-015)			Reappropriation	Appropriation
St Patrol Hiway Acct				53,000
Project	Estimated		Estimated	
Costs	Costs		Total	
Through	7/1/89 and		Costs	
6/30/87	Thereafter			2,386,000
	2,333,000			
<u>NEW SECTION, Sec. 51. FOR THE WASHINGTON STATE PATROL</u>				
Construct detachment office: Mount Vernon (88-1-018)			Reappropriation	Appropriation
St Patrol Hiway Acct				639,000
Project	Estimated		Estimated	
Costs	Costs		Total	
Through	7/1/89 and		Costs	
6/30/87	Thereafter			639,000
<u>NEW SECTION, Sec. 52. FOR THE WASHINGTON STATE PATROL</u>				
Program through design development: Everett headquarters (88-2-016)			Reappropriation	Appropriation
St Patrol Hiway Acct				53,000
Project	Estimated		Estimated	
Costs	Costs		Total	
Through	7/1/89 and		Costs	
6/30/87	Thereafter			2,386,000
	2,333,000			
<u>NEW SECTION, Sec. 53. FOR THE WASHINGTON STATE PATROL</u>				
Microwave repeater site: Quinalt (89-2-017)			Reappropriation	Appropriation
St Patrol Hiway Acct				219,000
Project	Estimated		Estimated	
Costs	Costs		Total	
Through	7/1/89 and		Costs	
6/30/87	Thereafter			219,000
<u>NEW SECTION, Sec. 54. FOR THE WASHINGTON STATE PATROL</u>				
Program through design development: Olympia headquarters (88-2-008)			Reappropriation	Appropriation
St Patrol Hiway Acct				133,000
Project	Estimated		Estimated	
Costs	Costs		Total	

Through 6/30/87	7/1/89 and Thereafter 7,407,000	Costs 7,540,000
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NEW SECTION, Sec. 55. FOR THE WASHINGTON STATE PATROL

Relocate communications tower: Bellevue (88-1-012)

St Patrol Hiway Acct	Reappropriation	Appropriation 374,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	374,000

NEW SECTION, Sec. 56. FOR THE WASHINGTON STATE PATROL

Headquarters facility: Olympia headquarters (88-2-001)

St Patrol Hiway Acct	Reappropriation	Appropriation 7,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	11,500,000
	4,000,000	

The department of general administration and the Washington state patrol shall study alternative on-campus locations for the headquarters facility, including, but not limited to, the highways-licenses building and the feasibility of constructing a lease-option-to-purchase facility. The findings shall be presented to the legislative transportation committee by December 1, 1987, and no expenditures from the appropriation shall be made without prior approval of the legislative transportation committee and the state capitol committee.

NEW SECTION, Sec. 57. FOR THE STATE TREASURER—TRANSFER

Motor Vehicle Fund	\$	8,000,000
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The appropriation in this section is for transfer to the Puget Sound ferry operations account on August 1, 1987: PROVIDED, That the amount appropriated for transfer shall not exceed the amount of the unexpended balance in the Puget Sound ferry operations account on June 30, 1987, which is subject to transfer from the account pursuant to RCW 47.60.540(2). The amount transferred shall be reported to the legislative transportation committee.

NEW SECTION, Sec. 58. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSFER

Motor Vehicle Fund—Highway Construction Stabilization Account	\$	30,000,000
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Transfer: For transfer to the Motor Vehicle Fund

The appropriation transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION, Sec. 59. To the extent that the employer contributions for retirement, industrial insurance, and medical aid granted to state general government employees through enactment of the omnibus state appropriations act are less than amounts assumed in the operating programs in this appropriations act, such portion of the appropriations shall be withheld and assigned to a reserve status pursuant to RCW 43.88.110(2). Specific amounts shall be assigned to a reserve status with the concurrence of the office of financial management and the legislative transportation committee.

NEW SECTION, Sec. 60. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 61. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY HOUSE

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6076 as amended by the House.

Representatives Walk and Schmidt spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6076 as amended by the House, and the bill passed the House by the following vote: Yeas, 78; nays, 16; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Bristow, Brough, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Amondson, Betzoff, Brekke, Chandler, Cooper, Fuhrman, Jacobsen, Lux, Nelson, Niemi, Padden, Patrick, Schoon, Silver, Smith C, Smith L - 16.

Excused: Representatives Brooks, Bumgarner, Doty, Wineberry - 4.

Engrossed Substitute Senate Bill No. 6076 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. Appelwick presiding) called on Mr. O'Brien to preside.

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

INTRODUCTIONS AND FIRST READING

HCR 4421 by Representatives McMullen and Ballard

Notifying the governor that the legislature is adjourning.

HCR 4422 by Representatives McMullen and Brough

Providing procedures for the convening of a special session by the legislature.

RE2SSB 5086 by Committee on Ways & Means (originally sponsored by Senators Halsan, Talmadge, Moore, Stratton and Gaspard)

Revising provisions on community supervision.

ESB 5263 by Senators Gaspard, Bailey, Bender, Bauer, von Reichbauer, Johnson, Conner, Smitherman, Garrett, Talmadge, Moore, Wojahn, Warnke, Rinehart, Peterson, Vognil, Kiskaddon, Saling, Anderson and Benitz

Establishing a ratio of vocational education teachers to students.

ESSB 5901 by Committee on Ways & Means (originally sponsored by Senator McDermott)

Revising the authority of the state convention and trade center.

ESSCR 8412 by Committee on Ways & Means (originally sponsored by Senators Talmadge, Newhouse, McDermott and Bottiger)

Establishing a select committee to review the state convention and trade center.

ESCR 8413 by Senators Metcalf, Warnke, Vognil and Nelson

Establishing the joint select committee on labor-management relations.

MOTIONS

On motion of Mr. Appelwick, the rules were suspended and House Concurrent Resolution No. 4422 was advanced to second reading and read the second time in full.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Brough spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4422, and the resolution was adopted by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher,

Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Brooks, Bumgarner, Doty, Wineberry - 4.

House Concurrent Resolution No. 4422, having received the constitutional majority, was declared adopted.

MOTIONS

On motion of Mr. Appelwick, the rules were suspended and Engrossed Senate Concurrent Resolution No. 8413 was advanced to second reading and read the second time in full.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Patrick spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 8413, and the resolution was adopted by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Brooks, Bumgarner, Doty, Wineberry - 4.

Engrossed Senate Concurrent Resolution No. 8413, having received the constitutional majority, was declared adopted.

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

SECOND READING

MOTION

Mr. Appelwick moved that the Committee on Rules be relieved of House Concurrent Resolution No. 4418 and that the resolution be placed on the calendar for second reading. The motion was carried.

HOUSE CONCURRENT RESOLUTION NO. 4418, by Representatives Wang, Patrick, Cole, Miller, Hine, Allen, R. King, Brough and Grimm

Creating a select committee on employment and the family.

The bill was read the second time.

Mr. Wang moved adoption of the following amendments by Representatives Wang and Brough:

On page 1, line 12, after "of" strike "ten" and insert "twelve"

On page 1, line 13, after "members," strike "five" and insert "three from each caucus"

On page 1, line 13, after "and" strike "five" and insert "three from each caucus"

Representatives Wang and Brough spoke in favor of the amendments, and they were adopted.

The resolution was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Wang and Patrick spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Concurrent Resolution No. 4418, and the resolution was adopted by the following vote: Yeas, 84; nays, 10; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brække, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Wilson K, Wilson S, Winsley, and Mr. Speaker - 84.

Voting nay: Representatives Barnes, Chandler, Nealey, Sanders, Schmidt, Silver, Smith C, Sommers D, Williams J, Zellinsky - 10.

Excused: Representatives Brooks, Bumgarner, Doty, Wineberry - 4.

Engrossed House Concurrent Resolution No. 4418, having received the constitutional majority, was declared adopted.

Representative Wineberry appeared at the bar of the House.

MOTION

On motion of Mr. Taylor, House Rule 14(C) was suspended.

The Speaker declared the House to be at ease until 11:00 p.m.

The House was called to order by the Speaker.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Monday, May 18, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, May 18, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bumgarner, Doty, Hankins, Miller and Sanders who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Eric Evans and Ethan Lowry. Prayer was offered by The Reverend Ray Dimino, Minister of the Emmanuel Baptist Church of Olympia.

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

MESSAGES FROM THE SENATE

May 17, 1987

Mr. Speaker:

The President has signed:

HOUSE JOINT MEMORIAL NO. 4028,
 SUBSTITUTE SENATE BILL NO. 5293,
 SUBSTITUTE SENATE BILL NO. 6016,
 SENATE CONCURRENT RESOLUTION NO. 8413,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

May 17, 1987

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6076, and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND SUBSTITUTE HOUSE BILL NO. 477,
 SUBSTITUTE SENATE BILL NO. 5293,
 SUBSTITUTE SENATE BILL NO. 6016,
 SENATE CONCURRENT RESOLUTION NO. 8413.

The Speaker declared the House to be at ease.

The House was called to order by the Speaker.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 327, by Committee on Ways & Means (originally sponsored by Representatives Bristow, Holland, Grimm, Locke and P. King; by request of Governor Gardner)

Adopting the capital budget.

The bill was read the third time. On motion of Mr. McMullen, the rules were suspended and the bill was returned to second reading for purposes of amendment.

Mr. Bristow moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1989, out of the several funds specified in this act.

NEW SECTION. Sec. 2. (1) As used in this act, the following phrases have the following meanings:

- 'Common School Constr Fund' means Common School Construction Fund;
- 'Cap Bldg Constr Acct' means Capitol Building Construction Account;
- 'St Bldg Constr Acct' means State Building Construction Account;
- 'St Fac Renew Acct' means State Facilities Renewal Account;
- 'Fish Cap Proj Acct' means Fisheries Capital Projects Account;
- 'ORA' means Outdoor Recreation Account;
- 'Sal Enhmt Constr Acct' means Salmon Enhancement Construction Account;
- 'For Dev Acct' means Forest Development Account;
- 'Res Mgmt Cost Acct' means Resource Management Cost Account;
- 'LIRA, DSHS Fac' means Local Improvements Revolving Account—Department of Social and Health Services Facilities;
- 'DSHS Constr Acct' means State Social and Health Services Construction Account;
- 'CEP & RI Acct' means Charitable, Educational, Penal, and Reformatory Institutions Account;
- 'Fire Trng Constr Acct' means Fire Training Construction Account;
- 'WSU Bldg Acct' means Washington State University Building Account;
- 'St H Ed Constr Acct' means State Higher Education Construction Account;
- 'EWU Cap Proj Acct' means Eastern Washington University Capital Projects Account;
- 'TESC Cap Proj Acct' means The Evergreen State College Capital Projects Account;
- 'Com Col Cap Impvmt Acct' means Community College Capital Improvement Account;
- 'Com Col Cap Proj Acct' means Community College Capital Projects Account;
- 'Com Col Cap Constr Acct' means 1975 Community College Capital Construction Account;
- 'CWU Cap Proj Acct' means Central Washington University Capital Projects Account;
- 'UW Bldg Acct' means University of Washington Building Account;
- 'St Bldg Auth Constr Acct' means State Building Authority Construction Account;
- 'WWU Cap Proj Acct' means Western Washington University Capital Projects Account;
- 'Cap Purch & Dev Acct' means Capitol Purchase and Development Account;
- 'Hndcp Fac Constr Acct' means Handicapped Facilities Construction Account;
- 'LIRA, Waste Disp Fac' means State and Local Improvement Revolving Account—Waste Disposal Facilities;
- 'State Emerg Water Proj Rev' means Emergency Water Project Revolving Account—State;
- 'LIRA, Waste Fac 1980' means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;
- 'LIRA, Water Sup Fac' means State and Local Improvement Revolving Account—Water Supply Facilities;
- 'LIRA' means State and Local Improvement Revolving Account;
- 'LIRA, Public Rec Fac' means State and Local Improvement Revolving Account—Public Recreation Facilities;
- 'PNW Fest Fac Constr Acct' means Pacific Northwest Festival Facility Construction Account;
- 'Cultural Fac Constr Acct' means Cultural Facilities Construction Account;
- 'H Ed Constr Acct' means Higher Education Construction Account 1979;
- 'H Ed Reimb S/T Bonds Acct' means Higher Education Reimbursable Short-Term Bonds Account;
- 'St Patrol Hiwy Acct' means State Patrol Highway Account;
- 'WSP Services Acct' means State Patrol Services Account;
- 'Unemp Comp Admin Acct' means Unemployment Compensation Administration Account;
- 'Game Spec Wildlife Acct' means Game Special Wildlife Account;
- 'Local Jail Imp & Constr Acct' means Local Jail Improvement and Construction Account.

The words 'capital improvements' or 'capital projects' used in this act mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets. For purposes of this act, 'provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

'Revert' or 'lapse' means the amount shall return to an unappropriated status.

(2) Letters and numbers in parenthesis following each project description are the unique project identifiers used throughout a project's duration to identify it.

INDEX

- Arts Commission, sec. 913
- Central Washington University, secs. 547-557
- Community College Education Board, secs. 601-652
- Community Development Department, secs. 105-117
- Conservation Commission, sec. 706
- Corrections Department, secs. 305-322
- Eastern Washington State Historical Society, secs. 904-905
- Eastern Washington University, secs. 537-546
- Ecology Department, secs. 701-705
- Education, State Board of, secs. 401-410
- Employment Security Department, sec. 908
- Evergreen State College, secs. 558-574
- Fisheries Department, secs. 770-784, 801-820
- Game Department, secs. 821-857
- General Administration Department, secs. 118-152
- Interagency Committee for Outdoor Recreation, sec. 767
- Military Department, secs. 153-184
- Natural Resources Department, secs. 858-895
- Office of Financial Management, sec. 323
- Parks and Recreation Commission, secs. 707-764
- Secretary of State, secs. 101-104
- Social and Health Services Department, secs. 201-235
- State Capitol Historical Association, secs. 906-907
- Superintendent of Public Instruction, sec. 412
- Trade and Economic Development Department, secs. 767-770
- Transportation Department, secs. 909-912
- University of Washington, secs. 501-518
- Veterans Affairs Department, secs. 301-304
- Washington State Historical Society, secs. 901-903
- Washington State University, secs. 519-536
- Western Washington State University, secs. 575-578
- Vocational Technology Center, sec. 411

PART I

GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE SECRETARY OF STATE

Renovate essential records protection facility: Birch Bay (88-2-001)

			Reappropriation	Appropriation
St Bldg	Constr	Acct		112,000
	Project		Estimated	Estimated
	Costs		Costs	Total
	Through		7/1/89 and	Costs
	6/30/87		Thereafter	
				112,000

NEW SECTION, Sec. 102. FOR THE SECRETARY OF STATE

Install fire and security system: King county regional branch archives (88-3-002)

			Reappropriation	Appropriation
St Bldg	Constr	Acct		14,000
	Project		Estimated	Estimated
	Costs		Costs	Total
	Through		7/1/89 and	Costs
	6/30/87		Thereafter	
				14,000

NEW SECTION, Sec. 103. FOR THE SECRETARY OF STATE

Archives building: Renovate and convert fumigator (88-1-004)

			Reappropriation	Appropriation
St Bldg	Constr	Acct		38,000
	Project		Estimated	Estimated
	Costs		Costs	Total
	Through		7/1/89 and	Costs
	6/30/87		Thereafter	
				38,000

NEW SECTION, Sec. 104. FOR THE SECRETARY OF STATE

Regional archive facilities (88-2-003)

			Reappropriation	Appropriation
St Bldg	Constr	Acct		49,000
	Project		Estimated	Estimated
	Costs		Costs	Total

Through 6/30/87	7/1/89 and Thereafter 2,797,000	Costs 2,846,000
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NEW SECTION, Sec. 105. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Fire service training minor works (87-4-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		171,000
Fire Trng Constr Acct	100,000	240,000
St Fac Renew Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
211,000		822,000

NEW SECTION, Sec. 106. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tacoma Union Station building stabilization and planning

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of this appropriation is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The money in this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,500,000

NEW SECTION, Sec. 107. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Capitalize development loan fund (88-2-002)

The appropriation in this section is subject to the following conditions and limitations: Up to one million five hundred thousand dollars may be used for grants of state funds to local governments which qualify as 'entitlement communities' under the federal law authorizing community development block grants, which shall not require the commitment of additional federal funds by the entitlement community.

Additional grants may be provided to entitlement communities subject to the matching requirement in RCW 43.168.100.

To the extent permitted under federal law, the development loan committee shall require local entitlement communities to transfer repayments of principal and interest to the Washington state development loan fund.

	Reappropriation	Appropriation
St Bldg Constr Acct		3,070,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		3,070,000

NEW SECTION, Sec. 108. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency management building minor works (88-3-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		60,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		60,000

NEW SECTION, Sec. 109. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Silver Lake dam

The appropriation in this section is subject to the following conditions and limitations: The money appropriated in this section is provided solely to complete repairs on the Silver Lake dam in Cowlitz county and for technical assistance to assist local entities in this project.

	Reappropriation	Appropriation
St Bldg Constr Acct		70,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		70,000

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tall ship mobile tourist attraction

The appropriation in this section is subject to the following conditions and limitations: The money appropriated in this section is provided solely for the Grays Harbor historical seaport authority to construct a mobile tall ships tourist attraction if local or private sources provide \$125,000 in money or in-kind support for the project.

(1) If the department determines that less than \$125,000 will be available from local or private sources, the state grant shall be reduced accordingly to maintain this \$4 to \$1 ratio, and the unspent funds shall lapse.

(2) The \$125,000 match shall be counted as amounts in excess of \$500,000 obtained for the project from a local government bond issue in calendar year 1986.

(3) The total in-kind match may include donated assets. Assets shall be valued at their fair market value at the time of donation.

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000,000	3,765,000	5,490,000

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Gray's Harbor dredging

The appropriation in this section is provided solely for the state's share of costs for Gray's Harbor dredging, dike construction, bridge relocation, and related expenses.

(1) This money is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being provided for the project.

(2) The port of Gray's Harbor shall make the best possible effort to acquire additional project funding from sources other than those in subsection (1) of this section. Any money, up to \$10,000,000 provided from sources other than those in subsection (1) of this section, shall be used to reimburse or replace state building construction fund money.

(3) A maximum of \$5,000,000 of this appropriation may be spent before July 1, 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct		10,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	30,000,000	60,000,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Underwater naval warfare museum

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		500,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Nordic Heritage Museum

The appropriation in this section is provided solely for reconstruction, upgrading, and preservation of the main floor of the Nordic Heritage Museum to accommodate a completed Dream of America exhibit on the Pacific Northwest. This appropriation is contingent on the provision of an equal amount of money from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		100,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Washington housing trust fund

The appropriation in this section is subject to the following conditions and limitations:

(1) No expenditures from this appropriation may be made before July 1, 1988.

(2) No expenditures from this appropriation may be made until the department has completed the state-wide housing data study and the legislature has reviewed the results.

(3) The appropriation shall be used solely for capital costs associated with the purposes of the housing trust fund under RCW 43.185.050. These moneys shall be used for loans or grants for capital projects state-wide that will provide housing for persons or families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of the moneys used for loans or grants shall go to projects located in rural areas.

(4) The department shall to the maximum extent feasible use the appropriation to leverage other funds for capital costs associated with the purposes of the housing trust fund under chapter 43.185 RCW.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,000,000

NEW SECTION, Sec. 115. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

San Juan County courthouse restoration

This appropriation is contingent on the provision of an equal amount of money from non-state sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		600,000

NEW SECTION, Sec. 116. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public Works Trust Fund

The appropriations in this section are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

	Reappropriation	Appropriation
Public Works Trust Fund Acct	25,056,743	34,972,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
35,910,257		

NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Historic landmarks preservation

This appropriation is provided solely to establish a permanent fund, known as the endangered landmarks preservation fund, to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds for sale deposited in the fund.

This appropriation is provided contingent on an equal amount being provided from non-state sources. No state funds may be spent until \$100,000 has been provided from nonstate sources. Thereafter, for each additional \$100,000 provided from nonstate sources, \$100,000 of state money may be spent.

	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
7/1/87	Thereafter	
		1,200,000

NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus conveyance system repairs, phase II (83-R-005)

	Reappropriation	Appropriation
St Fac Renew Acct	450,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87	Thereafter	
651,000		1,101,000
<u>NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Capitol campus water distribution system (83-R-007)		
	Reappropriation	Appropriation
St Bldg Constr Acct	475,000	
Cap Bldg Constr Acct	110,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
69,393		654,000
<u>NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Energy retrofit projects (83-R-015)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct	928,000	
Cap Purch & Dev Acct	100,000	
St Fac Renew Acct	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
479,000		1,557,000
<u>NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Office Building No. 2 fire repairs and retrofit (84-1-R11)		
	Reappropriation	Appropriation
St Bldg Constr Acct	320,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
3,162,000		3,482,000
<u>NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Northern State Hospital miscellaneous repairs, phase II (84-R-007)		
	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
St Fac Renew Acct	320,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,731,000		2,111,000
<u>NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Small repairs and improvements (86-1-002)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct	80,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
420,000		500,000
<u>NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Boiler plant structural evaluation (86-1-003)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct	28,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
39,000		67,000
<u>NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
State facilities routine maintenance program: Inventory and standards (86-1-004)		
	Reappropriation	Appropriation
General Fund, State	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

	6/30/87	Thereafter		400,000
	380,000			
<u>NEW SECTION, Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>				
Campus HVAC repairs (86-1-009)				
		Reappropriation	Appropriation	
Cap Bldg Constr Acct		230,000		
Project		Estimated	Estimated	
Costs		Costs	Total	
Through		7/1/89 and	Costs	
6/30/87		Thereafter		
20,000			250,000	
<u>NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>				
Temple of Justice renovation (86-1-011)				
		Reappropriation	Appropriation	
Cap Bldg Constr Acct		2,000,000	500,000	
St Bldg Constr Acct			12,212,000	
Project		Estimated	Estimated	
Costs		Costs	Total	
Through		7/1/89 and	Costs	
6/30/87		Thereafter		
648,000			15,360,000	
<u>NEW SECTION, Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>				
Legislative Building renovation (86-2-013)				
		Reappropriation	Appropriation	
St Fac Renew Acct		390,000		
Project		Estimated	Estimated	
Costs		Costs	Total	
Through		7/1/89 and	Costs	
6/30/87		Thereafter		
580,000			970,000	
<u>NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>				
Campus roof repairs (86-2-015)				
		Reappropriation	Appropriation	
Cap Bldg Constr Acct		190,000		
Project		Estimated	Estimated	
Costs		Costs	Total	
Through		7/1/89 and	Costs	
6/30/87		Thereafter		
58,000			248,000	
<u>NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>				
Campus building: interior revisions (86-1-017)				
		Reappropriation	Appropriation	
St Fac Renew Acct		25,000		
Project		Estimated	Estimated	
Costs		Costs	Total	
Through		7/1/89 and	Costs	
6/30/87		Thereafter		
259,000			284,000	
<u>NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>				
Campus electrical system revisions (86-2-019)				
		Reappropriation	Appropriation	
St Fac Renew Acct		100,000		
Project		Estimated	Estimated	
Costs		Costs	Total	
Through		7/1/89 and	Costs	
6/30/87		Thereafter		
282,000			382,000	
<u>NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>				
Capitol Lake preservation (86-2-024)				
		Reappropriation	Appropriation	
Cap Bldg Constr Acct		665,000		
Project		Estimated	Estimated	
Costs		Costs	Total	
Through		7/1/89 and	Costs	
6/30/87		Thereafter		
629,000			1,294,000	
<u>NEW SECTION, Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>				

House Office Building remodel (86-2-025)

St Bldg Constr Acct		Reappropriation	Appropriation
Project		150,000	
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
3,986,000	Thereafter		
			4,216,000

NEW SECTION, Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Tacoma feasibility study (86-3-031)

St Bldg Constr Acct		Reappropriation	Appropriation
Project		100,000	
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			100,000

NEW SECTION, Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Fort Steilacoom property: Acquisition (86-3-032)

CEP & RI Acct		Reappropriation	Appropriation
Project		300,000	
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			300,000

NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Emergency repairs (88-1-001)

Cap Bldg Constr Acct		Reappropriation	Appropriation
Project			276,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
	640,000		916,000

NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Small repairs and improvements (88-1-002)

Cap Bldg Constr Acct		Reappropriation	Appropriation
Project			496,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
	1,500,000		1,996,000

NEW SECTION, Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Boiler plant structural repairs (88-1-003)

Cap Bldg Constr Acct		Reappropriation	Appropriation
Project			352,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
	730,000		1,082,000

NEW SECTION, Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Archives renovation (88-2-004)

Cap Purch & Dev Acct		Reappropriation	Appropriation
St Bldg Constr Acct			509,000
Project			51,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
10,000	Thereafter		
			570,000

NEW SECTION, Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Life safety projects: Buildings and building systems (88-1-006)

Cap Bldg Constr Acct		Reappropriation	Appropriation
Project			1,127,000
	Estimated		Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter 3,000,000	Total Costs 4,127,000
<u>NEW SECTION, Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Northern State Hospital: Life safety repair projects (88-1-007)		
	Reappropriation	Appropriation
St Bldg Constr Acct		325,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter 600,000	925,000
<u>NEW SECTION, Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Capitol campus repairs: inadequate building system (88-2-008)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct		1,118,000
Cap Purch & Dev Acct		1,299,000
St Bldg Constr Acct		4,950,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter 10,036,000	17,403,000
<u>NEW SECTION, Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Highways-Licenses Building program planning and design (88-5-011)		
	Reappropriation	Appropriation
Cap Purch & Dev Acct		449,000
St Bldg Constr Acct		51,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	500,000
<u>NEW SECTION, Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Campus property protection projects (88-3-012)		
	Reappropriation	Appropriation
St Bldg Constr Acct		760,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter 1,945,000	2,705,000
<u>NEW SECTION, Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Motor pool consolidation: Organizational study and facility preplan (88-4-030)		
	Reappropriation	Appropriation
Cap Purch & Dev Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	100,000
<u>NEW SECTION, Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Acquire Puyallup property for Puyallup extension community college facility (88-3-031)		
	Reappropriation	Appropriation
St Bldg Constr Acct		6,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	6,000,000
<u>NEW SECTION, Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Child day care facility: Olympia (88-5-033)		
The appropriation in this section is subject to the following conditions and limitations: The department shall employ an architect from within the state of Washington to design the facility.		
	Reappropriation	Appropriation
Cap Bldg Constr Acct		450,000
Project	Estimated	Estimated

Costs
Through
6/30/87

Costs
7/1/89 and
Thereafter

Total
Costs

450,000

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Campus grounds: Streets and garage repairs (90-3-009)

Reappropriation

Appropriation
500,000

St Bldg Constr Acct
Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter
1,230,000

Estimated
Total
Costs
1,730,000

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
John A. Cherberg Building remodel, consolidation, and renovation of senate facilities

Reappropriation

Appropriation
3,800,000

St Bldg Constr Acct
Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter
3,200,000

Estimated
Total
Costs
7,000,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building painting and renovation

Reappropriation

Appropriation
1,365,000

Cap Bldg Constr Acct
Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter

Estimated
Total
Costs
1,365,000

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Planning and programming for east campus property, a Department of Natural Resources
office building, office buildings, and relocation expenses

The appropriation in this section is subject to the following conditions and limitations:

(1) In developing the east capitol campus plan the department shall work cooperatively with the ways and means committees of the senate and house of representatives. A final recommendation shall be issued by December 1, 1987. The final recommendation shall include a proposed plan for state building leases in Thurston county.

(2) Prior to the expenditure of any funds appropriated under this section, the department shall provide the senate and house of representatives ways and means committees with a plan and schedule for the relocation of the department of natural resources to interim office space. The plan and schedule shall provide for the interim relocation of the department of natural resources to be accomplished by March 1, 1988.

(3) The department shall study the facility needs of the criminal justice training center and report its findings to the ways and means committees of the senate and house of representatives by December 1, 1987.

(4) The department shall develop recommendations for the disposition of the old Thurston county courthouse.

(5) The department shall make recommendations for a permanent state museum.

Reappropriation

Appropriation
1,000,000

St Bldg Constr Acct
Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter

Estimated
Total
Costs
1,000,000

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Campus utility system repairs (90-3-012)

Reappropriation

Appropriation
605,000

Cap Bldg Constr Acct
Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter
1,000,000

Estimated
Total
Costs
1,605,000

NEW SECTION. Sec. 153. FOR THE MILITARY DEPARTMENT

Construct unit training and equipment site (84-1-001)

		Reappropriation	Appropriation
General Fund, Federal			1,124,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
1,762,000			2,886,000

NEW SECTION, Sec. 154. FOR THE MILITARY DEPARTMENT

Tacoma Armory rehabilitation (86-1-001)

		Reappropriation	Appropriation
General Fund, Federal			300,000
St Bldg Constr Acct		1,500,000	207,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
620,000	4,536,000		7,163,000

NEW SECTION, Sec. 155. FOR THE MILITARY DEPARTMENT

Watercraft support and training center (86-1-003)

The appropriations in this section are subject to the following conditions and limitations: No funds may be spent for construction of the center at a site adjacent to an urban waterfront park unless:

(1) The military department first proposes criteria for site selection that are reasonably necessary to accommodate the facilities needed at the center, and such criteria are reviewed by the department of general administration;

(2) The port in which such center is currently located and the military department concur that no alternative site meeting these criteria is available within the port; and

(3) The military department prepares an environmental impact statement on the site.

		Reappropriation	Appropriation
General Fund, Federal			669,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
2,170,000	9,550,000		12,389,000

NEW SECTION, Sec. 156. FOR THE MILITARY DEPARTMENT

Minor works (86-1-005)

		Reappropriation	Appropriation
St Bldg Constr Acct			500,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
1,764,000	1,000,000		3,264,000

NEW SECTION, Sec. 157. FOR THE MILITARY DEPARTMENT

Construct Kent Armory (86-3-007)

		Reappropriation	Appropriation
General Fund, Federal		1,467,000	1,533,000
St Bldg Constr Acct		489,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			3,489,000

NEW SECTION, Sec. 158. FOR THE MILITARY DEPARTMENT

Project management (88-2-003)

		Reappropriation	Appropriation
St Bldg Constr Acct			245,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			245,000

NEW SECTION, Sec. 159. FOR THE MILITARY DEPARTMENT

Preplanning (88-2-004)

		Reappropriation	Appropriation
St Bldg Constr Acct			174,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 174,000
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NEW SECTION, Sec. 160. FOR THE MILITARY DEPARTMENT

Facility roof renovation (88-3-006)

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 700,000 Estimated Total Costs 700,000
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NEW SECTION, Sec. 161. FOR THE MILITARY DEPARTMENT

Exterior painting of facilities (88-3-007)

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter 364,000	Appropriation 258,000 Estimated Total Costs 622,000
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NEW SECTION, Sec. 162. FOR THE MILITARY DEPARTMENT

Repair and replace leaking underground storage tanks (88-2-008)

General Fund, Federal St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 452,000 287,000 Estimated Total Costs 739,000
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NEW SECTION, Sec. 163. FOR THE MILITARY DEPARTMENT

Organizational maintenance shop: Bellingham (88-1-009)

General Fund, Federal Project Costs Through 6/30/87	Reappropriation 22,000 Estimated Costs 7/1/89 and Thereafter 404,000	Appropriation 303,000 Estimated Total Costs 729,000
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NEW SECTION, Sec. 164. FOR THE MILITARY DEPARTMENT

Energy conservation projects (88-4-010)

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter 800,000	Appropriation 1,076,000 Estimated Total Costs 1,876,000
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NEW SECTION, Sec. 165. FOR THE MILITARY DEPARTMENT

Armory storage building (88-5-014)

General Fund, Federal Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter 865,000	Appropriation 150,000 Estimated Total Costs 1,015,000
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NEW SECTION, Sec. 166. FOR THE MILITARY DEPARTMENT

Theater army command, rear area company armory: Spokane (88-5-019)

General Fund, Federal Project Costs Through	Reappropriation Estimated Costs 7/1/89 and	Appropriation 120,000 Estimated Total Costs
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6/30/87	Thereafter	
	950,000	1,070,000
<u>NEW SECTION, Sec. 167. FOR THE MILITARY DEPARTMENT</u>		
Military police company armory (88-5-020)		
	Reappropriation	Appropriation
General Fund, Federal		200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	4,200,000	4,400,000
<u>NEW SECTION, Sec. 168. FOR THE MILITARY DEPARTMENT</u>		
Engineering company (facilities engineering) armory (88-5-021)		
	Reappropriation	Appropriation
General Fund, Federal		210,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	3,980,000	4,190,000
<u>NEW SECTION, Sec. 169. FOR THE MILITARY DEPARTMENT</u>		
Military intelligence company armory (88-5-022)		
	Reappropriation	Appropriation
General Fund, Federal		400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	3,900,000	4,300,000
<u>NEW SECTION, Sec. 170. FOR THE MILITARY DEPARTMENT</u>		
Target acquisition battery armory (88-5-023)		
	Reappropriation	Appropriation
General Fund, Federal		280,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	3,995,000	4,275,000
<u>NEW SECTION, Sec. 171. FOR THE MILITARY DEPARTMENT</u>		
Personal service company armory: Camp Murray (88-5-024)		
	Reappropriation	Appropriation
General Fund, Federal		700,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	210,000	910,000
<u>NEW SECTION, Sec. 172. FOR THE MILITARY DEPARTMENT</u>		
USPFO expansion: Camp Murray (89-5-008)		
	Reappropriation	Appropriation
General Fund, Federal		277,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		277,000
<u>NEW SECTION, Sec. 173. FOR THE MILITARY DEPARTMENT</u>		
Construct flight operations center: Geiger Field (89-5-010)		
	Reappropriation	Appropriation
General Fund, Federal		3,697,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	450,000	4,147,000
<u>NEW SECTION, Sec. 174. FOR THE MILITARY DEPARTMENT</u>		
Construct organizational maintenance shop: Yakima (90-5-005)		
	Reappropriation	Appropriation

General Fund, Federal			37,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	527,000		564,000
<u>NEW SECTION, Sec. 175. FOR THE MILITARY DEPARTMENT</u>			
Construct flight operation center: Gray Field, Fort Lewis (90-5-006)			
		Reappropriation	Appropriation
			378,000
General Fund, Federal			Estimated
Project	Estimated		Total
Costs	Costs		Costs
Through	7/1/89 and		
6/30/87	Thereafter		
	5,400,000		5,778,000
<u>NEW SECTION, Sec. 176. FOR THE MILITARY DEPARTMENT</u>			
Heavy equipment maintenance: Yakima Firing Center (90-5-007)			
		Reappropriation	Appropriation
			145,000
General Fund, Federal			Estimated
Project	Estimated		Total
Costs	Costs		Costs
Through	7/1/89 and		
6/30/87	Thereafter		
	2,065,000		2,210,000
<u>NEW SECTION, Sec. 177. FOR THE MILITARY DEPARTMENT</u>			
AASF #1 addition: Gray Field, Fort Lewis (90-5-009)			
		Reappropriation	Appropriation
			293,000
General Fund, Federal			Estimated
Project	Estimated		Total
Costs	Costs		Costs
Through	7/1/89 and		
6/30/87	Thereafter		
	4,187,000		4,480,000
<u>NEW SECTION, Sec. 178. FOR THE MILITARY DEPARTMENT</u>			
AASF #2: Geiger Field, Spokane (90-5-011)			
		Reappropriation	Appropriation
			1,767,000
General Fund, Federal			Estimated
Project	Estimated		Total
Costs	Costs		Costs
Through	7/1/89 and		
6/30/87	Thereafter		
	1,550,000		3,317,000
<u>NEW SECTION, Sec. 179. FOR THE MILITARY DEPARTMENT</u>			
Northwest division headquarters: Fort Lewis (90-5-012)			
		Reappropriation	Appropriation
			257,000
General Fund, Federal			Estimated
Project	Estimated		Total
Costs	Costs		Costs
Through	7/1/89 and		
6/30/87	Thereafter		
	735,000		992,000
<u>NEW SECTION, Sec. 180. FOR THE MILITARY DEPARTMENT</u>			
Moses Lake Army (90-5-013)			
		Reappropriation	Appropriation
			196,000
General Fund, Federal			Estimated
Project	Estimated		Total
Costs	Costs		Costs
Through	7/1/89 and		
6/30/87	Thereafter		
	2,800,000		2,996,000
<u>NEW SECTION, Sec. 181. FOR THE MILITARY DEPARTMENT</u>			
Construct Redmond Army (90-5-014)			
		Reappropriation	Appropriation
			112,000
General Fund, Federal			Estimated
Project	Estimated		Total
Costs	Costs		Costs
Through	7/1/89 and		
6/30/87	Thereafter		
	7,119,000		

6/30/87	Thereafter	
	1,238,000	1,350,000
<u>NEW SECTION, Sec. 182. FOR THE MILITARY DEPARTMENT</u>		
Vancouver Armory renovation (90-3-015)		
	Reappropriation	Appropriation
General Fund, Federal		198,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	2,200,000	2,398,000
<u>NEW SECTION, Sec. 183. FOR THE MILITARY DEPARTMENT</u>		
Combined support maintenance shop addition: Camp Murray (91-5-013)		
	Reappropriation	Appropriation
General Fund, Federal		40,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	577,000	617,000
<u>NEW SECTION, Sec. 184. FOR THE MILITARY DEPARTMENT</u>		
Mates addition: Yakima Firing Center (91-5-018)		
	Reappropriation	Appropriation
General Fund, Federal		78,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,121,000	1,199,000

PART 2
HUMAN RESOURCES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum 37 projects (79-3-R01)
Approve, construct, renovate, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps, involving eight projects as recommended by the department, totaling \$353,267. Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1987, and approved by March 31, 1988.

	Reappropriation	Appropriation
Hndcp Fac Constr Acct	2,389,000	
LIRA, DSHS Fac		47,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
22,580,000		25,016,000

NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum 29 projects (79-3-R02)
Provides expenditure authority for projects already in progress and provides new funds from interest earnings to complete a community multipurpose center for the handicapped in Ferry county.

	Reappropriation	Appropriation
LIRA, DSHS Fac	874,000	120,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
426,000		1,420,000

	Reappropriation	Appropriation
DSHS Constr Acct	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
21,215,000		21,265,000

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Construct and equip rehabilitation center, phase IV: Lakeland Village and pool cover (79-R-009)

	Reappropriation	Appropriation
DSHS Constr Acct	6,000,000	
St Bldg Constr Acct		250,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
19,226,000		25,476,000

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate Evergreen Center, phase IV: Rainier School (79-R-017)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,444,000
DSHS Constr Acct	900,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
27,779,000		33,123,000

NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State public health lab (81-3-R10)

	Reappropriation	Appropriation
DSHS Constr Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
998,000		1,098,000

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Energy conservation program (81-2-R11)

	Reappropriation	Appropriation
DSHS Constr Acct	25,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,146,000		2,171,000

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fire safety improvements: Western State Hospital (83-1-006)

	Reappropriation	Appropriation
DSHS Constr Acct	175,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
81,000		256,000

NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Repair and upgrade utilities: Maple Lane School (83-2-007)

	Reappropriation	Appropriation
DSHS Constr Acct	200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
409,000		609,000

NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Complete construction of three living units: Child study and treatment center (83-3-012)

	Reappropriation	Appropriation
DSHS Constr Acct	60,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
4,835,000		4,895,000

NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Purchase and renovate Marion school and gym: Francis H. Morgan (83-R-015)

The appropriation in this section is subject to the requirement that, upon completion of renovation, the facility be used for colocated-integrated programs for Francis Haddon Morgan Center students and general population students in the Bremerton School District.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,469,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,639,000		4,108,000

NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate wards, phase II: Eastern State Hospital (83-R-016)

	Reappropriation	Appropriation
DSHS Constr Acct	2,800,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
445,000		3,245,000

NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate wards, phase II: Western State Hospital (83-R-017)

	Reappropriation	Appropriation
DSHS Constr Acct	8,000,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
4,079,000		12,079,000

NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Artwork for education building: Greenhill School (83-4-020)

	Reappropriation	Appropriation
DSHS Constr Acct	8,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,792,000		1,800,000

NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Therapy pool: Interlake School (84-R-034)

	Reappropriation	Appropriation
DSHS Constr Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,211,000		1,311,000

NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency, unanticipated, and small works contingency (86-1-010)

	Reappropriation	Appropriation
St Fac Renew Acct	525,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
452,000		977,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works: Juvenile rehabilitation (86-1-020)

	Reappropriation	Appropriation
St Fac Renew Acct	1,950,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
483,000		2,433,000

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works: Mental health (86-1-030)

	Reappropriation	Appropriation
St Fac Renew Acct	775,000	

Project Costs Through 6/30/87 579,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 1,354,000
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NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Minor works: Developmental disabilities (86-1-040)

The reappropriation in this section is subject to the following conditions and limitations: A maximum of \$70,000 may be spent to purchase an intercom system at Fircrest school.

	Reappropriation 675,000	Appropriation
St Fac Renew Acct		
Project Costs Through 6/30/87 679,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 1,354,000

NEW SECTION, Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Renovate main residential and training building: Mission Creek (86-1-202)

	Reappropriation 1,850,000	Appropriation
St Fac Renew Acct		
Project Costs Through 6/30/87 198,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 2,048,000

NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Road repair: Eastern State Hospital (86-1-335)

	Reappropriation 140,000	Appropriation
St Fac Renew Acct		
Project Costs Through 6/30/87 996,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 1,136,000

NEW SECTION, Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Construct and equip new food service building: Fircrest School (86-1-403)

	Reappropriation 3,700,000	Appropriation
DSHS Constr Acct		
Project Costs Through 6/30/87 398,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 4,098,000

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Administrative support space: Pearl Street (86-3-409)

	Reappropriation 50,000	Appropriation
LIRA, DSHS Fac		
Project Costs Through 6/30/87 28,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 78,000

NEW SECTION, Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Capital repair minor works: Roads and grounds (88-1-002)

	Reappropriation 622,000	Appropriation
St Bldg Constr Acct		
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 622,000

NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Prepare comprehensive study and make minor repairs: Interlake School (86-1-408)

	Reappropriation 40,000	Appropriation
LIRA, DSHS Fac		
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter		169,000
129,000			
<u>NEW SECTION, Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Capital repair minor works: Roots (88-1-003)			
	Reappropriation		Appropriation
St Bldg Constr Acct			1,140,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		
	1,750,000		2,890,000
<u>NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Capital repair minor works: Fire safety and health (88-1-004)			
	Reappropriation		Appropriation
St Bldg Constr Acct			1,145,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		
	1,250,000		2,395,000
<u>NEW SECTION, Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Energy conservation management plan (88-2-011)			
	Reappropriation		Appropriation
St Bldg Constr Acct			305,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		
	305,000		305,000
<u>NEW SECTION, Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Minor projects: Juvenile rehabilitation (88-1-020)			
	Reappropriation		Appropriation
St Bldg Constr Acct			932,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		
	1,000,000		1,932,000
<u>NEW SECTION, Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Minor projects: Mental health (88-1-030)			
	Reappropriation		Appropriation
St Bldg Constr Acct			471,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		
	896,000		1,367,000
<u>NEW SECTION, Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Minor projects: Developmental disabilities (88-1-040)			
	Reappropriation		Appropriation
St Bldg Constr Acct			1,634,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		
	1,425,000		3,059,000
<u>NEW SECTION, Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Renovate wards, phase III: Western State Hospital (88-1-307)			
	Reappropriation		Appropriation
St Bldg Constr Acct			585,900
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		
	6,197,000		6,782,900
<u>NEW SECTION, Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Renovate residences to high school support facility: Child Study Treatment Center (88-1-			

St Bldg Constr Acct		Reappropriation	Appropriation
Project			947,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			947,000

NEW SECTION, Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Western State Hospital (88-1-400)

Funds appropriated in this section shall be used to provide Western State Hospital's share, not to exceed 40.5 percent, of the capital costs of sanitary sewer interceptor construction from the town of Stellacoom to the Chamber's Creek secondary treatment facility. Capital costs may include purchase of existing capacity and connection costs.

St Bldg Constr Acct		Reappropriation	Appropriation
Project			4,879,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			4,879,000

NEW SECTION, Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Construct/renovate/equip facilities

The appropriation in this section is subject to the following conditions and limitations: The department shall encourage counties to develop proposals for establishing residential mental health facilities in lieu of utilizing private hospital beds or state mental hospital beds for clients committed through the involuntary treatment act. State funds may not be allocated to counties unless in-kind matches are included as part of the total project costs. The office of financial management shall review and approve such projects prior to any allocation of state funds.

St Bldg Constr Acct		Reappropriation	Appropriation
Project			1,000,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			1,000,000

NEW SECTION, Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Referendum 27 and Referendum 38

The appropriations in this section are subject to the following conditions and limitations: Up to sixteen full time equivalent staff per year in this act may be funded through Referendum 38 for the purpose of reviewing local water improvement accounts.

LIRA, Water Supp Fac		Reappropriation	Appropriation
Project		41,934,000	
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			41,161,000

PART 3
HUMAN SERVICES—OTHER

NEW SECTION, Sec. 301. FOR THE DEPARTMENT OF VETERANS AFFAIRS
 Contingency for emergencies (88-1-017)

CEP & RI Acct		Reappropriation	Appropriation
Project			78,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			78,000

NEW SECTION, Sec. 302. FOR THE DEPARTMENT OF VETERANS AFFAIRS
 Program: Walla Walla veterans center (86-3-002)

The appropriation in this section is subject to the following conditions and limitations: No moneys be allotted before the execution of an agreement between the director of the office of financial management and the department of veterans affairs on the components and the amount for a preliminary assessment.

CEP & RI Acct		Reappropriation	Appropriation
Project		168,800	
Costs	Estimated		Estimated
	Costs		Total

Through 6/30/87 34,700	7/1/89 and Thereafter	Costs 203,500
<u>NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>		
Minor projects (88-1-018)		
	Reappropriation	Appropriation
CEP & RI Acct		586,000
St Bldg Constr Acct		15,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		601,000
<u>NEW SECTION, Sec. 304. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>		
Nursing care addition: Preplanning funds for 35-bed intermediate nursing addition at the soldiers' home (90-5-020)		
	Reappropriation	Appropriation
General Fund, Private/Local		51,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		51,000
<u>NEW SECTION, Sec. 305. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington State Reformatory: Water system improvements (83-1-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
608,000		668,000
<u>NEW SECTION, Sec. 306. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington Corrections Center: Enlarge and remodel for 600 beds (83-R-029)		
	Reappropriation	Appropriation
St Bldg Constr Acct	500,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
21,274,000		21,774,000
<u>NEW SECTION, Sec. 307. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington State Reformatory: Facility improvements (83-R-048)		
	Reappropriation	Appropriation
St Bldg Constr Acct		7,725,000
DSHS Constr Acct	5,964,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
12,208,000	6,178,000	32,075,000
<u>NEW SECTION, Sec. 308. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide omnibus: Various projects (83-R-049)		
	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,618,000		1,678,000
<u>NEW SECTION, Sec. 309. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Clallam Bay Corrections Center: 500-person corrections center (83-R-051)		
	Reappropriation	Appropriation
DSHS Constr Acct	495,500	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87	Thereafter		
42,501,500			42,997,000
<u>NEW SECTION, Sec. 310. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Washington State Penitentiary facility: Renewal projects (83-R-052)			
	Reappropriation		Appropriation
St Bldg Constr Acct			1,327,000
DSHS Constr Acct	6,415,000		
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		13,506,000
5,764,000			
<u>NEW SECTION, Sec. 311. FOR THE DEPARTMENT OF CORRECTIONS</u>			
McNeil Island Corrections Center: Renovation of utilities (86-1-002)			
	Reappropriation		Appropriation
St Bldg Constr Acct			4,805,000
St Fac Renew Acct	1,250,000		
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		16,112,000
1,969,000	8,088,000		
<u>NEW SECTION, Sec. 312. FOR THE DEPARTMENT OF CORRECTIONS</u>			
McNeil Island Corrections Center: Complete repairs to water transportation system (86-1-004)			
	Reappropriation		Appropriation
St Bldg Constr Acct			1,048,000
St Fac Renew Acct	1,720,000		
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		3,293,000
525,000			
<u>NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide: Minor projects (86-2-005)			
	Reappropriation		Appropriation
St Bldg Constr Acct			2,115,000
St Fac Renew Acct	1,337,500		
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		4,211,000
758,500			
<u>NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide: Small repairs and improvements (86-2-006)			
	Reappropriation		Appropriation
St Bldg Constr Acct			546,000
St Fac Renew Acct	6,600		
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		936,000
54,400	329,000		
<u>NEW SECTION, Sec. 315. FOR THE DEPARTMENT OF CORRECTIONS</u>			
McNeil Island Corrections Center: Building renovations (86-1-008)			
	Reappropriation		Appropriation
St Bldg Constr Acct			2,936,000
St Fac Renew Acct	2,100,000		
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		5,777,000
129,000	612,000		
<u>NEW SECTION, Sec. 316. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide: Transformers (PCB) code compliance (86-1-012)			
	Reappropriation		Appropriation
St Fac Renew Acct	100,000		
Project	Estimated	Estimated	

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
100,000		200,000

NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF CORRECTIONS

Construct collocated housing units at McNeil Island Corrections Center, Purdy Corrections Center for Women, and replacement of Tacoma work release (88-1-001)

The appropriation in this section is subject to the following conditions and limitations: No money may be spent until the office of financial management approves the department of corrections construction cost estimates for McNeil Island and Purdy and replacement cost estimates for Tacoma work release. The cost estimates shall be made available to the senate and house of representatives ways and means committees as soon as the office of financial management approval is granted.

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 10,265,000 Estimated Total Costs
	20,500,000	30,765,000

NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF CORRECTIONS
Life safety and code compliance (88-1-002)

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 1,540,000 Estimated Total Costs
		1,540,000

NEW SECTION. Sec. 319. FOR THE DEPARTMENT OF CORRECTIONS
State-wide: Minor works projects, wastewater treatment (88-1-017)

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 708,000 Estimated Total Costs
		708,000

NEW SECTION. Sec. 320. FOR THE DEPARTMENT OF CORRECTIONS
State-wide: Minor works projects, water systems (88-1-018)

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 422,000 Estimated Total Costs
		422,000

NEW SECTION. Sec. 321. FOR THE DEPARTMENT OF CORRECTIONS
Washington Corrections Center: Reroof building (88-3-019)

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 1,065,000 Estimated Total Costs
		1,065,000

NEW SECTION. Sec. 322. FOR THE DEPARTMENT OF CORRECTIONS
State-wide: Emergency repair projects (86-1-010)

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation 70,000 Estimated Costs 7/1/89 and Thereafter	Appropriation 400,000 Estimated Total Costs
330,000		400,000

NEW SECTION. Sec. 323. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Local jail facilities: To complete jail construction/renovation to meet physical plant standards for jail construction.

St Bldg Constr Acct	Reappropriation	Appropriation
Local Jail Imp & Constr Acct	2,039,000	1,461,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		3,500,000

PART 4

K-12 EDUCATION

NEW SECTION, Sec. 401. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1977 (77-3-001)

Common School Constr Fund	Reappropriation	Appropriation
	25,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
85,000		110,000

NEW SECTION, Sec. 402. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1979 (79-3-002)

Common School Constr Fund	Reappropriation	Appropriation
	250,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
513,000		763,000

NEW SECTION, Sec. 403. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1981 (81-3-001)

Common School Constr Fund	Reappropriation	Appropriation
	400,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
41,600,000		42,000,000

NEW SECTION, Sec. 404. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1983 (83-3-001)

Common School Constr Fund	Reappropriation	Appropriation
	1,600,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
84,798,000		86,398,000

NEW SECTION, Sec. 405. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1985-87 (86-4-001)

Common School Constr Fund	Reappropriation	Appropriation
	45,000,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
93,275,000		138,275,000

NEW SECTION, Sec. 406. FOR THE STATE BOARD OF EDUCATION
Planning grants: 1985-87 (86-4-007)

Common School Constr Fund	Reappropriation	Appropriation
	450,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
50,000		500,000

NEW SECTION, Sec. 407. FOR THE STATE BOARD OF EDUCATION
Artwork grants: 1985-87 (86-4-008)

Common School Constr Fund	Reappropriation	Appropriation
	215,000	

Project Costs Through 6/30/87 230,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 445,000
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NEW SECTION, Sec. 408. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1987 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$133,382,000 of the appropriation in this section is provided solely for elementary and secondary school construction and modernization projects for which state assistance is limited to the state matching percentage calculated pursuant to RCW 28A.47.803(2).

(2) A maximum of \$955,000 of the appropriation in this section may be spent for state administration of school construction funding.

Common School Constr Fund	Reappropriation	Appropriation 134,337,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 134,337,000

NEW SECTION, Sec. 409. FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

A maximum of \$152,230,000 of the appropriations and reappropriations in sections 301 through 308 of this act may be disbursed during the 1987-89 biennium.

NEW SECTION, Sec. 410. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1987 (88-2-002)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$85,000,000 of the appropriation in this section may be disbursed during the 1987-89 biennium. The appropriation in this section is contingent on voter approval, in a general election held in November 1987, of the proposed constitutional amendments in Engrossed House Joint Resolution No. 4220. If the resolution is not submitted to and approved by the voters in November 1987, the appropriation shall lapse.

Common School Constr Fund	Reappropriation	Appropriation 113,937,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 113,937,000

NEW SECTION, Sec. 411. FOR THE VOCATIONAL TECHNOLOGY CENTER CORPORATION

Acquisition of a vocational technology center building in Seattle. This appropriation is contingent on enactment of Senate Bill No. 5996.

St Bldg Constr Acct	Reappropriation	Appropriation 6,000,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 6,000,000

NEW SECTION, Sec. 412. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Nine Mile Falls School District: Capital planning and reimbursement of interim transportation costs.

St Bldg Constr Acct	Reappropriation	Appropriation 126,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 126,000

PART 5**COLLEGES AND UNIVERSITIES****NEW SECTION, Sec. 501. FOR THE UNIVERSITY OF WASHINGTON**

Roberts Hall renovation (83-1-012)

Higher Ed Reimb S/T Bonds Acct	Reappropriation 5,640,000	Appropriation
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter	
4,685,000		10,325,000
<u>NEW SECTION. Sec. 502. FOR THE UNIVERSITY OF WASHINGTON</u>		
Safety: Fire code (86-1-001)		
	Reappropriation	Appropriation
St H Ed Constr Acct	4,800,000	
St Bldg Constr Acct		5,707,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
980,000	6,000,000	17,487,000
<u>NEW SECTION. Sec. 503. FOR THE UNIVERSITY OF WASHINGTON</u>		
Life safety: Code compliance (86-1-002)		
	Reappropriation	Appropriation
St H Ed Constr Acct	500,000	
St Bldg Constr Acct		3,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
500,000	3,000,000	7,000,000
<u>NEW SECTION. Sec. 504. FOR THE UNIVERSITY OF WASHINGTON</u>		
Safety: General (86-1-003)		
	Reappropriation	Appropriation
St H Ed Constr Acct	600,000	
St Bldg Constr Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
400,000	2,000,000	4,000,000
<u>NEW SECTION. Sec. 505. FOR THE UNIVERSITY OF WASHINGTON</u>		
Minor works: Building renewal (86-1-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct		4,805,000
St Fac Renew Acct	605,000	
UW Bldg Acct	2,000,000	1,965,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
4,366,000		36,755,000
<u>NEW SECTION. Sec. 506. FOR THE UNIVERSITY OF WASHINGTON</u>		
Minor works: Program renewal (86-3-005)		
	Reappropriation	Appropriation
St H Ed Constr Acct	3,500,000	
UW Bldg Acct		11,027,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
4,975,000	22,509,000	43,107,000
<u>NEW SECTION. Sec. 507. FOR THE UNIVERSITY OF WASHINGTON</u>		
SIEG computer science: Electrical (CR-86-1-007)		
	Reappropriation	Appropriation
St Fac Renew Acct	600,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
520,000		1,120,000
<u>NEW SECTION. Sec. 508. FOR THE UNIVERSITY OF WASHINGTON</u>		
G Wing renovation (86-1-011)		
	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	5,890,000	
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/87 407,000	7/1/89 and Thereafter	Costs	6,911,000
<u>NEW SECTION, Sec. 509. FOR THE UNIVERSITY OF WASHINGTON</u> Fisheries repairs and expansion of marine institute building (86-1-014)			
	Reappropriation	Appropriation	
St H Ed Constr Acct			5,750,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through 6/30/87 250,000	7/1/89 and Thereafter	Costs	6,000,000
<u>NEW SECTION, Sec. 510. FOR THE UNIVERSITY OF WASHINGTON</u> Energy conservation: State energy audit (86-4-023)			
	Reappropriation	Appropriation	
St H Ed Constr Acct			864,000
St Bldg Constr Acct			1,000,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through 6/30/87 81,000	7/1/89 and Thereafter	Costs	1,945,000
<u>NEW SECTION, Sec. 511. FOR THE UNIVERSITY OF WASHINGTON</u> Pavilion roof (88-1-009)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			732,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through 6/30/87	7/1/89 and Thereafter	Costs	732,000
<u>NEW SECTION, Sec. 512. FOR THE UNIVERSITY OF WASHINGTON</u> Electrical distribution system (88-1-011)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			1,500,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through 6/30/87	7/1/89 and Thereafter	Costs	1,500,000
<u>NEW SECTION, Sec. 513. FOR THE UNIVERSITY OF WASHINGTON</u> Power plant chiller (88-1-012)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			1,000,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through 6/30/87	7/1/89 and Thereafter	Costs	1,000,000
<u>NEW SECTION, Sec. 514. FOR THE UNIVERSITY OF WASHINGTON</u> Communications building renovation (88-2-014)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			4,555,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through 6/30/87	7/1/89 and Thereafter	Costs	4,555,000
<u>NEW SECTION, Sec. 515. FOR THE UNIVERSITY OF WASHINGTON</u> H Wing renovation (88-2-015)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			733,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through 6/30/87	7/1/89 and Thereafter	Costs	733,000
<u>NEW SECTION, Sec. 516. FOR THE UNIVERSITY OF WASHINGTON</u>			

Health science building expansion (H Wing) (86-1-021)

H Ed Reimb S/T Bonds Acct	Reappropriation	Appropriation
St Bldg Constr Acct	135,000	
Project	Estimated	21,135,000
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
41,000		21,311,000

NEW SECTION, Sec. 517. FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler (88-2-022)

St Bldg Constr Acct	Reappropriation	Appropriation
Project		693,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
	Thereafter	
		693,000

NEW SECTION, Sec. 518. FOR THE UNIVERSITY OF WASHINGTON

Suzzallo Library addition (88-3-013)

The appropriation in this section is subject to the following conditions and limitations: Disbursements from the state building construction account shall not exceed \$7,917,000 in the 1987-89 biennium.

St Bldg Constr Acct	Reappropriation	Appropriation
Project		28,283,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
1,043,000	Thereafter	
		33,626,000

NEW SECTION, Sec. 519. FOR THE WASHINGTON STATE UNIVERSITY

Electrical and mechanical engineering building (83-3-002)

WSU Bldg Acct	Reappropriation	Appropriation
Project		296,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
13,480,000	Thereafter	
		13,776,000

NEW SECTION, Sec. 520. FOR THE WASHINGTON STATE UNIVERSITY

McCoy Hall remodeling, phase I (83-3-005)

WSU Bldg Acct	Reappropriation	Appropriation
Project		80,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
80,000	Thereafter	
		160,000

NEW SECTION, Sec. 521. FOR THE WASHINGTON STATE UNIVERSITY

Minor capital improvements (86-1-001)

WSU Bldg Acct	Reappropriation	Appropriation
Project		1,398,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
6,033,000	Thereafter	
		7,431,000

NEW SECTION, Sec. 522. FOR THE WASHINGTON STATE UNIVERSITY

Minor capital renewal (86-1-002)

St Fac Renew Acct	Reappropriation	Appropriation
Project		908,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
2,092,000	Thereafter	
		3,000,000

NEW SECTION, Sec. 523. FOR THE WASHINGTON STATE UNIVERSITY

Chemistry building, phase II (86-1-003)

	Reappropriation	Appropriation
H Ed Constr Acct	13,260,000	
St Bldg Constr Acct		3,616,000
WSU Bldg Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,430,000		19,306,000

NEW SECTION, Sec. 524. FOR THE WASHINGTON STATE UNIVERSITY
 Food and human nutrition facility: Equipment (86-1-004)

	Reappropriation	Appropriation
H Ed Constr Acct	4,454,000	
St H Ed Constr Acct	5,850,000	
WSU Bldg Acct	1,860,000	1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
634,000		13,798,000

NEW SECTION, Sec. 525. FOR THE WASHINGTON STATE UNIVERSITY
 McCoy Hall capital renewal (86-1-005)

	Reappropriation	Appropriation
H Ed Constr Acct	2,249,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,249,000

NEW SECTION, Sec. 526. FOR THE WASHINGTON STATE UNIVERSITY
 Science Hall renewal, phase II and completion (86-1-006)

	Reappropriation	Appropriation
H Ed Constr Acct	11,118,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
591,000		11,709,000

NEW SECTION, Sec. 527. FOR THE WASHINGTON STATE UNIVERSITY
 Neill Hall renewal (86-3-007)

	Reappropriation	Appropriation
St H Ed Constr Acct	460,000	
WSU Bldg Acct		3,250,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,540,000		6,250,000

NEW SECTION, Sec. 528. FOR THE WASHINGTON STATE UNIVERSITY
 Feed preparation, mixing, and storage facility (86-1-012)

	Reappropriation	Appropriation
St H Ed Constr Acct	500,000	
WSU Bldg Acct	898,000	350,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
102,000		1,850,000

NEW SECTION, Sec. 529. FOR THE WASHINGTON STATE UNIVERSITY
 Minor capital improvements (88-1-001)

	Reappropriation	Appropriation
WSU Bldg Acct		4,800,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	9,260,000	14,060,000

NEW SECTION, Sec. 530. FOR THE WASHINGTON STATE UNIVERSITY
 Minor capital renewal (88-1-002)

St Bldg Constr Acct		Reappropriation	Appropriation
Project	Estimated		6,344,000
Costs	Costs		Estimated
Through	7/1/89 and		Total
6/30/87	Thereafter		Costs
	10,000,000		16,344,000

NEW SECTION, Sec. 531. FOR THE WASHINGTON STATE UNIVERSITY
 Preplanning (88-1-004)

WSU Bldg Acct		Reappropriation	Appropriation
Project	Estimated		1,000,000
Costs	Costs		Estimated
Through	7/1/89 and		Total
6/30/87	Thereafter		Costs
			1,000,000

NEW SECTION, Sec. 532. FOR THE WASHINGTON STATE UNIVERSITY
 Carpenter Hall renewal (88-2-005)

H Ed Constr Acct		Reappropriation	Appropriation
WSU Bldg Acct			3,200,000
Project	Estimated		3,000,000
Costs	Costs		Estimated
Through	7/1/89 and		Total
6/30/87	Thereafter		Costs
66,000			6,266,000

NEW SECTION, Sec. 533. FOR THE WASHINGTON STATE UNIVERSITY
 Tri-Cities University Center (88-2-041)

St Bldg Constr Acct		Reappropriation	Appropriation
Project	Estimated		720,000
Costs	Costs		Estimated
Through	7/1/89 and		Total
6/30/87	Thereafter		Costs
	9,534,000		10,254,000

NEW SECTION, Sec. 534. FOR THE WASHINGTON STATE UNIVERSITY
 Veterinary research and diagnostic center (88-5-006)

St Bldg Constr Acct		Reappropriation	Appropriation
Project	Estimated		250,000
Costs	Costs		Estimated
Through	7/1/89 and		Total
6/30/87	Thereafter		Costs
	2,983,000		3,233,000

NEW SECTION, Sec. 535. FOR THE WASHINGTON STATE UNIVERSITY
 Dairy forage facility, Buckley (88-1-007)

WSU Bldg Acct		Reappropriation	Appropriation
Project	Estimated		1,182,000
Costs	Costs		Estimated
Through	7/1/89 and		Total
6/30/87	Thereafter		Costs
			1,182,000

NEW SECTION, Sec. 536. FOR THE WASHINGTON STATE UNIVERSITY
 Todd Hall addition and renovation (88-1-011)

H Ed Constr Acct		Reappropriation	Appropriation
Project	Estimated		5,332,000
Costs	Costs		Estimated
Through	7/1/89 and		Total
6/30/87	Thereafter		Costs
	6,952,000		12,284,000

NEW SECTION, Sec. 537. FOR THE EASTERN WASHINGTON UNIVERSITY
 Math science and technology building (81-R-002)

St Bldg Constr Acct		Reappropriation	Appropriation
			150,000

Project Costs Through 6/30/87 197,000	Estimated Costs 7/1/89 and Thereafter 3,392,000	Estimated Total Costs 3,739,000
<u>NEW SECTION, Sec. 538. FOR THE EASTERN WASHINGTON UNIVERSITY</u>		
Science building: Addition of laboratory space (83-R-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct		6,827,000
EWU Cap Proj Acct	1,858,000	124,000
Project Costs Through 6/30/87 219,000	Estimated Costs 7/1/89 and Thereafter 8,536,000	Estimated Total Costs 17,564,000
<u>NEW SECTION, Sec. 539. FOR THE EASTERN WASHINGTON UNIVERSITY</u>		
Electrical system renewal: Code compliance (86-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,914,000
St Fac Renew Acct	1,463,000	
Project Costs Through 6/30/87 50,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 3,427,000
<u>NEW SECTION, Sec. 540. FOR THE EASTERN WASHINGTON UNIVERSITY</u>		
Roof replacement (86-1-003)		
	Reappropriation	Appropriation
St H Ed Constr Acct	540,000	
St Bldg Constr Acct		315,000
Project Costs Through 6/30/87 60,000	Estimated Costs 7/1/89 and Thereafter 300,000	Estimated Total Costs 1,215,000
<u>NEW SECTION, Sec. 541. FOR THE EASTERN WASHINGTON UNIVERSITY</u>		
Water storage and distribution (86-1-004)		
The appropriation in this section is subject to the following conditions and limitations: No moneys shall be allotted by the office of financial management for construction of a water storage facility before the office of financial management does a full review of the ability of the city of Cheney to provide adequate water supplies to the university. If, in the opinion of the office of financial management the city is able to provide adequate water capacity to the university, the money for the water storage facility shall revert.		
	Reappropriation	Appropriation
St H Ed Constr Acct	1,130,000	
Project Costs Through 6/30/87 40,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 1,170,000
<u>NEW SECTION, Sec. 542. FOR THE EASTERN WASHINGTON UNIVERSITY</u>		
Energy conservation (86-2-006)		
	Reappropriation	Appropriation
St H Ed Constr Acct	460,000	
St Bldg Constr Acct		56,000
Project Costs Through 6/30/87 40,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 556,000
<u>NEW SECTION, Sec. 543. FOR THE EASTERN WASHINGTON UNIVERSITY</u>		
Minor works projects (86-1-010)		
	Reappropriation	Appropriation
EWU Cap Proj Acct	250,000	1,240,000
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter	
410,000	3,646,000	5,546,000
<u>NEW SECTION, Sec. 544. FOR THE EASTERN WASHINGTON UNIVERSITY</u>		
Small repairs and improvements (86-1-011)		

	Reappropriation	Appropriation
EWU Cap Proj Acct		617,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
76,000	1,418,000	2,111,000

NEW SECTION, Sec. 545. FOR THE EASTERN WASHINGTON UNIVERSITY
Life safety: Code compliance (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		309,000
EWU Cap Proj Acct		374,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	3,798,000	4,481,000

NEW SECTION, Sec. 546. FOR THE EASTERN WASHINGTON UNIVERSITY
Fire suppression systems (88-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		526,000
EWU Cap Proj Acct	3,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
47,000	2,738,000	3,314,000

NEW SECTION, Sec. 547. FOR CENTRAL WASHINGTON UNIVERSITY
Renewal and utilization of campus buildings (CR-88-1-001)

	Reappropriation	Appropriation
CWU Cap Proj Acct	45,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
41,000		86,000

NEW SECTION, Sec. 548. FOR CENTRAL WASHINGTON UNIVERSITY
Nicholson Pavilion addition, phase II (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,863,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		3,863,000

NEW SECTION, Sec. 549. FOR CENTRAL WASHINGTON UNIVERSITY
Telecommunications system (88-2-003)

The appropriation in this section is provided solely for an on-campus communications system and shall not be spent until the university demonstrates to the office of financial management that the purchase of a telecommunication system is less expensive than leasing a comparable system. The cost comparison between leasing and purchasing shall be determined on the basis of a life-cycle cost analysis which includes, but is not limited to, maintenance, depreciation, overhead, installation, training, and operating costs.

	Reappropriation	Appropriation
CWU Cap Proj Acct		1,800,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	2,100,000	3,900,000

NEW SECTION, Sec. 550. FOR THE CENTRAL WASHINGTON UNIVERSITY
Minor capital improvements (83-R-003)

	Reappropriation	Appropriation
CWU Cap Proj Acct	150,000	

Project Costs Through 6/30/87 1,359,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 1,509,000
<u>NEW SECTION, Sec. 551. FOR THE CENTRAL WASHINGTON UNIVERSITY</u>		
Additional staff space: Computer center (83-3-063)		
CWU Cap Proj Acct	Reappropriation 150,000	Appropriation
Project Costs Through 6/30/87 33,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 183,000
<u>NEW SECTION, Sec. 552. FOR THE CENTRAL WASHINGTON UNIVERSITY</u>		
Nicholson Pavilion, phase I (86-3-001)		
CWU Cap Proj Acct	Reappropriation 1,332,000	Appropriation
Project Costs Through 6/30/87 168,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 2,650,000
<u>NEW SECTION, Sec. 553. FOR THE CENTRAL WASHINGTON UNIVERSITY</u>		
Energy savings projects (86-2-005)		
CWU Cap Proj Acct	Reappropriation 200,000	Appropriation 715,000
Project Costs Through 6/30/87 100,000	Estimated Costs 7/1/89 and Thereafter 133,000	Estimated Total Costs 1,148,000
<u>NEW SECTION, Sec. 554. FOR THE CENTRAL WASHINGTON UNIVERSITY</u>		
Minor works projects (86-2-007)		
CWU Cap Proj Acct	Reappropriation 1,120,000	Appropriation 1,194,000
Project Costs Through 6/30/87 699,000	Estimated Costs 7/1/89 and Thereafter 2,593,000	Estimated Total Costs 5,606,000
<u>NEW SECTION, Sec. 555. FOR THE CENTRAL WASHINGTON UNIVERSITY</u>		
Small repairs and improvements (86-3-013)		
CWU Cap Proj Acct	Reappropriation 175,000	Appropriation
Project Costs Through 6/30/87 358,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 533,000
<u>NEW SECTION, Sec. 556. FOR THE CENTRAL WASHINGTON UNIVERSITY</u>		
Life safety: Code compliance (88-1-004)		
St Bldg Constr Acct	Reappropriation	Appropriation 1,757,000
CWU Cap Proj Acct		462,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 4,308,000
<u>NEW SECTION, Sec. 557. FOR THE CENTRAL WASHINGTON UNIVERSITY</u>		
Handicap modifications (88-1-007)		
CWU Cap Proj Acct	Reappropriation	Appropriation 715,000
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter		848,000
<u>NEW SECTION, Sec. 558. FOR THE EVERGREEN STATE COLLEGE</u>			
Capital renewal program (86-2-002)			
	133,000		
		Reappropriation	Appropriation
St Bldg Constr Acct			2,090,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
1,200,000			3,290,000
<u>NEW SECTION, Sec. 559. FOR THE EVERGREEN STATE COLLEGE</u>			
Energy conservation projects (86-2-008)			
		Reappropriation	Appropriation
St H Ed Constr Acct		90,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
818,000			908,000
<u>NEW SECTION, Sec. 560. FOR THE EVERGREEN STATE COLLEGE</u>			
Lab annex remodel (86-1-099)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,008,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
75,000			1,083,000
<u>NEW SECTION, Sec. 561. FOR THE EVERGREEN STATE COLLEGE</u>			
Life safety: Code compliance (88-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,184,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	778,000		1,962,000
<u>NEW SECTION, Sec. 562. FOR THE EVERGREEN STATE COLLEGE</u>			
Isolated chemical storage lab (88-1-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct			21,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			21,000
<u>NEW SECTION, Sec. 563. FOR THE EVERGREEN STATE COLLEGE</u>			
Pharmacy remodel (88-1-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct			15,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			15,000
<u>NEW SECTION, Sec. 564. FOR THE EVERGREEN STATE COLLEGE</u>			
Handicapped access (88-1-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct			120,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			120,000
<u>NEW SECTION, Sec. 565. FOR THE EVERGREEN STATE COLLEGE</u>			
Failed systems (88-2-006)			
		Reappropriation	Appropriation

St Bldg Constr Acct			611,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			611,000
<u>NEW SECTION, Sec. 566. FOR THE EVERGREEN STATE COLLEGE</u>			
Minor works (88-2-008)			
		Reappropriation	Appropriation
St Bldg Constr Acct			428,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	273,000		701,000
<u>NEW SECTION, Sec. 567. FOR THE EVERGREEN STATE COLLEGE</u>			
Grounds equipment storage facility (88-3-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct			159,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			159,000
<u>NEW SECTION, Sec. 568. FOR THE EVERGREEN STATE COLLEGE</u>			
Emergency repairs (88-2-013)			
		Reappropriation	Appropriation
TESC Cap Proj Acct			121,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			121,000
<u>NEW SECTION, Sec. 569. FOR THE EVERGREEN STATE COLLEGE</u>			
Small repairs and improvements (88-2-015)			
		Reappropriation	Appropriation
TESC Cap Proj Acct			136,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			136,000
<u>NEW SECTION, Sec. 570. FOR THE EVERGREEN STATE COLLEGE</u>			
Energy audit compliance renovation (88-2-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct			205,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			205,000
<u>NEW SECTION, Sec. 571. FOR THE EVERGREEN STATE COLLEGE</u>			
Small chiller (88-4-021)			
		Reappropriation	Appropriation
St Bldg Constr Acct			216,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			216,000
<u>NEW SECTION, Sec. 572. FOR THE EVERGREEN STATE COLLEGE</u>			
Library third floor remodel (90-2-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct			10,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs

6/30/87	Thereafter	518,000
<u>NEW SECTION, Sec. 573. FOR THE EVERGREEN STATE COLLEGE</u>		
Lab annex remodel: Metal and wood support shops (90-5-008)		
	Reappropriation	Appropriation
St Bldg Constr Acct		6,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	683,000	689,000
<u>NEW SECTION, Sec. 574. FOR THE EVERGREEN STATE COLLEGE</u>		
Campus recreation center, phase II: Gym (88-5-017)		
	Reappropriation	Appropriation
St Bldg Constr Acct		6,773,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		6,773,000
<u>NEW SECTION, Sec. 575. FOR THE WESTERN WASHINGTON UNIVERSITY</u>		
Construct technology building and remodel art and technology building, phase II (84-3-001)		
	Reappropriation	Appropriation
St H Ed Constr Acct	975,000	
St Bldg Constr Acct		3,310,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
6,097,000		10,382,000
<u>NEW SECTION, Sec. 576. FOR THE WESTERN WASHINGTON UNIVERSITY</u>		
Supplemental equipment for technology building and art and technology building (84-2-003)		
	Reappropriation	Appropriation
WWU Cap Proj Acct		1,013,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,013,000
<u>NEW SECTION, Sec. 577. FOR THE WESTERN WASHINGTON UNIVERSITY</u>		
Minor works request: Small repairs and improvements (87-2-004)		
	Reappropriation	Appropriation
St H Ed Constr Acct	175,000	
WWU Cap Proj Acct	910,000	4,697,000
St Fac Renew Acct	160,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
7,292,000	3,545,000	16,779,000
<u>NEW SECTION, Sec. 578. FOR THE WESTERN WASHINGTON UNIVERSITY</u>		
Programming and planning science facilities (88-2-001)		
The appropriation in this section is subject to the following conditions and limitations: No moneys shall be allotted by the office of financial management before the execution of a preprogrammatic and subsequent preplanning agreement between Western Washington University and the director of the office of financial management on the major components of the program, methods, alternatives, and final cost estimate.		
	Reappropriation	Appropriation
WWU Cap Proj Acct		1,200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,200,000

PART 6
COMMUNITY COLLEGES

NEW SECTION. Sec. 601. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Heating, ventilation, and air conditioning repairs (83-2-007)

	Reappropriation	Appropriation
St H Ed Constr Acct	109,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
983,000		1,092,000

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Clark College heating system (83-1-008)

	Reappropriation	Appropriation
St H Ed Constr Acct	34,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
4,682,000		4,716,000

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
The Evergreen State College and Clark College: Joint facility (83-3-009)

	Reappropriation	Appropriation
St H Ed Constr Acct	18,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,482,000		1,500,000

NEW SECTION. Sec. 604. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Emergency repair and repairs, maintenance, and improvements (83-1-001)

	Reappropriation	Appropriation
St H Ed Constr Acct	5,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
441,000		446,000

NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Minor repair and improvement projects (81-3-R05)

	Reappropriation	Appropriation
Com Col Cap Proj Acct	51,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
433,000		484,000

NEW SECTION. Sec. 606. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Minor capital improvements (83-2-002)

	Reappropriation	Appropriation
St H Ed Constr Acct	89,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,821,000		2,910,000

NEW SECTION. Sec. 607. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Roof repairs (83-1-003)

	Reappropriation	Appropriation
St H Ed Constr Acct	14,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,037,000		2,051,000

NEW SECTION. Sec. 608. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
General repairs (83-1-006)

	Reappropriation	Appropriation
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St H Ed Constr Acct		65,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
670,000			735,000
<u>NEW SECTION, Sec. 609. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Minor works request (RMI) (86-1-001)			
		Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct		1,446,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
1,654,000			3,100,000
<u>NEW SECTION, Sec. 610. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
State Board for Community College Education emergency repair fund (86-1-002)			
		Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct		393,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
107,000			500,000
<u>NEW SECTION, Sec. 611. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Critical repair projects (86-1-003)			
		Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct		1,497,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
5,059,000			6,556,000
<u>NEW SECTION, Sec. 612. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
General repair projects (86-1-004)			
		Reappropriation	Appropriation
St Fac Renew Acct		4,499,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
4,825,000			9,324,000
<u>NEW SECTION, Sec. 613. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Energy conservation projects (86-1-005)			
		Reappropriation	Appropriation
St Fac Renew Acct		1,736,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
761,000			2,497,000
<u>NEW SECTION, Sec. 614. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Minor renovations (86-2-006)			
		Reappropriation	Appropriation
St Fac Renew Acct		5,228,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
1,881,000			7,109,000
<u>NEW SECTION, Sec. 615. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Minor remodel projects (86-2-007)			
		Reappropriation	Appropriation
St Fac Renew Acct		1,014,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs

6/30/87	Thereafter	2,050,000
1,036,000		
<u>NEW SECTION, Sec. 616. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Purchase Clarkston facility (86-3-008)		
	Reappropriation	Appropriation
St H Ed Constr Acct	161,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
339,000		500,000
<u>NEW SECTION, Sec. 617. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Construct main storage building: Clark (86-3-009)		
	Reappropriation	Appropriation
St H Ed Constr Acct	463,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
40,000		503,000
<u>NEW SECTION, Sec. 618. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Minor improvements: Various campuses (86-3-011)		
	Reappropriation	Appropriation
St H Ed Constr Acct	2,490,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
3,517,000		6,007,000
<u>NEW SECTION, Sec. 619. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Edison North renovation II: Seattle Central (86-3-013)		
	Reappropriation	Appropriation
St H Ed Constr Acct	3,372,000	
St Bldg Constr Acct		4,691,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
288,000		8,351,000
<u>NEW SECTION, Sec. 620. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Construct core facility and instructional space: Whatcom (86-3-015)		
	Reappropriation	Appropriation
St H Ed Constr Acct	2,438,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,593,000		5,031,000
<u>NEW SECTION, Sec. 621. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Science facility: Columbia Basin (86-3-016)		
	Reappropriation	Appropriation
St H Ed Constr Acct	863,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,043,000		2,906,000
<u>NEW SECTION, Sec. 622. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Replace relocatable buildings: Pierce (86-3-017)		
	Reappropriation	Appropriation
St H Ed Constr Acct	3,117,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,529,000		4,646,000
<u>NEW SECTION, Sec. 623. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		

Prior hall renovation: Yakima Valley (86-1-018)

	Reappropriation	Appropriation
St H Ed Constr Acct	1,524,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
128,000		1,652,000

NEW SECTION, Sec. 624. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Food service building: Olympic (86-3-019)

	Reappropriation	Appropriation
St H Ed Constr Acct	3,644,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
523,000		4,167,000

NEW SECTION, Sec. 625. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Vocational science facility: Wenatchee (86-3-020)

	Reappropriation	Appropriation
St H Ed Constr Acct	2,305,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
115,000		2,420,000

NEW SECTION, Sec. 626. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Extension facility and site development: Puyallup (86-3-021)

	Reappropriation	Appropriation
St H Ed Constr Acct	247,000	
St Bldg Constr Acct		5,376,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
28,000		5,623,000

NEW SECTION, Sec. 627. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Tech building and related remodeling: Skagit Valley (86-3-022)

	Reappropriation	Appropriation
St H Ed Constr Acct	67,000	
St Bldg Constr Acct		3,400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
133,000		3,600,000

NEW SECTION, Sec. 628. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Heavy equipment building: Grays Harbor (86-3-023)

	Reappropriation	Appropriation
St H Ed Constr Acct	57,000	
St Bldg Constr Acct		718,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
3,000		778,000

NEW SECTION, Sec. 629. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Learning resource center: South Puget Sound (86-3-025)

	Reappropriation	Appropriation
St H Ed Constr Acct	327,000	
St Bldg Constr Acct		6,859,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
48,000		7,234,000

NEW SECTION, Sec. 630. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Heavy equipment building: South Seattle (86-3-026)

	Reappropriation	Appropriation
St H Ed Constr Acct	150,000	
St Bldg Constr Acct		4,447,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
16,000		4,613,000

NEW SECTION, Sec. 631. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Preplanning for 1987-89 major projects (86-4-999)

	Reappropriation	Appropriation
St H Ed Constr Acct	254,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
203,000		457,000

NEW SECTION, Sec. 632. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Energy grant: Tacoma (86-3-030)

	Reappropriation	Appropriation
General Fund, State	185,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		185,000

NEW SECTION, Sec. 633. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Program planning, design, and construction: Library/student center, Everett (86-2-031)

	Reappropriation	Appropriation
General Fund, State	470,000	
St Bldg Constr Acct		7,991,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		8,461,000

NEW SECTION, Sec. 634. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Minor works (RMI) (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		3,500,000

NEW SECTION, Sec. 635. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Repairs: Exterior walls (19) (88-3-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,264,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,264,000

NEW SECTION, Sec. 636. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Repairs: Mechanical and HVAC (16) (88-3-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,075,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,075,000

NEW SECTION, Sec. 637. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Minor improvements (88-3-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		13,764,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
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13,764,000

NEW SECTION, Sec. 638. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Repairs: Electrical (7) (88-3-006)

St Bldg Constr Acct Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Reappropriation Appropriation 1,392,000 Estimated Total Costs
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1,392,000

NEW SECTION, Sec. 639. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Repairs: Sites and interiors (19) (88-3-007)

St Bldg Constr Acct Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Reappropriation Appropriation 1,926,000 Estimated Total Costs
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1,926,000

NEW SECTION, Sec. 640. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Agricultural technology building: Walla Walla (88-3-008)

St Bldg Constr Acct Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Reappropriation Appropriation 169,000 Estimated Total Costs
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2,946,000

NEW SECTION, Sec. 641. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Purchase applied technology training center: Edmonds (88-3-009)

St Bldg Constr Acct Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Reappropriation Appropriation 2,686,000 Estimated Total Costs
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2,686,000

NEW SECTION, Sec. 642. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Vocational shop: Wenatchee Valley (88-3-010)

St Bldg Constr Acct Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Reappropriation Appropriation 75,000 Estimated Total Costs
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880,000

NEW SECTION, Sec. 643. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Computer facility: Edmonds (88-3-011)

St Bldg Constr Acct Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Reappropriation Appropriation 211,000 Estimated Total Costs
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3,624,000

NEW SECTION, Sec. 644. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Learning resource center: Clark (88-3-012)

St Bldg Constr Acct Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Reappropriation Appropriation 303,000 Estimated Total Costs
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6,077,000

NEW SECTION, Sec. 645. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Sunnyside extension center: Yakima Valley (88-3-013)

	Reappropriation	Appropriation
St Bldg Constr Acct		105,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,586,000	1,691,000

NEW SECTION, Sec. 646. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Preplanning for 1989-93 major projects (88-4-014)

	Reappropriation	Appropriation
St Bldg Constr Acct		497,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	33,600,000	34,097,000

NEW SECTION, Sec. 647. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Math and science addition: Spokane Falls (88-3-015)

	Reappropriation	Appropriation
St Bldg Constr Acct		240,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	5,510,000	5,750,000

NEW SECTION, Sec. 648. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Learning resource center: Spokane (88-3-016)

	Reappropriation	Appropriation
St Bldg Constr Acct		265,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	5,270,000	5,535,000

NEW SECTION, Sec. 649. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Construct Clarkston extension center: Walla Walla Community College (88-3-017)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,532,000
St Fac Renew Acct	482,000	
St H Ed Constr Acct	161,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
342,000		3,517,000

NEW SECTION, Sec. 650. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Tacoma computer center (88-3-018)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,558,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,558,000

NEW SECTION, Sec. 651. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Learning assistance center: Centralia (90-3-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		202,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	4,012,000	4,214,000

NEW SECTION, Sec. 652. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Tech labs: Highline (90-3-023)

Reappropriation	Appropriation
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St Bldg Constr Acct		173,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	2,595,000	2,768,000

PART 7

NATURAL RESOURCES

NEW SECTION, Sec. 701. FOR THE DEPARTMENT OF ECOLOGY

Waste disposal facilities (86-2-002)

LIRA, Waste Disp Fac	Reappropriation	Appropriation
Project	38,800,000	6,740,100
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
	Thereafter	
		45,540,100

NEW SECTION, Sec. 702. FOR THE DEPARTMENT OF ECOLOGY

Waste disposal facilities: 1980 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$1,500,000 of the appropriation may be expended for planning assistance to any ground water management areas created pursuant to chapter 453, Laws of 1985. Such assistance shall be allocated in a manner consistent with chapter 3, Laws of 1986.

LIRA, Waste Fac 1980	Reappropriation	Appropriation
Project	235,300,000	3,330,900
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
	Thereafter	
		239,305,900

NEW SECTION, Sec. 703. FOR THE DEPARTMENT OF ECOLOGY

Water quality projects (88-3-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of the water quality account appropriation is provided solely for hazardous waste planning assistance, consistent with chapter 3, Laws of 1986. If House Bill No. 434 is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(2) In developing rules to administer chapter 3, Laws of 1986 and in awarding grants, extended grant payments, or loans from the water quality account, the department shall include, but not be limited to the following:

(a) For facilities that discharge directly into marine waters, the department shall:

(i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(ii) Give second priority to projects which reduce combined sewer overflows; and

(iii) Encourage economies that are derived from any simultaneous projects which achieve both (i) and (ii) of this subsection.

(b) In determining the appropriate level of state assistance for eligible facilities and activities, the department shall consider:

(i) The need to provide additional assistance for eligible activities undertaken by local public bodies which lack taxing or revenue generating authority; and

(ii) The need to provide additional assistance for eligible facilities undertaken by local public bodies that would suffer severe financial hardship in the absence of such additional assistance.

(c) The department shall place such funds as may be necessary from the water quality account into a state revolving loan fund to be used to match capitalization funds provided by the federal environmental protection agency under Public Law 100-4. The department shall also gradually arrange for a transition in the assistance program toward the use of loans.

(d) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(i) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(iv) Not more than ten percent for activities which control nonpoint source water pollution;

(v) Ten percent and such sums as may be remaining from the categories specified in (i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(5) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

	Reappropriation	Appropriation
State Water Quality Acct		75,660,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	174,600,000	250,260,000

NEW SECTION, Sec. 704. FOR THE DEPARTMENT OF ECOLOGY
Emergency water project revolving account (88-2-004)

	Reappropriation	Appropriation
State Emerg Water Proj Rev	4,000,000	225,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,225,000

NEW SECTION, Sec. 705. FOR THE DEPARTMENT OF ECOLOGY
Water supply facilities (88-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$500,000 of this reappropriation may be expended to complete the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982. This amount is in addition to the \$3,000,000 previously appropriated for this purpose.

(2) Funds previously appropriated for the East Selah reregulating reservoir shall be reallocated for purposes of early implementation of the Yakima river basin water enhancement project in order to financially assist irrigators in making up 80,000 acre feet of water per year lost because of a 1980 court decision.

	Reappropriation	Appropriation
LIRA, Water Sup Fac	30,500,000	928,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		31,428,000

NEW SECTION, Sec. 706. FOR THE CONSERVATION COMMISSION
Water quality projects

	Reappropriation	Appropriation
State Water Quality Acct		1,940,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	4,365,000	6,305,000

NEW SECTION, Sec. 707. FOR THE STATE PARKS AND RECREATION COMMISSION
Covenant Beach: State share of acquisition and relocation costs

	Reappropriation	Appropriation
St Bldg Constr Acct	1,100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,100,000

NEW SECTION, Sec. 708. FOR THE STATE PARKS AND RECREATION COMMISSION
Lewis and Clark: Purchase of buildings from the United States forest service

	Reappropriation	Appropriation
General Fund, State	75,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		75,000

NEW SECTION, Sec. 709. FOR THE STATE PARKS AND RECREATION COMMISSION

Riverside: Connection to municipal sewer (77-R-002)

	Reappropriation	Appropriation
LIRA, Waste Fac 1980	80,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
18,000		98,000

NEW SECTION, Sec. 710. FOR THE STATE PARKS AND RECREATION COMMISSION
 Penrose Point: Acquisition of key holdings (83-R-027)

	Reappropriation	Appropriation
ORA, State	13,000	
ORA, Federal	13,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
324,000		350,000

NEW SECTION, Sec. 711. FOR THE STATE PARKS AND RECREATION COMMISSION
 State-wide: Emergencies (86-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
400,000		450,000

NEW SECTION, Sec. 712. FOR THE STATE PARKS AND RECREATION COMMISSION
 State-wide water supply facilities (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct	298,000	
ORA, State	3,000	
ORA, Federal	3,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
330,000		634,000

NEW SECTION, Sec. 713. FOR THE STATE PARKS AND RECREATION COMMISSION
 State-wide sewage treatment facilities (86-1-003)

	Reappropriation	Appropriation
LIRA, Waste Fac 1980	537,000	
St Bldg Constr Acct	178,000	
ORA, State	28,000	
ORA, Federal	27,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
220,000		990,000

NEW SECTION, Sec. 714. FOR THE STATE PARKS AND RECREATION COMMISSION
 State-wide: Boating improvements (86-3-005)

	Reappropriation	Appropriation
ORA, State	66,000	
ORA, Federal	43,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000		110,000

NEW SECTION, Sec. 715. FOR THE STATE PARKS AND RECREATION COMMISSION
 West Hylebos acquisition and development (86-4-013)

	Reappropriation	Appropriation
St Bldg Constr Acct	200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

	6/30/87	Thereafter	
	96,000		296,000
<u>NEW SECTION, Sec. 716. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Puget Sound and San Juan Islands: Acquire and develop boating access and destination (86-4-014)			
		Reappropriation	Appropriation
St Bldg Constr Acct		50,000	
ORA, State		50,000	35,000
ORA, Federal		50,000	
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/89 and	Costs
	6/30/87	Thereafter	
		900,000	1,085,000
<u>NEW SECTION, Sec. 717. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Park renovation Referendum 28 (86-1-018)			
		Reappropriation	Appropriation
LIRA, Public Rec Fac		50,000	
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/89 and	Costs
	6/30/87	Thereafter	
			256,000
<u>NEW SECTION, Sec. 718. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Boating repairs (86-1-020)			
		Reappropriation	Appropriation
St Bldg Constr Acct		43,000	
ORA, State		138,000	
ORA, Federal		18,000	
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/89 and	Costs
	6/30/87	Thereafter	
			282,000
<u>NEW SECTION, Sec. 719. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Boating renovation (86-1-021)			
		Reappropriation	Appropriation
St Bldg Constr Acct		35,000	
ORA, State		115,000	
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/89 and	Costs
	6/30/87	Thereafter	
			359,000
<u>NEW SECTION, Sec. 720. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Beacon Rock: Replace floats and piling, renovate shear boom (86-1-022)			
		Reappropriation	Appropriation
ORA, State		135,000	
ORA, Federal		15,000	
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/89 and	Costs
	6/30/87	Thereafter	
			156,000
<u>NEW SECTION, Sec. 721. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Energy conservation and landscape repairs (86-1-026)			
		Reappropriation	Appropriation
St Bldg Constr Acct		340,000	
ORA, State		40,000	
ORA, Federal		40,000	
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/89 and	Costs
	6/30/87	Thereafter	
			621,000
<u>NEW SECTION, Sec. 722. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Energy conservation and landscape renovation (86-1-027)			
		Reappropriation	Appropriation

St Bldg Constr Acct		540,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
55,000			595,000

NEW SECTION, Sec. 723. FOR THE STATE PARKS AND RECREATION COMMISSION
Iron Horse: Trail safety and bridge repair acquisition (86-1-030)

		Reappropriation	Appropriation
		120,000	100,000
St Bldg Constr Acct	Estimated		Estimated
Project	Costs		Total
Costs	7/1/89 and		Costs
Through	Thereafter		
6/30/87			287,000
29,000	38,000		

NEW SECTION, Sec. 724. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden: Point Wilson bank protection (86-1-032)

		Reappropriation	Appropriation
			119,000
St Bldg Constr Acct			
ORA, State		104,000	
ORA, Federal		113,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
10,000			346,000

NEW SECTION, Sec. 725. FOR THE STATE PARKS AND RECREATION COMMISSION
Mt. Spokane: Entrance road development (86-3-034)

		Reappropriation	Appropriation
		200,000	
Motor Vehicle Fund	Estimated		Estimated
Project	Costs		Total
Costs	7/1/89 and		Costs
Through	Thereafter		
6/30/87			900,000
700,000			

NEW SECTION, Sec. 726. FOR THE STATE PARKS AND RECREATION COMMISSION
Lewis and Clark: Park improvements (86-4-099)

		Reappropriation	Appropriation
		8,000	
St Bldg Constr Acct	Estimated		Estimated
Project	Costs		Total
Costs	7/1/89 and		Costs
Through	Thereafter		
6/30/87			30,000
22,000			

NEW SECTION, Sec. 727. FOR THE STATE PARKS AND RECREATION COMMISSION
Green River Gorge: Staged acquisition (87-3-010)

		Reappropriation	Appropriation
		115,000	551,000
St Bldg Constr Acct			
ORA, State		39,000	
ORA, Federal		100,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
246,000	2,000,000		3,051,000

NEW SECTION, Sec. 728. FOR THE STATE PARKS AND RECREATION COMMISSION
Auburn: Game farm (87-3-012)

		Reappropriation	Appropriation
		70,000	500,000
St Bldg Constr Acct			
ORA, State		18,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
28,000			616,000

NEW SECTION, Sec. 729. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden: Phased weatherization of facilities (87-2-016)

		Reappropriation	Appropriation
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St Bldg Constr Acct		450,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
61,000	300,000		811,000
<u>NEW SECTION.</u> Sec. 730. FOR THE STATE PARKS AND RECREATION COMMISSION			
Ilahee: Replace breakwater, ramps, floats, and piling (87-1-024)			
	Reappropriation		Appropriation
ORA, State		240,000	
ORA, Federal		31,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
36,000			307,000
<u>NEW SECTION.</u> Sec. 731. FOR THE STATE PARKS AND RECREATION COMMISSION			
Sacajawea: Boat launch reconstruction (87-1-025)			
	Reappropriation		Appropriation
ORA, State		91,000	
ORA, Federal		10,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			101,000
<u>NEW SECTION.</u> Sec. 732. FOR THE STATE PARKS AND RECREATION COMMISSION			
Lake Sylvia: Renovate dam and seepage control (87-1-028)			
	Reappropriation		Appropriation
St Bldg Constr Acct		110,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
22,000			132,000
<u>NEW SECTION.</u> Sec. 733. FOR THE STATE PARKS AND RECREATION COMMISSION			
Flaming Geyser and Kummer: Redevelop and develop public access (87-1-029)			
	Reappropriation		Appropriation
ORA, State		183,000	
ORA, Federal		183,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			366,000
<u>NEW SECTION.</u> Sec. 734. FOR THE STATE PARKS AND RECREATION COMMISSION			
Kopachuck: Shoreline protection (87-1-031)			
	Reappropriation		Appropriation
ORA, State		51,000	
ORA, Federal		53,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
1,000			105,000
<u>NEW SECTION.</u> Sec. 735. FOR THE STATE PARKS AND RECREATION COMMISSION			
Fort Columbia: Building dry rot repair (87-2-045)			
	Reappropriation		Appropriation
St Bldg Constr Acct		155,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
9,000			164,000
<u>NEW SECTION.</u> Sec. 736. FOR THE STATE PARKS AND RECREATION COMMISSION			
Moran: Mountain Lake CCC building renovation (87-1-049)			
	Reappropriation		Appropriation
St Bldg Constr Acct		163,000	

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 163,000
<u>NEW SECTION, Sec. 737. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Deception Pass: Renovate CCC Buildings 2 and 3, Rosario (87-1-050)		
	Reappropriation	Appropriation
St Bldg Constr Acct	210,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 218,000
<u>NEW SECTION, Sec. 738. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide: Potable water supply, omnibus facility contingency (88-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		87,000
LIRA, Water Sup Fac		58,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 145,000
<u>NEW SECTION, Sec. 739. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide: Potable water supply, omnibus minor projects (88-1-003)		
	Reappropriation	Appropriation
St Bldg Constr Acct		416,000
LIRA, Water Sup Fac		277,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 693,000
<u>NEW SECTION, Sec. 740. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sequim Bay: Reservoir cover (88-1-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct		79,000
LIRA, Water Sup Fac		53,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 132,000
<u>NEW SECTION, Sec. 741. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sequim Bay: Renovate park water system (88-1-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct		114,000
LIRA, Water Sup Fac		76,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 190,000
<u>NEW SECTION, Sec. 742. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Moran: Renovate potable water system (88-1-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct		170,000
LIRA, Water Sup Fac		113,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 283,000
<u>NEW SECTION, Sec. 743. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide: Sewer facilities, omnibus facility contingency (88-1-007)		
	Reappropriation	Appropriation
LIRA, Waste Fac 1980		223,000

St Bldg Constr Acct			75,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			298,000
<u>NEW SECTION, Sec. 744. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Sewer facilities, omnibus minor projects (88-1-008)			
	Reappropriation		Appropriation
LIRA, Waste Fac 1980			252,000
St Bldg Constr Acct			84,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			336,000
<u>NEW SECTION, Sec. 745. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Boat pumpout facilities (experimental program) (88-1-009)			
	Reappropriation		Appropriation
LIRA, Waste Fac 1980			89,000
St Bldg Constr Acct			460,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			549,000
<u>NEW SECTION, Sec. 746. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Ocean City State Park: Connect to municipal sewer system (88-1-010)			
	Reappropriation		Appropriation
LIRA, Waste Fac 1980			286,000
St Bldg Constr Acct			96,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			382,000
<u>NEW SECTION, Sec. 747. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Boating facilities, omnibus facilities contingency (88-2-011)			
	Reappropriation		Appropriation
ORA, State			221,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			221,000
<u>NEW SECTION, Sec. 748. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Boating facilities, omnibus minor projects (88-2-012)			
	Reappropriation		Appropriation
ORA, State			969,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			969,000
<u>NEW SECTION, Sec. 749. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide: Boat traffic control markers and devices (88-1-013)			
	Reappropriation		Appropriation
ORA, State			110,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			110,000
<u>NEW SECTION, Sec. 750. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Chief Timothy: Boat launch expansion (88-5-014)			
	Reappropriation		Appropriation
ORA, State			230,000
Project	Estimated		Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
		230,000
<u>NEW SECTION, Sec. 751. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fudge Point: Acquisition (88-5-015)		
Reappropriation		Appropriation
ORA, State		506,000
ORA, Federal		398,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		904,000
<u>NEW SECTION, Sec. 752. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Moses Lake: Boat launch with parking and comfort station (88-5-016)		
Reappropriation		Appropriation
ORA, State		192,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		192,000
<u>NEW SECTION, Sec. 753. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide: River access site acquisition and development (88-5-017)		
Reappropriation		Appropriation
ORA, State		211,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		470,000
		681,000
<u>NEW SECTION, Sec. 754. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Centennial facility: Olmstead place (88-2-020)		
Reappropriation		Appropriation
LIRA, Pub Rec Fac		40,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		40,000
<u>NEW SECTION, Sec. 755. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Columbia: Renovate historic buildings and Chinook displays (88-2-021)		
Reappropriation		Appropriation
LIRA, Public Rec Fac		98,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		98,000
<u>NEW SECTION, Sec. 756. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden: Balloon hanger, replace roof, renovate interior (88-3-023)		
Reappropriation		Appropriation
St Bldg Constr Acct		247,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		247,000
<u>NEW SECTION, Sec. 757. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide: Park facility renovation, omnibus facility contingency (88-2-025)		
Reappropriation		Appropriation
St Bldg Constr Acct		633,000
LIRA, Pub Rec Fac		92,000
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

	6/30/87	Thereafter	725,000
<u>NEW SECTION, Sec. 758. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
St. Edward: Main electrical code compliance (88-1-027)			
		Reappropriation	Appropriation
St Bldg Constr Acct			124,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/89 and	Costs	Costs
6/30/87	Thereafter		
			124,000
<u>NEW SECTION, Sec. 759. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Fort Worden: Electrical service renovation to 7,200 volts (88-1-030)			
		Reappropriation	Appropriation
St Bldg Constr Acct			325,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/89 and	Costs	Costs
6/30/87	Thereafter		
			325,000
<u>NEW SECTION, Sec. 760. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Doetsch ranch acquisition/initial development (88-5-032)			
		Reappropriation	Appropriation
St Bldg Constr Acct			418,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/89 and	Costs	Costs
6/30/87	Thereafter		
			418,000
<u>NEW SECTION, Sec. 761. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Maryhill State Park development (88-5-035)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,076,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/89 and	Costs	Costs
6/30/87	Thereafter		
			1,076,000
<u>NEW SECTION, Sec. 762. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Ocean beaches: Phased acquisition on Pacific ocean beaches (88-5-036)			
		Reappropriation	Appropriation
St Bldg Constr Acct			550,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/89 and	Costs	Costs
6/30/87	Thereafter		
		1,300,000	1,850,000
<u>NEW SECTION, Sec. 763. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Camano Island: Point Lowell road stability and renovation (88-3-043)			
		Reappropriation	Appropriation
St Bldg Constr Acct			202,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/89 and	Costs	Costs
6/30/87	Thereafter		
			202,000
<u>NEW SECTION, Sec. 764. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Crystal Falls: Acquisition and development (88-5-057)			
		Reappropriation	Appropriation
St Bldg Constr Acct			160,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/89 and	Costs	Costs
6/30/87	Thereafter		
			160,000
<u>NEW SECTION, Sec. 765. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Mount Spokane: Winter recreation facilities, shelter with comfort station (88-2-041)			

The appropriation in this section is subject to the following conditions and limitations: Volunteers may be used on this project as appropriate.

	Reappropriation	Appropriation
St Bldg Constr Acct		83,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		83,000

NEW SECTION, Sec. 766. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies' recreation projects

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
ORA, State	8,380,000	6,460,000
ORA, Federal	1,230,000	661,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		17,231,000

NEW SECTION, Sec. 767. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Community economic revitalization board (86-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	6,500,000	10,790,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
28,500,000		45,790,000

NEW SECTION, Sec. 768. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington state ag-trade, under the ownership and operation of the city of Spokane (86-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$4.5 million. The twenty-five percent local match shall be cash to cover expenditures for actual design and construction costs. In-kind contributions shall not be considered in determining the twenty-five percent local match.

(2) If the department determines that additional money is needed for the completion of the center, the money provided in this section is contingent on the additional money being made available from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct	4,500,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,500,000

NEW SECTION, Sec. 769. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington technology center: Funds for this project shall be transferred to, and administered by, the University of Washington (88-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		14,902,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,619,000		16,521,000

NEW SECTION, Sec. 770. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington state agricultural trade complex at Yakima (88-3-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$6.5 million. The twenty-five percent local match shall be cash to cover expenditures for actual design and construction costs. In-kind contributions shall not be considered in determining the twenty-five percent local match.

(2) This appropriation is contingent on financial or in-kind contributions of at least \$6,500,000 being provided from nonstate sources. If Engrossed Substitute Senate Bill No. 6064 is

not enacted by the legislature by June 30, 1987, the value of the required local match shall be reduced to \$3,500,000.

	Reappropriation	Appropriation
St Bldg Constr Acct		6,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	12,000,000	25,000,000

NEW SECTION, Sec. 771. FOR THE DEPARTMENT OF FISHERIES
Replacements and alterations (77-2-004)

	Reappropriation	Appropriation
Fish Cap Proj Acct	82,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
3,917,000		3,999,000

NEW SECTION, Sec. 772. FOR THE DEPARTMENT OF FISHERIES
Salmon habitat enhancement program (ESHB 1230) (77-R-005)

	Reappropriation	Appropriation
Sal Enhmt Constr Acct	141,000	1,263,000
St Bldg Constr Acct		191,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
6,859,000	2,880,000	11,334,000

NEW SECTION, Sec. 773. FOR THE DEPARTMENT OF FISHERIES
Puget Sound: Artificial reefs (79-R-008)

	Reappropriation	Appropriation
ORA, State	40,000	
ORA, Federal	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
120,000		180,000

NEW SECTION, Sec. 774. FOR THE DEPARTMENT OF FISHERIES
Hood Canal Bridge: Public fishing access (79-R-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		52,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
443,000		495,000

NEW SECTION, Sec. 775. FOR THE DEPARTMENT OF FISHERIES
Sunset Falls: Fishway (81-R-007)

	Reappropriation	Appropriation
Fish Cap Proj Acct	10,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
124,000		134,000

NEW SECTION, Sec. 776. FOR THE DEPARTMENT OF FISHERIES
Oakland Bay tideland access: Design and construction (81-R-014)

	Reappropriation	Appropriation
St Bldg Constr Acct		11,000
ORA, State	79,000	
ORA, Federal	79,000	11,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
173,000		353,000

NEW SECTION, Sec. 777. FOR THE DEPARTMENT OF FISHERIES

Health, safety, and code compliance: Salmon culture (86-1-020)

	Reappropriation	Appropriation
St Bldg Constr Acct		209,000
Fish Cap Proj Acct	30,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
270,000	500,000	1,009,000

NEW SECTION, Sec. 778. FOR THE DEPARTMENT OF FISHERIES

Bird predation protection: Design and construction (86-3-021)

	Reappropriation	Appropriation
Fish Cap Proj Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
167,000		267,000

NEW SECTION, Sec. 779. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects: Salmon (86-3-022)

	Reappropriation	Appropriation
St Bldg Constr Acct	466,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
397,000		863,000

NEW SECTION, Sec. 780. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects: Shellfish, design and construction (86-3-023)

	Reappropriation	Appropriation
St Bldg Constr Acct	78,000	112,000
Fish Cap Proj Acct	82,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
109,000	1,050,000	1,431,000

NEW SECTION, Sec. 781. FOR THE DEPARTMENT OF FISHERIES

Paving and maintenance: Asphalt ponds, design and construction (86-3-024)

	Reappropriation	Appropriation
St Bldg Constr Acct		244,000
Fish Cap Proj Acct	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
406,000	429,000	1,229,000

NEW SECTION, Sec. 782. FOR THE DEPARTMENT OF FISHERIES

Bremerton public fishing pier: Design and construction (86-3-027)

	Reappropriation	Appropriation
St Bldg Constr Acct	125,000	
ORA, State	285,000	
ORA, Federal	410,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		820,000

NEW SECTION, Sec. 783. FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access: Renovation (86-2-028)

	Reappropriation	Appropriation
ORA, State	192,000	
ORA, Federal	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		212,000

NEW SECTION, Sec. 784. FOR THE DEPARTMENT OF FISHERIES
Issaquah hatchery interpretive center (86-2-029)

	Reappropriation	Appropriation
St Bldg Constr Acct		42,000
ORA, State	20,000	
ORA, Federal	20,000	42,000
Project Costs Through 6/30/87 30,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 154,000

PART 8

NATURAL RESOURCES—CONTINUED

NEW SECTION, Sec. 801. FOR THE DEPARTMENT OF FISHERIES

Willapa hatchery: New main pipeline, design and construction (86-3-030)

	Reappropriation	Appropriation
St Bldg Constr Acct	411,000	
Project Costs Through 6/30/87 15,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 426,000

NEW SECTION, Sec. 802. FOR THE DEPARTMENT OF FISHERIES

Energy conservation (86-4-031)

	Reappropriation	Appropriation
Fish Cap Proj Acct	59,000	
Project Costs Through 6/30/87 103,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 162,000

NEW SECTION, Sec. 803. FOR THE DEPARTMENT OF FISHERIES

Freezer remodel: Samish and Hood Canal (86-3-032)

	Reappropriation	Appropriation
Fish Cap Proj Acct	10,000	
Project Costs Through 6/30/87 93,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 103,000

NEW SECTION, Sec. 804. FOR THE DEPARTMENT OF FISHERIES

Patrol-seized gear storage: Design and construction (86-3-033)

	Reappropriation	Appropriation
St Bldg Constr Acct		98,000
Fish Cap Proj Acct	30,000	
Project Costs Through 6/30/87 68,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 196,000

NEW SECTION, Sec. 805. FOR THE DEPARTMENT OF FISHERIES

Hood Canal: Boat access acquisition (86-3-035)

	Reappropriation	Appropriation
ORA, State	270,000	
ORA, Federal	30,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 300,000

NEW SECTION, Sec. 806. FOR THE DEPARTMENT OF FISHERIES

Hood Canal: Smell beach acquisition (86-3-036)

	Reappropriation	Appropriation
ORA, State	150,000	
ORA, Federal	150,000	
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter	
	100,000	400,000
<u>NEW SECTION. Sec. 807. FOR THE DEPARTMENT OF FISHERIES</u>		
Point Whitney: Tideland access acquisition (86-3-037)		
	Reappropriation	Appropriation
ORA. State	127,000	
ORA. Federal	128,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	150,000	405,000
<u>NEW SECTION. Sec. 808. FOR THE DEPARTMENT OF FISHERIES</u>		
Knappton public access: Design and construction (86-3-038)		
	Reappropriation	Appropriation
ORA. State	51,000	4,000
ORA. Federal	51,000	3,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		109,000
<u>NEW SECTION. Sec. 809. FOR THE DEPARTMENT OF FISHERIES</u>		
Clam beach: Enhancement (88-5-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,213,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,200,000	2,413,000
<u>NEW SECTION. Sec. 810. FOR THE DEPARTMENT OF FISHERIES</u>		
McAllister: Improvements (88-2-003)		
	Reappropriation	Appropriation
St Bldg Constr Acct		259,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		259,000
<u>NEW SECTION. Sec. 811. FOR THE DEPARTMENT OF FISHERIES</u>		
Minor capital projects: Salmon, north (88-2-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct		440,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	995,000	1,435,000
<u>NEW SECTION. Sec. 812. FOR THE DEPARTMENT OF FISHERIES</u>		
Minor capital projects: Salmon, south (88-2-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct		398,000
General Fund, Federal		853,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,251,000
<u>NEW SECTION. Sec. 813. FOR THE DEPARTMENT OF FISHERIES</u>		
Minor capital projects: Salmon, coast (88-2-007)		
	Reappropriation	Appropriation
St Bldg Constr Acct		136,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	305,000	441,000

NEW SECTION, Sec. 814. FOR THE DEPARTMENT OF FISHERIES
 Salmon culture: Repair and replacement (88-2-008)

		Reappropriation	Appropriation
St Bldg Constr Acct			239,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	3,500,000		3,739,000

NEW SECTION, Sec. 815. FOR THE DEPARTMENT OF FISHERIES
 Concrete ponds: Repair and replacement (88-2-009)

		Reappropriation	Appropriation
St Bldg Constr Acct			839,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	1,050,000		1,889,000

NEW SECTION, Sec. 816. FOR THE DEPARTMENT OF FISHERIES
 Fish protection facilities (88-5-012)

		Reappropriation	Appropriation
St Bldg Constr Acct			204,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	400,000		604,000

NEW SECTION, Sec. 817. FOR THE DEPARTMENT OF FISHERIES
 Columbia river: Fishing access facility (88-5-014)

		Reappropriation	Appropriation
St Bldg Constr Acct			204,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			204,000

NEW SECTION, Sec. 818. FOR THE DEPARTMENT OF FISHERIES
 Salmon enhancement: Coast and Puget Sound (88-5-016)

		Reappropriation	Appropriation
Sal Enhmt Constr Acct			4,020,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	3,750,000		7,770,000

NEW SECTION, Sec. 819. FOR THE DEPARTMENT OF FISHERIES
 Acquisition/development/renovation of public recreation sites (88-5-018)

		Reappropriation	Appropriation
St Bldg Constr Acct			873,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	1,723,000		2,596,000

NEW SECTION, Sec. 820. FOR THE DEPARTMENT OF FISHERIES
 Small repair and improvements (88-2-019)

		Reappropriation	Appropriation
General Fund, Federal			159,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			159,000

NEW SECTION, Sec. 821. FOR THE DEPARTMENT OF GAME

Mercer Island: Rebuild dock and provide minor improvements (81-R-037)

		Reappropriation	Appropriation
ORA, State		55,000	
Project	Estimated		Estimated

Costs Through 6/30/87 1,000	Costs 7/1/89 and Thereafter	Total Costs
<u>NEW SECTION, Sec. 822. FOR THE DEPARTMENT OF GAME</u> Snake river compensation (83-R-009)		56,000
Game Fund, Federal	Reappropriation 10,348,000	Appropriation
Project Costs Through 6/30/87 827,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 11,175,000
<u>NEW SECTION, Sec. 823. FOR THE DEPARTMENT OF GAME</u> I-82 development (83-R-013)		
ORA, State	Reappropriation 63,000	Appropriation
ORA, Federal	63,000	
Project Costs Through 6/30/87 246,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 372,000
<u>NEW SECTION, Sec. 824. FOR THE DEPARTMENT OF GAME</u> Redevelop access areas: Amber lake (83-R-026)		
ORA, State	Reappropriation 18,500	Appropriation
ORA, Federal	18,500	
Project Costs Through 6/30/87 47,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 84,000
<u>NEW SECTION, Sec. 825. FOR THE DEPARTMENT OF GAME</u> Diamond Lake (83-R-031)		
ORA, State	Reappropriation 7,300	Appropriation
ORA, Federal	7,300	
Project Costs Through 6/30/87 39,400	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 54,000
<u>NEW SECTION, Sec. 826. FOR THE DEPARTMENT OF GAME</u> Lake Goodwin redevelopment (86-2-021)		
ORA, State	Reappropriation 80,900	Appropriation
ORA, Federal	8,900	
Project Costs Through 6/30/87 200,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 90,000
<u>NEW SECTION, Sec. 827. FOR THE DEPARTMENT OF GAME</u> Oak Creek headquarters (86-2-023)		
ORA, State	Reappropriation 35,100	Appropriation
ORA, Federal	5,400	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 138,000
<u>NEW SECTION, Sec. 828. FOR THE DEPARTMENT OF GAME</u> Newman lake access area (86-2-024)		
ORA, State	Reappropriation 98,000	Appropriation
Game Fund, Federal	10,000	

Project Costs Through 6/30/87 2,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 110,000
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NEW SECTION, Sec. 829. FOR THE DEPARTMENT OF GAME

Hedt property: Acquisition (86-4-014)

The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.

Game Fund, State	Reappropriation 383,000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000		383,000

NEW SECTION, Sec. 830. FOR THE DEPARTMENT OF GAME

Skagit habitat management area inholding acquisition (83-R-020)

The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.

Game Fund, State	Reappropriation 443,000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000		444,000

NEW SECTION, Sec. 831. FOR THE DEPARTMENT OF GAME

Chehalis Valley habitat management area acquisition (83-R-021)

The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.

Game Fund, State	Reappropriation 509,000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000		510,000

NEW SECTION, Sec. 832. FOR THE DEPARTMENT OF GAME

Facility maintenance and repair (86-2-002)

Game Fund, State	Reappropriation 150,000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
259,000		409,000

NEW SECTION, Sec. 833. FOR THE DEPARTMENT OF GAME

West Valley: Acquisition (86-4-012)

The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.

Game Fund, State	Reappropriation 30,000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000		31,000

NEW SECTION, Sec. 834. FOR THE DEPARTMENT OF GAME

Vancouver Lake: Access road improvement (86-2-022)

ORA, State	Reappropriation 108,000	Appropriation
ORA, Federal	56,000	
Project	Estimated	Estimated

	Costs Through 6/30/87 2,000	Costs 7/1/89 and Thereafter	Total Costs 166,000
<u>NEW SECTION, Sec. 835. FOR THE DEPARTMENT OF GAME</u>			
Pipe Lake: Public fishing access (86-4-027)			
		Reappropriation 84,000 9,000	Appropriation
ORA, State			
ORA, Federal			
	Project Costs Through 6/30/87 2,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 95,000
<u>NEW SECTION, Sec. 836. FOR THE DEPARTMENT OF GAME</u>			
Mineral Lake: Site improvements (86-3-028)			
		Reappropriation 114,000 12,000	Appropriation
ORA, State			
ORA, Federal			
	Project Costs Through 6/30/87 2,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 128,000
<u>NEW SECTION, Sec. 837. FOR THE DEPARTMENT OF GAME</u>			
Satsop river: Redevelopment (86-2-029)			
		Reappropriation 75,000 8,000	Appropriation
ORA, State			
ORA, Federal			
	Project Costs Through 6/30/87 2,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 85,000
<u>NEW SECTION, Sec. 838. FOR THE DEPARTMENT OF GAME</u>			
West Medical Lake: Redevelopment (86-2-030)			
		Reappropriation 80,000 8,000	Appropriation
ORA, State			
ORA, Federal			
	Project Costs Through 6/30/87 2,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 90,000
<u>NEW SECTION, Sec. 839. FOR THE DEPARTMENT OF GAME</u>			
Lake Retreat: Public fishing access (86-4-031)			
		Reappropriation 85,000 8,000	Appropriation
ORA, State			
ORA, Federal			
	Project Costs Through 6/30/87 2,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 95,000
<u>NEW SECTION, Sec. 840. FOR THE DEPARTMENT OF GAME</u>			
Whitestone irrigation district and Blue Lake inholding acquisition (87-4-011)			
The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.			
		Reappropriation 319,000	Appropriation
Game Fund, State			
	Project Costs Through 6/30/87 1,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 320,000
<u>NEW SECTION, Sec. 841. FOR THE DEPARTMENT OF GAME</u>			

Hatchery renovation (87-4-022)

Game Fund, Federal	Reappropriation	Appropriation
Project	270,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
2,000	Thereafter	
		272,000

NEW SECTION, Sec. 842. FOR THE DEPARTMENT OF GAME
Ringold Springs: Warmwater culture ponds (87-4-023)

Game Fund, Federal	Reappropriation	Appropriation
Game Fund, Private/Local	59,000	
Project	21,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
1,000	Thereafter	
		81,000

NEW SECTION, Sec. 843. FOR THE DEPARTMENT OF GAME
Shady Lake: Improvements (87-2-032)

ORA, State	Reappropriation	Appropriation
ORA, Federal	58,000	
Project	5,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
2,000	Thereafter	
		65,000

NEW SECTION, Sec. 844. FOR THE DEPARTMENT OF GAME
Methow river: Averill (87-2-033)

ORA, State	Reappropriation	Appropriation
ORA, Federal	58,000	
Project	6,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
2,000	Thereafter	
		66,000

NEW SECTION, Sec. 845. FOR THE DEPARTMENT OF GAME
Barnaby slough (87-3-035)

General Fund, State	Reappropriation	Appropriation
Game Fund, Federal	100,000	
Project	100,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
220,000	Thereafter	
		420,000

NEW SECTION, Sec. 846. FOR THE DEPARTMENT OF GAME
Emergency repairs and replacements (88-3-001)

Game Fund, State	Reappropriation	Appropriation
Project		153,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
	Thereafter	
	400,000	553,000

NEW SECTION, Sec. 847. FOR THE DEPARTMENT OF GAME
Facility maintenance (88-2-002)

Game Fund, State	Reappropriation	Appropriation
Project		220,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
	Thereafter	
	1,200,000	1,420,000

NEW SECTION, Sec. 848. FOR THE DEPARTMENT OF GAME

Engineering capital budget preplan and design (88-5-003)

	Reappropriation	Appropriation
Game Fund. State		16,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	60,000	76,000

NEW SECTION, Sec. 849. FOR THE DEPARTMENT OF GAME

Access area toilet replacement (88-4-004)

	Reappropriation	Appropriation
Game Fund. State		102,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	400,000	502,000

NEW SECTION, Sec. 850. FOR THE DEPARTMENT OF GAME

State-wide fencing (88-2-005)

	Reappropriation	Appropriation
Game Fund. State		102,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,200,000	1,302,000

NEW SECTION, Sec. 851. FOR THE DEPARTMENT OF GAME

Hatchery renovation and improvement (88-2-006)

	Reappropriation	Appropriation
Game Fund. Federal		2,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	4,500,000	6,500,000

NEW SECTION, Sec. 852. FOR THE DEPARTMENT OF GAME

Lower Rocky Ford corridor (88-5-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		210,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		210,000

NEW SECTION, Sec. 853. FOR THE DEPARTMENT OF GAME

Migratory waterfowl habitat development (88-5-008)

	Reappropriation	Appropriation
Game Fund. State		362,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	700,000	1,062,000

NEW SECTION, Sec. 854. FOR THE DEPARTMENT OF GAME

State-wide boating access development (88-5-014)

	Reappropriation	Appropriation
Game Fund. Federal		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		500,000

NEW SECTION, Sec. 855. FOR THE DEPARTMENT OF GAME

Wells hatchery improvements (88-2-015)

	Reappropriation	Appropriation
Game Fund. Local		65,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/87	7/1/89 and Thereafter	Costs	65,000
<u>NEW SECTION, Sec. 856. FOR THE DEPARTMENT OF GAME</u>			
Wells wildlife area irrigation (89-5-016)			
	Reappropriation	Appropriation	
Game Spec Wildlife Acct		100,000	
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		100,000
	800,000		
<u>NEW SECTION, Sec. 857. FOR THE DEPARTMENT OF GAME</u>			
Migratory waterfowl habitat acquisition (89-5-009)			
	Reappropriation	Appropriation	
Game Fund, State		396,000	
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		1,196,000
	800,000		
<u>NEW SECTION, Sec. 858. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Acquire fragile and endangered lands for conservancy (84-3-R92)			
	Reappropriation	Appropriation	
ORA, State	100,000		
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		1,000,000
900,000			
<u>NEW SECTION, Sec. 859. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Right of way acquisition (86-3-001)			
	Reappropriation	Appropriation	
For Dev Acct		415,000	
Res Mgmt Cost Acct		737,000	
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		3,197,000
1,245,000	800,000		
<u>NEW SECTION, Sec. 860. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Unforeseen emergency repairs: Irrigation (86-3-002)			
	Reappropriation	Appropriation	
Res Mgmt Cost Acct		300,000	
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		650,000
150,000	200,000		
<u>NEW SECTION, Sec. 861. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Land bank (86-4-003)			
	Reappropriation	Appropriation	
Res Mgmt Cost Acct		10,000,000	
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		32,562,000
5,562,000	17,000,000		
<u>NEW SECTION, Sec. 862. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Recreation sites renovation (86-3-018)			
	Reappropriation	Appropriation	
ORV Acct	405,000		
ORA, State	318,000		
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/89 and	Costs	
6/30/87	Thereafter		1,395,000
672,000			

NEW SECTION, Sec. 863. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement (86-3-020)

Aquatic Land Acct		Reappropriation	Appropriation
Project		1,176,000	787,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
294,000	Thereafter		
	3,440,000		5,697,000

NEW SECTION, Sec. 864. FOR THE DEPARTMENT OF NATURAL RESOURCES

Larch oil collection and shop (88-1-001)

St Bldg Constr Acct		Reappropriation	Appropriation
Project			75,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			75,000

NEW SECTION, Sec. 865. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Emergency repairs (88-1-002)

For Dev Acct		Reappropriation	Appropriation
Res Mgmt Cost Acct			19,000
Project			35,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
	108,000		162,000

NEW SECTION, Sec. 866. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Fire detection, smoke ventilation (88-1-003)

St Bldg Constr Acct		Reappropriation	Appropriation
For Dev Acct			69,000
Res Mgmt Cost Acct			25,000
Project			44,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			138,000

NEW SECTION, Sec. 867. FOR THE DEPARTMENT OF NATURAL RESOURCES

Clearwater, Husum, and Mission Creek gas and chemical storage building (88-1-004)

St Bldg Constr Acct		Reappropriation	Appropriation
Project			350,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			350,000

NEW SECTION, Sec. 868. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Light replacement (88-1-005)

St Bldg Constr Acct		Reappropriation	Appropriation
For Dev Acct			102,000
Res Mgmt Cost Acct			37,000
Project			65,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			204,000

NEW SECTION, Sec. 869. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Handicap access (88-1-006)

St Bldg Const Acct		Reappropriation	Appropriation
Project			35,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/87	7/1/89 and		Costs
	Thereafter		
			35,000

NEW SECTION, Sec. 870. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Insulation (88-4-007)

	Reappropriation	Appropriation
St Bldg Const Acct		18,000
For Dev Acct		13,000
Res Mgmt Cost Acct		23,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		54,000

NEW SECTION, Sec. 871. FOR THE DEPARTMENT OF NATURAL RESOURCES

Quinault: Water system (88-2-009)

	Reappropriation	Appropriation
St Bldg Const Acct		12,000
For Dev Acct		5,000
Res Mgmt Cost Acct		8,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		25,000

NEW SECTION, Sec. 872. FOR THE DEPARTMENT OF NATURAL RESOURCES

Nonemergency repairs (88-2-010)

	Reappropriation	Appropriation
St Bldg Const Acct		18,000
For Dev Acct		13,000
Res Mgmt Cost Acct		24,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		74,000
		129,000

NEW SECTION, Sec. 873. FOR THE DEPARTMENT OF NATURAL RESOURCES

Wetlands: Water quality related wetland preservation

	Reappropriation	Appropriation
Aquatic Land Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		500,000

NEW SECTION, Sec. 874. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial development (88-2-020)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		745,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		745,000

NEW SECTION, Sec. 875. FOR THE DEPARTMENT OF NATURAL RESOURCES

Area office space increase projects (88-2-030)

	Reappropriation	Appropriation
For Dev Acct		151,000
Res Mgmt Cost Acct		269,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		420,000

NEW SECTION, Sec. 876. FOR THE DEPARTMENT OF NATURAL RESOURCES

Timber-fish wildlife (88-2-021)

	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87	Thereafter	300,000
<u>NEW SECTION. Sec. 877. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Recreation site renovation (89-3-001)		
St Bldg Constr Acct	Reappropriation	Appropriation
ORA, State		574,000
Project	Estimated	574,000
Costs	Costs	Estimated
Through	7/1/89 and	Total
6/30/87	Thereafter	Costs
		1,148,000

<u>NEW SECTION. Sec. 878. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Marine station dock (89-1-004)		
Res Mgmt Cost Acct	Reappropriation	Appropriation
Project		118,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
	Thereafter	118,000

<u>NEW SECTION. Sec. 879. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Seed orchard irrigation (89-2-006)		
For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		59,000
Project	Estimated	106,000
Costs	Costs	Estimated
Through	7/1/89 and	Total
6/30/87	Thereafter	Costs
		165,000

<u>NEW SECTION. Sec. 880. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Management roads (89-2-008)		
For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		154,000
Project	Estimated	274,000
Costs	Costs	Estimated
Through	7/1/89 and	Total
6/30/87	Thereafter	Costs
	1,700,000	2,433,000

<u>NEW SECTION. Sec. 881. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Communication site maintenance (89-2-009)		
Res Mgmt Cost Acct	Reappropriation	Appropriation
Project		150,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/87	7/1/89 and	Costs
27,000	Thereafter	227,000
	50,000	

<u>NEW SECTION. Sec. 882. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Real estate improved property maintenance (89-2-010)		
For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		90,000
Project	Estimated	160,000
Costs	Costs	Estimated
Through	7/1/89 and	Total
6/30/87	Thereafter	Costs
	200,000	450,000

<u>NEW SECTION. Sec. 883. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Bridge and road replacement (89-2-011)		
St Bldg Constr Acct	Reappropriation	Appropriation
ORV Acct		57,000
Project	Estimated	54,000
Costs	Costs	Estimated
Through	7/1/89 and	Total
	Thereafter	Costs

	6/30/87	Thereafter		
		2,600,000		3,976,000
<u>NEW SECTION, Sec. 884. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>				
Construct and improve roads and bridges (77-R-016)				
		Reappropriation		Appropriation
ORV Acct		5,400		
	Project	Estimated		Estimated
	Costs	Costs		Total
	Through	7/1/89 and		Costs
	6/30/87	Thereafter		
	267,900			273,300
<u>NEW SECTION, Sec. 885. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>				
Construct and improve campsites (77-3-A16)				
		Reappropriation		Appropriation
ORV Acct		12,000		
ORA, State		66,000		
	Project	Estimated		Estimated
	Costs	Costs		Total
	Through	7/1/89 and		Costs
	6/30/87	Thereafter		
	167,200			245,200
<u>NEW SECTION, Sec. 886. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>				
Construct and improve campsites (77-4-R16)				
		Reappropriation		Appropriation
ORV Acct		74,000		
ORA, State		20,000		
	Project	Estimated		Estimated
	Costs	Costs		Total
	Through	7/1/89 and		Costs
	6/30/87	Thereafter		
	5,777,000			5,871,000
<u>NEW SECTION, Sec. 887. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>				
Minor works (86-3-011)				
		Reappropriation		Appropriation
General Fund, State		16,000		
	Project	Estimated		Estimated
	Costs	Costs		Total
	Through	7/1/89 and		Costs
	6/30/87	Thereafter		
	10,000			26,000
<u>NEW SECTION, Sec. 888. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>				
Capital Forest recreation storage (86-4-014)				
		Reappropriation		Appropriation
General Fund, State		5,000		
	Project	Estimated		Estimated
	Costs	Costs		Total
	Through	7/1/89 and		Costs
	6/30/87	Thereafter		
	12,000			17,000
<u>NEW SECTION, Sec. 889. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>				
Commercial development and electronics (86-3-004)				
		Reappropriation		Appropriation
Res Mgmt Cost Acct		100,000		
	Project	Estimated		Estimated
	Costs	Costs		Total
	Through	7/1/89 and		Costs
	6/30/87	Thereafter		
	27,000			127,000
<u>NEW SECTION, Sec. 890. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>				
Acquisition of fifty-one miles of Milwaukee Railroad right of way in Jefferson and Clallam counties for recreation, transportation, and utility purposes				
The appropriation in this section is subject to the following conditions and limitations: Portions of the right of way not needed for recreational purposes may be re-sold for economic development purposes.				
		Reappropriation		Appropriation
State Bldg Constr Acct				800,000
	Project	Estimated		Estimated
	Costs	Costs		Total

Through 6/30/87	7/1/89 and Thereafter	Costs 800,000
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NEW SECTION, Sec. 891. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation development (89-2-007)

Res Mgmt Cost Acct	Reappropriation	Appropriation 150,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	800,000	950,000

NEW SECTION, Sec. 892. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide repair storage

For Dev Acct	Reappropriation	Appropriation 25,000
Res Mgmt Cost Acct		45,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		70,000

NEW SECTION, Sec. 893. FOR THE DEPARTMENT OF NATURAL RESOURCES
Northeast shop remodeling and addition

For Dev Acct	Reappropriation	Appropriation 32,000
Res Mgmt Cost Acct		57,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		89,000

NEW SECTION, Sec. 894. FOR THE DEPARTMENT OF NATURAL RESOURCES
Security fence

For Dev Acct	Reappropriation	Appropriation 15,000
Res Mgmt Cost Acct		27,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		42,000

NEW SECTION, Sec. 895. FOR THE DEPARTMENT OF NATURAL RESOURCES
Northeast headquarters paving

For Dev Acct	Reappropriation	Appropriation 20,000
Res Mgmt Cost Acct		34,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		54,000

PART 9
MISCELLANEOUS

NEW SECTION, Sec. 901. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Minor works request: Basement and roof repair (86-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation 105,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
56,000		161,000

NEW SECTION, Sec. 902. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Minor works: Additions to air conditioning (86-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation 206,000
Project	Estimated	Estimated

Costs Through 6/30/87 125,000	Costs 7/1/89 and Thereafter	Total Costs 331,000
<u>NEW SECTION, Sec. 903. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
Museum interior remodeling (88-3-004)		
Reappropriation		Appropriation
St Bldg Constr Acct		2,242,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
67,000		3,317,000
<u>NEW SECTION, Sec. 904. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>		
Cheney Cowles Memorial Museum: Remodel (86-1-001)		
Reappropriation		Appropriation
St Fac Renew Acct		590,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
43,000		633,000
<u>NEW SECTION, Sec. 905. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>		
Campbell House property: Restoration (86-1-002)		
Reappropriation		Appropriation
St Fac Renew Acct		293,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
65,000		358,000
<u>NEW SECTION, Sec. 906. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION</u>		
Energy retrofit projects (88-3-003)		
Reappropriation		Appropriation
St Bldg Constr Acct		16,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000		17,000
<u>NEW SECTION, Sec. 907. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION</u>		
Capital renewal projects, contingency repairs (88-3-004)		
Reappropriation		Appropriation
St Bldg Constr Acct		19,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
45,000		64,000
<u>NEW SECTION, Sec. 908. FOR THE EMPLOYMENT SECURITY DEPARTMENT</u>		
Port Angeles: Job service center (88-2-002)		
Reappropriation		Appropriation
Unemp Comp Admin Acct		616,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		616,000
<u>NEW SECTION, Sec. 909. FOR THE DEPARTMENT OF TRANSPORTATION</u>		
Acquisition of dredge spoils site (83-1-R01)		
Reappropriation		Appropriation
St Bldg Constr Acct		2,700,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,320,000		5,020,000
<u>NEW SECTION, Sec. 910. FOR THE DEPARTMENT OF TRANSPORTATION</u>		

East capitol campus public parking (86-3-001)

	Reappropriation	Appropriation
Cap Purch & Dev Acct	420,000	
Cap Bldg Constr Acct	400,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
580,000		1,400,000

NEW SECTION. Sec. 911. FOR THE DEPARTMENT OF TRANSPORTATION

Exit 105: Traffic control improvement (86-3-002)

	Reappropriation	Appropriation
Motor Vehicle Acct	600,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		600,000

NEW SECTION. Sec. 912. FOR THE DEPARTMENT OF TRANSPORTATION

Retention dam: Green/Toutle river (87-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	6,100,000	3,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
6,900,000		16,500,000

NEW SECTION. Sec. 913. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE

In accordance with RCW 28A.58.055, 28B.10.027, and 43.17.200, all state agencies or departments shall expend, as a nondeductible item, out of any moneys appropriated for the original construction of any state building, an amount of one-half of one percent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited by the agency in other public facilities. If the amount is not required in toto or in part for any project, the unrequired amounts may be accumulated and expended for art in other projects of the agency. For the purpose of this section, 'building' does not include highway construction sheds, warehouses, or other buildings of a temporary nature.

NEW SECTION. Sec. 914. To carry out effectively the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 915. Reappropriations shall be limited to the unexpended balances remaining June 30, 1987, in the current appropriation for each project.

NEW SECTION. Sec. 916. As part of the annual six year update to the State Facilities and Capital Plan, agencies shall provide lease development projects to the office of financial management.

NEW SECTION. Sec. 917. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 918. Notwithstanding any other provisions of law, for the 1987-89 biennium, state treasurer transfers of reimbursement to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 919. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 920. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of financial management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

NEW SECTION. Sec. 921. To carry out effectively, efficiently, and economically the provisions of this act, each agency shall establish a start date and completion date on each project which has an estimated total cost which exceeds five hundred thousand dollars and for which a start or completion date is not specified in this act. This information shall be furnished to the office of financial management and the legislative auditor no later than the date the allotment request is filed with the office of financial management. If a project cannot start on or before the indicated start date or be completed by the indicated completion date, the director of the agency shall document and file with the office of financial management and the legislative budget committee the reason for the delay and indicate the new start and/or completion date(s). The legislative auditor shall review these filings and report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

As a result of these filings, agency directors may be required to appear before the legislative budget committee for further explanation of a project delay.

NEW SECTION. Sec. 922. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1987-89 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital renewal projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1989-91 Biennium, as that list exists in the Governor's final 1988 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate and house ways and means committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

NEW SECTION. Sec. 923. To assure that major construction projects are carried out in accordance with legislative and executive intent, capital projects for renovation or additional space contained in this act that exceed two million five hundred thousand dollars and have not completed a program document prior to September 1, 1986, shall not expend funds for planning and construction until the office of financial management has reviewed the agency's

programmatic document and approved the continuation of the project. The program document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown.

NEW SECTION, Sec. 924. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION, Sec. 925. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 926. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Mr. Grimm moved adoption of the following amendment to the amendment:

On page 10, after line 18 of the amendment, insert the following:

***NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT Officers' Row, city of Vancouver**

The appropriation in this section is contingent on the receipt of at least an additional six million dollars being made available from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,500,000*

Renumber the remaining sections consecutively and correct internal references accordingly.

Mr. Grimm spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. Schoon.

Mr. Schoon: Representative Grimm, the amendment indicates that there will be received an additional six million dollars being made available from nonstate funds. Is that the correct ratio?

Mr. Grimm: That is correct. It would require six million dollars of nonstate funds in order to have the state appropriate and the locals receive the 2.5.

The amendment by Representative Grimm to the amendment was adopted.

On motion of Mr. Ballard, the following amendment by Representatives Ballard and Grimm to the amendment was adopted:

On page 91, beginning on line 30, strike all of subsection (2).

The amendment as amended was adopted.

The bill was ordered reengrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Bristow yielded to question by Mr. Fisch.

Mr. Fisch: I notice that in Section 890, the Department of Natural Resources is authorized to spend up to \$800,000 to purchase 51 miles of abandoned Milwaukee Railroad right-of-way in Clallam and Jefferson Counties. The language of the section is unclear as to a portion of the right-of-way that currently runs through a port marine terminal. Is it your interpretation that recreational uses would have first call and that we will see a recreational trail cutting through a port's marine terminal?

Mr. Bristow: No, I don't read it as authorizing a recreational trail through the terminal. The intent is to assure the use of the existing undeveloped right-of-way

for recreational and industrial development uses. It is not intended to convert an existing marine terminal or parts of it into a recreation area.

Representatives B. Williams and Padden spoke against passage of the bill.

Mr. Lux asked Mr. Bristow to yield to a question, and Mr. Bristow refused.

Ms. L. Smith spoke against passage of the bill, and Ms. Allen spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 327, and the bill passed the House by the following vote: Yeas, 65; nays, 28; excused, 5.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, McMullen, Meyers, Moyer, Nealey, Nelson, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Silver, Smith C, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Ferguson, Fuhrman, Heavey, Holland, Lux, May, McLean, Niemi, Padden, Patrick, Schmidt, Schoon, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley - 28.

Excused: Representatives Bumgarner, Doty, Hankins, Miller, Sanders - 5.

Reengrossed Substitute House Bill No. 327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

May 18, 1987

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

May 17, 1987

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, revising the 1987-89 omnibus appropriations act, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators McDermott, McDonald, Hansen; Representatives Grimm, McMullen, Ballard.

MOTION

On motion of Mr. Grimm, the report of the Conference Committee was adopted and the Committee was granted powers of Free Conference.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 621, by Committee on Ways & Means (originally sponsored by Representatives Bristow, Silver, Locke, Holland, Grimm, L. Smith, Basich and P. King; by request of Governor Gardner)

Authorizing state general obligation bonds for capital projects.

The bill was read the third time. On motion of Mr. McMullen, the rules were suspended, and the bill was returned to second reading for the purposes of amendment.

Mr. Bristow moved adoption of the following amendment:
Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of four hundred twelve million three hundred thousand dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1987-1989 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

NEW SECTION. Sec. 2. Bonds issued under section 1 of this act are subject to the following conditions and limitations:

(1) General obligation bonds of the state of Washington in the sum of four hundred four million four hundred thousand dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1987-1989 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited as follows:

(a) Thirty million dollars in the common school construction fund created in RCW 28A.40.101;

(b) Three hundred sixty-two million seven hundred thousand dollars in the state building construction account created in RCW 43.83.020.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the office of financial management, subject to legislative appropriation.

(2) General obligation bonds of the state of Washington in the sum of three million two hundred thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for Washington State University to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by Washington State University, subject to legislative appropriation.

NEW SECTION. Sec. 3. Both principal of and interest on the bonds issued for the purposes specified in section 2(1) of this act shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 4. Both principal of and interest on the bonds issued for the purposes of section 2(2) of this act shall be payable from the higher education bond retirement fund of 1979. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the

provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the higher education bond retirement fund of 1979, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 5. Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 6. On or before June 30th of each year and in accordance with the provisions of the bond proceedings the state finance committee shall determine the relative shares of the principal and interest payments determined pursuant to section 4 of this act, exclusive of deposit interest credit, attributable to each of the institutions of higher education in proportion to the principal amount of bonds issued for the purposes of section 2(2) of this act for projects for each institution. On each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of each institution of higher education shall cause the amount so computed to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 3 and 4 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 8. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 9. Section 43.83.020, chapter 8, Laws of 1965 as amended by section 43, chapter 57, Laws of 1985 and RCW 43.83.020 are each amended to read as follows:

The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account which is hereby established in the state treasury, and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation ~~((act of 1959))~~ acts, and for payment of the expense incurred in the printing, issuance, and sale of such bonds. All earnings of investments of balances in the state building construction account shall be credited to the general fund.

Sec. 10. Section 1, chapter 224, Laws of 1979 ex. sess. and RCW 43.831.160 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities for the department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ~~((six))~~ five million forty-five thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.831.160 through 43.831.170 and 43.831.912 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 11. Section 1, chapter 229, Laws of 1979 ex. sess. and RCW 43.99B.010 are each amended to read as follows:

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ~~((ten))~~ eight million nine hundred forty-five thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized by RCW 43.99B.010 through 43.99B.026 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

Sec. 12. Section 3, chapter 34, Laws of 1982 as last amended by section 1, chapter 233, Laws of 1985 and RCW 67.40.030 are each amended to read as follows:

For the purpose of providing funds for the state convention and trade center, the state finance committee is authorized to issue, upon request of the corporation formed under RCW 67.40.020 and in one or more offerings, general obligation bonds of the state of Washington in the sum of ~~((ninety-nine million))~~ one hundred three million, seven hundred sixty-five thousand dollars, or so much thereof as may be required, to finance this project and all costs incidental thereto, to capitalize all or a portion of interest during construction, to provide for expansion, renovation, and contingency costs of the center, and to reimburse the general fund for expenditures in support of the project. The state finance committee may make such bond covenants as it deems necessary to carry out the purposes of this section and this chapter. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW.*

Mr. Bristow spoke in favor of the amendment, and it was adopted.

On motion of Mr. Bristow, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "bonds;" strike the remainder of the title and insert "amending RCW 43.83.020, 43.831.160, 43.99B.010, and 67.40.030; and adding a new chapter to Title 43 RCW."

The bill was ordered reengrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF PARLIAMENTARY INQUIRY

Mr. Padden: Could you tell me, Mr. Speaker, how many votes are necessary to pass this measure?

The Speaker: Fifty-nine.

Representatives Barnes, Lux and B. Williams spoke against passage of the bill, and Mr. Grimm spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 621, and the bill passed the House by the following vote: Yeas, 64; nays, 29; excused, 5.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Silver, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Chandler, Ferguson, Fuhrman, Heavey, Holland, Lux, May, McLean, Padden, Patrick, Schmidt, Schoon, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley - 29.

Excused: Representatives Bumgarner, Doty, Hankins, Miller, Sanders - 5.

Reengrossed Substitute House Bill No. 621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 1:15 p.m.

AFTERNOON SESSION

The Speaker (Mr. Appelwick presiding) called the House to order.

Representative Sanders appeared at the bar of the House.

THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455, by Committee on Ways & Means (originally sponsored by Representatives Ebersole, Holm, Peery, Cole, Appelwick, Pruitt, Hine, Locke and Unsoeld; by request of Governor Gardner)

Enhancing the financing and management of the states' schools.

The bill was read the third time. On motion of Mr. McMullen, the rules were suspended and the bill was returned to second reading for purposes of amendment.

Mr. Ebersole moved adoption of the following amendment by Representatives Ebersole and Grimm:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends to establish the limitation on school district maintenance and operations levies at twenty percent, with ten percent to be equalized on a state-wide basis. The legislature further intends to establish a modern school financing system for compensation of school staff and provide a class size reduction in grades kindergarten through three. The legislature intends to give the highest funding priority to strengthening support for existing school programs.

The legislature finds that providing for the adoption of a state-wide salary allocation schedule for certificated instructional staff will encourage recruitment and retention of able individuals to the teaching profession, and limit the administrative burden associated with implementing state teacher salary policies.

PART I
FINANCING OUR SCHOOLS

Sec. 101. Section 1, chapter 374, Laws of 1985 as amended by section 40, chapter 185, Laws of 1987 and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

- (1) ~~((For excess levies in 1985 for collection in 1986 and thereafter, the sum of:~~
 - ~~(a) That amount equal to ten percent of each school district's prior year basic education allocation; plus~~
 - ~~(b) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:~~
 - ~~(i) Pupil transportation;~~
 - ~~(ii) Handicapped education costs;~~
 - ~~(iii) Gifted; and~~
 - ~~(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus~~
 - ~~(c) in the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.~~
- ~~(2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. 'Fringe benefits' for purposes of this subsection shall include:~~
 - ~~(a) Employer retirement contributions, if applicable;~~
 - ~~(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workers' compensation; and~~
 - ~~(c) Employer social security contributions:~~
- ~~(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. 'Compensation' for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.~~
- ~~(4)) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: PROVIDED, That when determining the basic education allocation under subsection ((+)) (4) of this section, ((effective September 1, 1979,)) nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.~~

~~((Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated~~

as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certified personnel as defined in this section in a capacity for which certification is not required.

(5) Any district is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years 1985 through 1993 as follows:

(a)) (2) For ~~((excess levies to be collected in calendar years 1986, 1987, and 1988))~~ the purposes of subsection (5) of this section, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: ~~((#))~~ (a) The district's actual levy percentage for calendar year 1985, ~~((#))~~ (b) the average levy percentage for all school district levies in the state in calendar year 1985, or ~~((#))~~ (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

~~((b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year 1989. The incremental reduction shall equal one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.~~

~~(c) For excess levies to be collected in calendar year 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year 1993.~~

~~((b)) (3) For excess levies for collection in calendar year 1988 and thereafter, the maximum dollar amount shall be the total of:~~

~~(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsections (5) and (6) of this section; plus~~

~~(b) in the case of nonhigh districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation; less~~

~~(c) The maximum amount of state matching funds under section 102 of this 1987 act for which the district is eligible in that tax collection year.~~

~~(4) For excess levies for collection in calendar year 1988 and thereafter, a district's levy base shall be the sum of the following allocations received by the district for the prior school year, including allocations for compensation increases, multiplied by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year:~~

~~(a) The district's basic education allocation as determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145;~~

~~(b) State and federal categorical allocations for the following programs:~~

~~(i) Pupil transportation;~~

~~(ii) Handicapped education;~~

~~(iii) Education of highly capable students;~~

~~(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;~~

~~(v) Food services; and~~

~~(vi) State-wide block grant programs; and~~

~~(c) 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.~~

~~(5) For levies to be collected in calendar year 1988, a district's maximum levy percentage shall be determined as follows:~~

~~(a) Multiply the district's base year levy percentage as defined in subsection (2) of this section by the district's levy base as determined in subsection (4) of this section;~~

~~(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the 1987-88 school year;~~

~~(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and~~

~~(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in calendar year 1988.~~

~~(6) For excess levies for collection in calendar year 1989 and thereafter, a district's maximum levy percentage shall be determined as follows:~~

~~(a) The district's maximum levy percentage for the prior year or thirty percent, whichever is less, by the district's levy base as determined in subsection (4) of this section;~~

~~(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the current school year;~~

~~(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and~~

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(7) 'Levy reduction funds' shall mean increases in state funds allocated to a district for programs included under subsection (4) of this section that are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments recognized in state allocation formulas. Any other increases in state allocations from the district's allocations for the prior school year that are not specifically excluded in this subsection shall be considered levy reduction funds. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data.

(8) For the purposes of this section, 'prior school year' shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(9) For the purposes of this section, 'current school year' shall mean the year immediately following the prior school year.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.41 RCW to read as follows:

(1) Commencing with taxes assessed in 1988 to be collected in calendar year 1989 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation but the legislature intends to appropriate funds as necessary to implement this section.

(2) (a) 'Prior tax collection year' shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) The 'state-wide average ten percent levy rate' shall mean ten percent of the total levy bases as defined in RCW 84.52.0531(4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The 'ten percent levy rate' of a district shall mean:

(i) Ten percent of the district's levy base as defined in RCW 84.52.0531(4), plus one-half of any amount computed under RCW 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) 'Eligible districts' shall mean those districts with a ten percent levy rate which exceeds the state-wide average ten percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate; to (ii) the state-wide average ten percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ten percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate; divided by (ii) the district's ten percent levy rate.

(4) Fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.

Sec. 103. Section 3, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 133, Laws of 1986 and RCW 84.52.053 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner ~~(set forth in)~~ and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state, as amended by Amendment ((59)) 79 and as thereafter amended, at a special or general election to be held in the year in which the levy is made or, in the case of a proposition authorizing two-year levies for maintenance and operation support of a school district((including but not limited to levies)) or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities ((and levies for the maintenance and operation of schools, for a period exceeding one year)), or both, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That once additional tax levies have been authorized for maintenance and operation support of a school district for a two year period, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote 'yes' and those opposed thereto to vote 'no'.

PART II
 ENHANCING SCHOOL MANAGEMENT

Sec. 201. Section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 144, Laws of 1986 and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.02.300 and 28A.02.310, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.58.754, as now or hereafter amended.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130 and 28A.41.140 to fund those program requirements identified in RCW 28A.58.754 in accordance with the formula and ratios provided in RCW 28A.41.140 and those amounts of dollars appropriated by the legislature to fund the salary requirements of sections 203 and 204 of this 1987 act.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, 'classroom teacher' shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practically meet the student/teacher ratio requirements of this section by virtue of a small number of students.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.41.130, 28A.41.140 and 28A.58.754, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 202. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 5, chapter 349, Laws of 1985 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

~~((1))~~ (a) Certificated instructional staff and their related costs;

~~((2))~~ (b) Certificated administrative staff and their related costs;

(c) Classified staff and their related costs;

~~((3))~~ (d) Nonsalary costs;

~~((4))~~ (e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and

~~((5))~~ (f) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

(2) (a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ~~((Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel))~~

(b) The formula adopted by the legislature for the 1987-88 school year shall reflect the following ratios at a minimum: (i) Forty-eight certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) Commencing with the 1988-89 school year, the formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(d) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754 and section 203 of this 1987 act. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month and shall exclude full time equivalent handicapped students recognized for the purposes of allocation of state funds for programs under chapter 28A.13 RCW. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3) (a) Certificated instructional staff shall include those persons employed by a school district ((in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent)) who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(4) Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.41 RCW to read as follows:

(1) For the purposes of this section and sections 204 and 205 of this act, 'basic education certificated instructional staff' shall mean all full time equivalent certificated instructional staff in the following programs as defined for state-wide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) In the 1987-88 school year, each school district shall maintain a ratio of at least forty-five basic education certificated instructional staff to one thousand annual average full time equivalent students. In the 1988-89 school year and thereafter, each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

NEW SECTION, Sec. 204. A new section is added to chapter 28A.41 RCW to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a state-wide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.41.140.

(2) The superintendent of public instruction shall calculate salary allocations for state funded basic education certificated instructional staff by determining the district average salary for basic education instructional staff using the salary allocation schedule established pursuant to this section. However, no district shall receive an allocation based upon an average basic education certificated instructional staff salary which is less than the average of the district's 1986-87 actual basic education certificated instructional staff salaries, as reported to the superintendent of public instruction prior to June 1, 1987, and the legislature may grant minimum salary increases on that base.

NEW SECTION, Sec. 205. A new section is added to chapter 28A.58 RCW to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to section 204 of this act.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection to the extent that the district's actual average benefit contribution exceeds the greater of: (i) The formula amount for insurance benefits provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable; or (ii) the actual average amount provided by the school district in the 1986-87 school year. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.58.096, or employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.67.074, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.58.450 through 28A.58.515. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

Sec. 206. Section 3, chapter 16, Laws of 1981 and RCW 41.59.935 are each amended to read as follows:

Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding salary or compensation increases in excess of those authorized in accordance with ((RCW 28A.58.095)) sections 204 and 205 of this 1987 act.

Sec. 207. Section 2, chapter 143, Laws of 1986 and RCW 28A.02.325 are each amended to read as follows:

The board of directors of the school district shall make the final determination as to whether an employee suggestion award will be made and shall determine the nature and extent of the award. The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount. Any moneys which may be awarded to an employee as part of an employee

suggestion program shall not be considered salary or compensation for the purposes of ~~((RCW 28A.58.095))~~ section 205 of this 1987 act or chapter 41.40 RCW.

Sec. 208. Section 5, chapter 278, Laws of 1984 as amended by section 1, chapter 197, Laws of 1987 and RCW 28A.03.425 are each amended to read as follows:

The office of the superintendent of public instruction, in consultation with the state board of education, shall prepare model curriculum programs and/or curriculum guidelines in three subject areas each year. These model curriculum programs or curriculum guidelines shall span all grade levels and shall include statements of expected learning outcomes, content, integration with other subject areas including guidelines for the application of vocational and applied courses to fulfill in whole or in part the courses required for graduation under RCW 28A.05.060, recommended instructional strategies, and suggested resources.

Certificated employees with expertise in the subject area under consideration shall be chosen by the superintendent of public instruction from each educational service district, from a list of persons suggested by their peers, to work with the staff of the superintendent of public instruction to prepare each model curriculum program or curriculum guidelines. Each participant shall be paid his or her regular salary by his or her district, and travel and per diem expenses by the superintendent of public instruction. The superintendent of public instruction shall make selections of additional experts in the subject area under consideration as are needed to provide technical assistance and to review and comment upon the model curriculum programs and/or curriculum guidelines before publication and shall be paid travel and per diem expenses by the superintendent of public instruction as necessary. The model curriculum programs and curriculum guidelines shall be made available to all districts. Participants developing model curriculum programs and/or curriculum guidelines may be used by school districts to provide training or technical assistance or both. After completion of the original development of model curriculum programs or curriculum guidelines, the office of the superintendent of public instruction shall schedule, at least every five years, a regular review and updating of programs and guidelines in each subject matter area. ~~((Any travel and per diem expenses provided to employees involved in the development of model programs or guidelines shall not be considered salary or compensation for purposes of the limitations established in RCW 28A.58.095.))~~

Sec. 209. Section 2, chapter 147, Laws of 1986 and RCW 28A.03.523 are each amended to read as follows:

(1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

(a) Three teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle school level teacher, and one must be a secondary level teacher;

(b) Three principals from each congressional district of the state. One individual must be an elementary building principal, one must be a junior high or middle school building principal, and one must be a secondary building principal;

(c) One school district superintendent from the state; and

(d) One school district board of directors from the state.

Not more than three teachers and three principals from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

(2) The awards for teachers and principals shall include certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations.

(3) In addition to certificates under subsection (2) of this section, awards for teachers and principals shall include:

(a) A waiver of tuition and fees under RCW 28B.15.547 and a stipend not to exceed one thousand dollars to cover costs incurred in taking courses for which the tuition and fees have been waived under this subsection and RCW 28B.15.547. The stipend shall not be considered compensation for the purposes of ~~((RCW 28A.58.095))~~ section 205 of this 1987 act; or

(b) Teachers and principals, at their discretion, may elect to forego the waiver of tuition and fees and the stipend under subsection (3) of this section and apply for a grant not to exceed one thousand dollars, which grant shall be awarded under the provisions of RCW 28A.03.535. Within one year of receiving the award for excellence in education, teachers and principals shall notify the superintendent of public instruction in writing of their decision to apply for a grant or to receive the waiver of tuition and fees and the stipend under subsection (3) of this section.

Sec. 210. Section 2, chapter 399, Laws of 1985 and RCW 28A.58.842 are each amended to read as follows:

The board of directors of any school district may establish a commendable employee service and recognition award program for certificated and classified school employees. The

program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of (~~RCW 28A.58.095~~) section 205 of this 1987 act or chapter 41.32 RCW.

NEW SECTION. Sec. 211. The following acts or parts of acts are each repealed:

- (1) Section 7, chapter 349, Laws of 1985 and RCW 28A.58.093;
- (2) Section 2, chapter 16, Laws of 1981, section 1, chapter 275, Laws of 1983, section 1, chapter 245, Laws of 1984 and RCW 28A.58.095; and
- (3) Section 4, chapter 16, Laws of 1981 and RCW 41.56.960.

NEW SECTION. Sec. 212. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 213. This act shall take effect September 1, 1987."

Mr. Ebersole moved adoption of the following amendment by Representatives Ebersole and Grimm to the amendment:

On page 19, after line 25 of the amendment, insert the following:

NEW SECTION. Sec. 212. The sum of twenty-one million five hundred ten thousand dollars, or as much thereof as may be necessary is appropriated for the biennium ending June 30, 1989, to the superintendent of public instruction for state matching funds distributed pursuant to section 102 of this act."

Renumber remaining sections consecutively.

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

The Speaker stated the question before the House to be the adoption of the amendment by Representatives Ebersole and Grimm as amended.

Representatives Brough, Betrozoff and Taylor spoke against the amendment as amended, and Mr. Ebersole spoke in favor of the amendment.

MOTION

On motion of Mr. Lewis, the following remarks by Representative Betrozoff were ordered inserted in the Journal.

Mr. Betrozoff: I would urge you to vote "No" on this striking amendment, and I also urge a "No" on the bill itself, because there are some problems with it and some of those problems include things such as: We are talking about going to a 20% levy lid, which I support. The part that I don't support is that there is no deadline for coming down to the 20%. You have districts that are over the 20% at the present time, and the last three times that the Legislature has continued to freeze the levy lid, it has always maintained a deadline schedule of bringing it down to 10%. In this case we're talking about 20%, but there is no deadline. For some people that may be a good deal, but I think you should reflect on the fact that this Legislature will now have, out in the districts, a 20% difference, perhaps more in some cases, between some school districts and other school districts, and there will be no incentive by the school districts, or the Legislature, to do anything about it. I think it's a serious defect of going to 20%.

This bill also states that if the Legislature provides additional money that is over and above workload, over and above compensation, and over and above inflation, that the districts have to reduce their levies dollar for dollar. However, you make one large exception and that is for federal funds. You are now acknowledging that federal funds can be used to broaden the base. In other words, you now have a large amount of money that you can base your 10% or your 20% on and you are not requiring the districts to bring those levies down. That is an unequal piece of this legislation.

The other part of it is the tax rate versus the assessed valuation. If you really want to be fair about equalization, you want to be fair among all the districts, you really have to stay with the assessed valuation per student. That is the fairest way because the other way is a reflection of some districts getting more categorical aid than other districts. If you get a lot of categorical aid, you are going to get more of the tax rate, so you are getting more state money; therefore, you are getting more levy money as a result. I don't see the fairness in that.

The other part is the mandated minimum. Probably, the worst policy statement in the bill is mandating 46 certificated instructional staff per thousand and telling the districts from now on they must hire 46 certificated instructional staff. We have never done that since 1977. This is an example of where the Legislature is trying to scoop the school board. We are being the school board here. We're telling the board they don't know how to run your districts, and we're going to tell 297 districts that all of them have to run it the same way. You have to have 46 certificated instructional staff and the other can be administrative staff.

The other part is House Bill No. 166 language. We have restricted salary increases to those provided by the Legislature. In this bill, you are releasing classified people and administrative people from that requirement. That means that you can use local levy money or any other source of money to raise administrative salaries and to raise classified salaries. This doesn't make up the majority of the salary money that you provide for the districts, but you can bet that in five or ten years from now, if the levy goes down or a levy is modified, the districts will have to come back to the Legislature and ask for more money for administrative staff and for classified staff because you removed the requirements or the restrictions for the increases. That's probably the worst policy statement in this bill. It's in the striking amendment, and it's in the regular bill that is before you also.

The good part of the bill is going to 20%. If we could salvage that part of it, it would be worth it. The levy equalization is the good part of the bill. We need to salvage that also. The salary equalization money is a very good idea. We need to bring the salary schedule closer around the state of Washington. But you have too many items in here that are not worth it. They are very bad policy for the Legislature to pass. Therefore, I would urge you to vote "No" on this striking amendment.

Representatives Grimm, Peery and Vekich spoke in favor of the amendment as amended, and Mr. Barnes opposed it. Representatives Brough and Taylor again opposed it, and Mr. Ebersole spoke again in favor.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Ebersole and Grimm as amended, and the amendment as amended was adopted by the following vote: Yeas, 62; nays, 32; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 62.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Belcher, Betzoff, Brooks, Brough, Chandler, Ferguson, Fuhrman, Holland, King P, Lewis, May, McLean, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S - 32.

Excused: Representatives Bumgarner, Doty, Hankins, Miller - 4.

With consent of the House, the following amendment by Representatives Ebersole and Grimm to the title was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 84.52.0531, 84.52.053, 28A.41.130, 28A.41.140, 41.59.935, 28A.02.325, 28A.03.425, 28A.03.523, and 28A.58.842; adding new sections to chapter 28A.41 RCW; adding a new section to chapter 28A.58 RCW; creating a new section; repealing RCW 28A.58.093, 28A.58.095, and 41.56.960; and providing an effective date."

With consent of the House, the following amendment by Representatives Ebersole and Grimm to the title amendment was adopted:

On page 20, line 8 of the title amendment, after "41.56.960;" insert "making an appropriation;"

The title amendment as amended was adopted.

The Speaker resumed the Chair.

The bill was ordered reengrossed. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole and Sanders spoke in favor of final passage of the bill, and Representatives Betrozoff and Taylor opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Second Substitute House Bill No. 455, and the bill passed the House by the following vote: Yeas, 63; nays, 31; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Heavey, Hine, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H. Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wineberry, Winsley, and Mr. Speaker - 63.

Voting nay: Representatives Amondson, Bailard, Barnes, Baugher, Beck, Betrozoff, Brooks, Brough, Chandler, Ferguson, Fuhrman, Haugen, Holland, Lewis, McLean, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Wilson S, Zellinsky - 31.

Excused: Representatives Bumgarner, Doty, Hankins, Miller - 4.

Reengrossed Second Substitute House Bill No. 455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, Reengrossed Second Substitute House Bill No. 455 was ordered immediately transmitted to the Senate.

MESSAGES FROM THE SENATE

May 18, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4418,

HOUSE CONCURRENT RESOLUTION NO. 4422,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

May 18, 1987

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 477,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4418,

HOUSE CONCURRENT RESOLUTION NO. 4422.

MOTION

Mr. McMullen moved that the Committee on Rules be relieved of Engrossed Second Substitute House Bill No. 434 and that the bill be placed on the third reading calendar for immediate consideration. The motion was carried.

THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 434, by Committee on Ways & Means (originally sponsored by Representatives Unsoeld, May, Rust, Walker, Pruitt, Hine, Leonard, Winsley, Lux and Todd; by request of Department of Ecology)

Providing for procedures to protect the public from hazardous substances.

The bill was read the third time. On motion of Mr. McMullen, the rules were suspended and the bill was returned to second reading for the purpose of amendment.

Mr. Bristow moved adoption of the following amendment by Representatives Bristow, Rayburn, May, Sutherland, Walker, Vekich, Hargrove, Kremen, Madsen, Haugen, Day, Gallagher, Zellinsky, Ebersole, Fisch, Grant, Baugher, Rasmussen, Chandler, McLean, Moyer, Meyers, Lewis, B. Williams, P. King, C. Smith, Beck, Silver, Schoon, Barnes, S. Wilson, Schmidt, Amondson, J. Williams, Hankins, Ferguson, Brough and Holland:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.010 are each amended to read as follows:

PURPOSE. (1) It is the policy of the state of Washington to protect the public health and welfare of all its citizens against the dangers arising from the generation, transport, treatment, storage, and disposal of hazardous wastes and from releases or threatened releases of hazardous substances. In order to reach that policy objective, it is not only necessary to provide state government with broad powers of regulation, control, and removal of these hazardous wastes and substances, including the power to fashion and effectuate remedial directives, but it is imperative that adequate funds are also provided to carry out these powers in a vigorous manner. In the implementation of the provisions of this chapter, the state shall, when appropriate, cooperate with and support federal agencies in their implementation of counterpart federal hazardous waste and substances programs, while pursuing independent state actions whenever it appears they will provide more efficient ((or)) and effective alternative programs to achieve the policies and purposes of this chapter.

(2) The purposes of this chapter are, among others: (a) To supplement the powers already vested in the department of ecology relating to hazardous wastes and to releases or threatened releases of substances which are hazardous to the environment or public health, (b) to provide moneys necessary for the full, sufficient, and efficient implementation of the hazardous waste and substances regulation control and removal program of the state, (c) to encourage reduction of hazardous wastes through recycling and improvement of manufacturing processes, (d) to provide for the cleanup and restoration of those sites within the state at which improper disposal of hazardous waste has occurred, resulting in the potential for deleterious impacts on the health and welfare of the citizens of the state, as well as on the state's natural, environmental, and biological systems, (e) to provide for funding to study, plan, and undertake the rehabilitation, removal, and cleanup of hazardous waste deposited improperly at sites located within the state, ((and)) (f) to provide funds for matching purposes for participation in the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by Public Law 99-499, (g) to establish a mechanism to remedy releases and threatened releases of hazardous substances into the state's environment in an expeditious fashion which encourages voluntary and prompt cleanups, and (h) to provide flexibility to the department and potentially responsible parties in devising voluntary response action plans so that the public health and the environment are protected.

Sec. 2. Section 2, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.020 are each amended to read as follows:

DEFINITIONS. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Dangerous waste' shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW;

(2) 'Department' means the department of ecology;

(3) 'Director' means the director of ecology or the director's designee;

(4) 'Disposal' means the discharge, deposit, injection, release, dumping, spilling, leaking, placing, or allowing to seep any hazardous substance into or on any land or water;

((3)) (5) 'Extremely hazardous waste' shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW;

(6) 'Facility' means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel or aircraft,

or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located;

(7) 'Generate' means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation;

((4)) (8) 'Hazardous waste' means and includes all dangerous and extremely hazardous wastes;

((5)) 'Person' means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization;

(6) 'Identified site' means the same or geographically contiguous property, which may be divided by a public or private right of way, provided that access between the properties occurs at an intersection and crosses, as opposed to goes along, the right of way. Noncontiguous properties owned by the same person but connected by a right of way will be considered a single identified site if the person controls the right of way and can prevent public access;

(7) 'Fee' means the annual hazardous waste control and elimination assessment fee imposed under RCW 70.105A.030 and the fee for treatment, storage, and disposal facilities imposed under RCW 70.105A.040;

(8) 'Annual gross income' of a business means the value proceeding or accruing during a calendar year by reason of the transaction of the business or service engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses; and

(9) 'Generate' means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation;))

(9) 'Hazardous substances' means:

(a) Hazardous wastes;

(b) All materials deemed hazardous substances according to section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980 (42 U.S.C. Sec. 9601(14)) as amended by Public Law 99-499;

(c) Solid waste or its decomposition products that present a real and substantial threat to the public health or welfare or the environment;

(d) Any other substance or category of substances determined by the director by rule, to present a threat to the public health or welfare or the environment if released into the environment; or

(e) Substances containing both radioactive and hazardous wastes.

The term 'hazardous substances' does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under federal law.

(10) 'Local government' means a city, town, or county;

(11) 'Local toxics control project' means a project of a local government to provide a response action or a project of a fiscally distressed local government to plan, design, and construct a solid waste facility in compliance with chapter 70.95 RCW;

(12) 'Natural resources' means land, water, air, fish, wildlife, or other such resources belonging to, managed by, within the jurisdiction of, or held in trust by the state, a subdivision of the state, municipal corporation, foreign government, or other public entity;

(13) 'Owner or operator' means:

(a) In the case of a vessel, any person owning, operating, or chartering such vessel;

(b) Any person with any ownership interest in the facility or who exercises any control over the facility;

(c) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility;

(d) The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or

(ii) A person who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect the person's security interest in the vessel or facility;

(14) 'Person' means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization;

(15) 'Release' means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, disposing or allowing to seep into the environment, including the abandonment or discarding of barrels, containers, or other closed receptacles containing any hazardous substance, pollutant or contaminant but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) the normal application of fertilizer, and (c) the application of pesticide products when applied as registered under the federal insecticide, fungicide, and rodenticide act;

(16) 'Remedy' or 'remedial action' means those actions consistent with permanent remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous substance into the environment to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term also includes off-site transport to and off-site storage, treatment, destruction, or secure disposition of hazardous substances and associated contaminated material at a hazardous waste disposal facility or such actions at the location of the release or threatened release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, on-site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the acquisition of property necessary to effect the action and the costs of permanent relocation of residents and businesses and community facilities where the director determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare.

(17) 'Remove' or 'removal' means:

(a) The cleanup or removal of a hazardous substance which has been released into the environment;

(b) Such actions as may be necessary in the event of the threat of a release of hazardous substances into the environment;

(c) Such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances;

(d) The disposal of removed material; or

(e) The taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment which may otherwise result from a release or threat of release of hazardous substance to the environment;

(18) 'Reportable quantity' means that amount of a hazardous substance to be reported under this chapter as set by rule by the department;

(19) 'Respond' or 'response action' means remove, removal, remedy, or remedial action;

(20) 'Response costs' or 'costs of response' means all costs incurred in performing a response action, including the costs of indemnifying response action contractors, all other costs and interest attributable to the response action, and, where the response or response action is undertaken by the department, costs of departmental investigation, design, or feasibility study preceding such removal or action and any enforcement activities related thereto;

(21) 'Response action contract' means any written contract or agreement entered into by a response action contractor to provide services relating to a response action with the department, or any responsible party carrying out a response action plan under section 8 of this 1987 act or complying with a regulatory order under section 14 of this 1987 act;

(22) 'Response action contractor' means (a) any person who enters into a response action contract with respect to any release or threatened release of a hazardous substance, pollutant, or contaminant with a responsible party or the state to provide services relating to the response action, or (b) any person who is retained or hired by a person described in (a) of this subsection, or who enters into a contract with such person, to provide any services relating to a response action;

(23) 'Threatened release' means the presence of hazardous substance such that a release is imminent unless a response action is taken.

NEW SECTION. Sec. 3. DEPARTMENT'S POWERS AND DUTIES. (1) Insofar as such exercise is consistent with this chapter, the department may exercise the following powers in addition to any other powers granted by law:

(a) Remove and remedy releases, or threats of releases, of hazardous substances or otherwise mitigate such releases;

(b) Undertake all training, planning, inspecting, sampling, testing, investigating, surveying, analyzing, engineering, constructing, and operating which is necessary or appropriate to prepare for, obtain, and perform removal actions, response actions, cleanup actions, and enforcement actions involving releases or threatened releases of hazardous substances;

(c) Respond to releases or threatened releases of hazardous substances and take appropriate enforcement actions;

(d) Make contracts for professional services, technical services, or for construction. However, the director may expedite response to releases or threatened releases of hazardous substances by prequalifying contractors, as long as the prequalification is pursuant to a uniform system of rating bidders;

(e) Carry out all programs of the federal comprehensive environmental response, compensation, and liability act of 1980 as amended by Public Law 99-499. The power to participate in the programs under the federal act includes, but is not limited to, the power to agree to supply state matching funds, subject to legislative appropriation for removal or response actions, to assure site maintenance, to assure the availability of hazardous waste facilities, and to make such contracts or cooperative agreements with the federal government as may be necessary under the federal act;

(f) Participate in and carry out all programs of the federal resource conservation and recovery act, 42 U.S.C. Sec. 9601 et seq., as amended as of the effective date of this section, which are contemplated for state participation, implementation, or administration under that act;

(g) Investigate, respond to, and direct or initiate cleanup of spills or other releases of petroleum or petroleum products and recover reasonable costs incurred by the department from persons responsible for such releases; or

(h) Take other actions necessary to carry out the provisions of this chapter.

(2) The department shall: (a) To the greatest extent possible, when the director determines that federal funding would facilitate appropriate response action, apply to the federal government for funds to carry out the powers granted by this chapter and may receive and administer those funds, and (b) make best efforts to recover state moneys spent on response action, including administration, overhead, investigation, removal, remedial action, mitigation, any other account expenditures, and damages.

(3) The department may adopt rules, under chapter 34.04 RCW, to carry out the provisions of this chapter.

NEW SECTION, Sec. 4. SCHEDULES. (1) The director shall maintain a list of all potential hazardous waste sites in the state at which the department has undertaken preliminary assessments, site inspections, other site studies, or response actions, or at which the department has knowledge of response action by potentially responsible parties.

(2) By September 30 of each year until 1998, the director shall submit a report to the appropriate standing committees of the legislature on hazardous waste cleanup activity in the state during the previous fiscal year. The report shall include at least the following:

(a) The sites where preliminary assessments or site inspections were undertaken or completed;

(b) The sites where studies related to potential response actions were undertaken or completed;

(c) The sites where response actions were undertaken or completed either by potentially responsible parties or by the department;

(d) The sites where the department has initiated enforcement actions, and the results of such enforcement actions; and

(e) An accounting of the toxics control account.

NEW SECTION, Sec. 5. RESPONSIBLE PARTIES—STANDARD OF LIABILITY. (1) Except as provided in subsection (4) of this section, the following persons are parties responsible for releases or threatened releases of hazardous substances at a facility: (a) The owner or operator of a facility, (b) any person who at the time of disposal of any hazardous substance owned or operated any facility at which the hazardous substances were disposed, (c) any person who (i) owned or possessed hazardous substances and (ii) by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment of the hazardous substances, or otherwise generated hazardous wastes disposed of or treated at the facility, (d) any person who (i) accepts or accepted any hazardous substances for transport to a disposal, treatment, or other facility selected by such person from which there is a release or a threatened release of a hazardous substance, unless such disposal or treatment facility, at the time of disposal or treatment, could legally receive such wastes, or (ii) so accepts such substances for transport where such transporter has reasonable grounds to believe that such facility is not operated in accordance with chapter 70.105 RCW, and (e) any person who sells or has sold a hazardous substance and is responsible for written instructions for the use of the substance if (i) the substance is or was used in accordance with such instructions, and (ii) the use causes or caused the release of a hazardous substance which in turn causes or caused a substantial threat to public health or the environment.

(2) Except as otherwise provided in sections 8 and 17 of this act, and notwithstanding any other provision or rule of law, any person who is responsible for a release or threatened release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following costs and damages which result from the release or threatened release or to which the release or threatened release contributes:

(a) All response costs incurred by the state, a political subdivision of the state or the United States, including such costs incurred prior to the effective date of this section;

(b) All response costs incurred by any person but only insofar as such costs are incurred in conformance with this chapter; and

(c) All damages for any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.

(3) There shall be no liability under this section imposed on a person who can establish that the release or threatened release of a hazardous substance for which the person would be otherwise responsible was caused solely by:

(a) An act of God;

(b) An act of war; or

(c) An act or omission of a third party (including but not limited to a trespasser) other than (i) an employee or agent of the person asserting the defense, or (ii) any person whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the person asserting this defense to liability. This defense only applies where the person asserting the defense has exercised due care with respect to the hazardous substance and took reasonable precautions against the foreseeable acts or omissions of the third party and the foreseeable consequences of those acts or omissions.

(4) The following persons shall not be responsible parties: Any person who is an owner, past owner, or purchaser of a facility who can establish by a preponderance of the evidence that at the time the facility was acquired such person had no knowledge or reason to know that any hazardous substance which is the subject of the release or threatened release was disposed of on, in, or at the facility.

(5) No person (including the United States or any state or Indian tribe) may recover under the authority of this section for any response costs or damages resulting from the application of a pesticide product registered under the federal insecticide, fungicide, and rodenticide act. Nothing in this subsection shall affect or modify in any way the obligations or liability of any person under any other provision of state or federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

(6)(a) To establish that a person had no reason to know, as provided in subsection (4) of this section, the defendant must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice in an effort to minimize liability. Any court interpreting this subsection shall take into account any specialized knowledge or experience on the part of the defendant, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection.

(b) Nothing in this subsection shall diminish the liability of any previous owner or operator of such facility who would otherwise be liable under this chapter. If the defendant obtained actual knowledge of the release or threatened release of a hazardous substance at such facility when the defendant owned the real property, and then subsequently transferred ownership of the property to another person without disclosing such knowledge, such defendant shall be treated as liable and no defense shall be available to such defendant under subsection (3)(c) of this section.

(c) Nothing in this subsection shall affect the liability under this chapter of a defendant who by any act or omission, caused or contributed to the release or threatened release of a hazardous substance which is the subject of the action relating to the facility.

(7) Except as provided in section 8 of this act, there shall be a right to contribution among potentially responsible parties for response costs incurred pursuant to this chapter.

(8)(a) Whenever in the public interest as determined by the director, the director shall as promptly as possible reach a final settlement with a potentially responsible party if such settlement involves only a minor portion of the response costs at the facility concerned and, in the judgment of the director, either:

(i) Both the amount of the hazardous substances and the toxic or other hazardous effects of the substances contributed by that party to the facility are minimal in comparison to other hazardous substances at the facility; or

(ii) The potentially responsible party: (A) Is the owner of the real property on or in which the facility is located; (B) did not conduct or permit the generation, transportation, storage, treatment, or disposal of any hazardous substance at the facility; and (C) did not contribute to the release or threatened release of a hazardous substance at the facility through any action or omission. This subparagraph (ii) does not apply if the potentially responsible party purchased the real property with actual or constructive knowledge that the property was used for the generation, transportation, storage, treatment, or disposal of any hazardous substance.

(b) The director may provide a covenant not to sue of a scope commensurate with the activities, if any, addressed in the settlement agreement to any party who has entered into a settlement under this subsection unless such a covenant would be inconsistent with the public

interest as determined by the director. For purposes of this subsection only, a covenant not to sue means a promise by the state that with respect to the activities, if any, addressed in the settlement agreement the state will not initiate any future administrative or judicial action to force the responsible party to clean up, pay the expenses for cleaning up, conduct any investigations, or pay the expenses for any investigations or response costs.

(c) A settlement under this subsection shall be entered as a consent decree issued by a court of competent jurisdiction or embodied in a consent order of the department.

(d) A party who has resolved its liability to the state under this subsection shall not be liable for claims for contribution regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially responsible parties but it reduces the total potential liability of the others to the state by the amount of the settlement.

NEW SECTION. Sec. 6. INVESTIGATIONS. (1) If there is a reasonable basis to believe there may be a release or threatened release of a hazardous substance, any officer, employee, or representative designated by the director may require, upon reasonable notice, information or documents relevant to that release or threatened release from a person who has or may have information relevant to (a) the identification, nature, and volume of materials generated, treated, stored, transported to, or disposed of at a facility and the dates thereof, (b) the nature or extent of a release or threatened release of a hazardous substance at or from a facility, (c) the identity of potentially responsible parties, or (d) information relating to the ability of a person to pay for or perform a response action. In addition, upon reasonable notice, the person shall either grant to appropriate representatives access at all reasonable times to inspect documents or records relating to such matters, or copy and furnish to the representatives all documents or records, at the option of the person. The department may, by subpoena, require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other information that the department deems necessary. In case of a refusal to obey a subpoena issued pursuant to this subsection, and served upon any person, the superior court for any district in which such person is found, resides, or transacts business shall, upon application by the department and after notice to such person, have jurisdiction to issue an order requiring such person to appear and give testimony before the department, or to appear and produce documents before the department, or both, and any failure to obey such order of the court may be punished by such court as contempt.

(2) Where there is a reasonable basis to believe there may be a release or threatened release of a hazardous substance, the department, its authorized employees, agents, or contractors, or the employees, agents, or contractors of a responsible party acting under an approved response action plan in order to determine the need for response to the release or the threat of release of hazardous substances may, upon reasonable notice, enter upon any real property, public or private, to conduct sampling, inspection, examination, and investigation directed at evaluating the release or threatened release. In conducting the listed activities, the department or other person gaining access under this section shall take all feasible precautions to avoid disrupting the ongoing operation on the site. The department or other person gaining access under this section shall provide to the owner, or operator, or person in charge of the facility, if requested, a portion of each sample taken equal in volume or weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or person in charge as well as to representatives of the public and other interested persons.

NEW SECTION. Sec. 7. PRIORITIES/NOTICE OF RESPONSIBILITY. (1) In implementing this chapter the director shall be guided by the following priorities in descending order, but the director may use funds appropriated from the state toxics control account to respond to releases deemed by the director to pose the more significant risks to public health or the environment:

(a) Voluntary action undertaken by potentially responsible parties without resort to use of the state toxics control account with or without the procedures of this chapter;

(b) Voluntary action undertaken by potentially responsible parties but with some public funding from the state toxics control account; and

(c) Action undertaken by the department and financed by the toxics control account, subject to cost recovery.

(2) Before the department begins a removal or remedial action, it shall:

(a) Investigate the site or require an investigation pursuant to section 6 of this act to determine to the extent possible:

(i) The identity of each potentially responsible party;

(ii) The type, nature, and volume of the hazardous substances generated, or transported by, or associated with each identified potentially responsible party and the date of disposal;

(b) Notify interested persons, the public, and the identified potentially responsible parties with the results of the investigation and allow access to the information gathered by the department; and

(c) Provide notified or responsible parties the opportunity to prepare and implement a response action plan pursuant to section 8 of this act.

(3) This section shall not apply if the department acts pursuant to section 10(2) of this act.

NEW SECTION. Sec. 8. RESPONSE ACTION PLANS. (1) Any person or persons receiving notice under section 7 of this act may submit to the department a response action plan for response action at a facility where there has been a release or threatened release of hazardous substances.

(2) Such person or persons receiving notice under section 7 of this act shall have sixty days to propose to the department a response action plan and, upon written application, the director may grant extensions of up to sixty days. Such a plan must include a proposed budget for the response action, a binding schedule for completing the elements of the plan, and a commitment to complete all elements of the plan. Monitoring provisions shall also be provided unless the responsible parties provide clear and convincing evidence that monitoring provisions are not necessary. The plan may be part of a phased approach to investigation, removal, and remedial action. A request for a covenant not to sue pursuant to section 9 of this act of a scope commensurate with the proposed response action may accompany any plan involving remedial action.

(3) As part of the proposed response action plan, the persons submitting the plan may propose specific cleanup levels for each hazardous substance or area to which the plan responds.

(4) The department shall issue a preliminary decision accepting, accepting with conditions, or rejecting the proposed plan. The preliminary decision shall set forth the reasons for the decision and any perceived deficiencies in the plan. The potentially responsible parties proposing the plan shall thereafter have an opportunity to modify the proposed plan or provide additional supporting justification for acceptance of the parties' original plan. The department shall thereafter issue its final decision including its response to any submittal of any modifications or additional material. The department shall adopt rules providing for reasonable time periods under this subsection.

(5) The department shall give notice of the proposed response action plan, cleanup levels proposed by the persons submitting the plan and the cleanup levels proposed by the department, and the results of the department's investigation to interested persons and the public. The notice shall include a brief analysis of the plan, the results of the investigation, and a statement of how additional information may be obtained. Public comment shall be accepted for a minimum of forty-five days from the date of notice.

(6) In each response action plan, the department shall set and incorporate the cleanup levels and such levels shall include:

(a) With respect to each hazardous substance, a cleanup level which at a minimum meets the substantive requirements of all applicable state and federal laws, regulations, rules, and criteria established for the purposes of this section;

(b) With respect to hazardous substances for which no applicable state or federal law, regulation, rule, or criteria established for the purposes of this section exists, the department shall set the cleanup level on a case-by-case basis in order to prevent potential harm to the public health and the environment. In making this determination the department may refer to state and federal laws, regulations, rules, and criteria relevant and appropriate to this determination;

(c) With respect to each hazardous substance, where persons submitting a plan demonstrate to the department by clear and convincing evidence that an alternative to cleanup levels established under (a) of this subsection would assure protection of human health and the environment, then the department may allow a deviation from those cleanup levels.

(7) In assessing or approving response actions, the department shall select those actions that will attain a degree of cleanup which is protective of human health and the environment, is cost-effective, and that utilizes permanent solutions to the maximum extent possible. In determining whether to approve, approve with conditions, or reject the plan, the director shall, at a minimum, consider and issue findings on the following factors:

(a) The extent to which the plan would meet the cleanup levels required in subsection (6) of this section;

(b) Whether the plan or alternatives to the plan would provide optimum protection of human health and the environment;

(c) The plan's compliance with the waste management priorities established in RCW 70.105.150;

(d) The reliability of the proposed response action technology;

(e) The impact of the response actions on the quality of air, groundwater, and surface waters, including existing and potential future uses;

(f) The extent to which the plan includes adequate provisions for monitoring the effectiveness of the response action, both before and after certification of completion;

(g) The impact of the response actions on existing and potential land uses of the site and adjoining lands;

(h) The extent to which the proponents of the plan will fund the response action;

(i) The proponents' record of compliance with implementing past response action plans; and

(j) The extent to which use of federal funds would facilitate or hinder appropriate response action.

(8) The director may approve a response action plan containing an agreement which requires the department to provide a specified amount of money to help defray the costs of implementing the plan. This provision of state funds may be provided only in circumstances where the director finds it would expedite or enhance cleanup operations or achieve greater fairness with respect to the payment of response costs. The director shall adopt rules providing criteria and priorities governing public funding of response costs under this subsection. The amount of public funding in an agreement under this section is to be determined solely by the director and under no circumstances may the amount be increased through court review or arbitration.

(9) If new information is revealed while implementing an approved response action plan, the responsible parties and the department may amend the plan. If such new information reveals a significant quantity of a hazardous substance or condition not previously identified in the approved plan as being present at the site, in an area of the site other than that described in the approved plan, or in quantities significantly greater than as described in the approved plan, then the plan shall be amended. The department shall adopt rules providing a method for amending approved plans. These rules shall provide an amendment process similar to the process specified in subsections (5) through (10) of this section. The issuance of a covenant not to sue pursuant to section 9 of this act shall not bar amendments to response action plans under this subsection.

(10) Any accepted response action plan shall be implemented by consent order of the department or by consent decree issued by a court of competent jurisdiction.

(11) If the director rejects the plan or if any responsible party fails to submit a response action plan after being notified of its potential responsibility, the responsible party or parties shall be liable for the reasonable and necessary costs of response incurred by the department.

(12) Any responsible party who without sufficient cause willfully violates an order issued pursuant to section 14 of this act or fails to comply with any element of the plan shall be liable for up to three times the reasonable and necessary costs of response incurred by the department as a result of such failure or violation.

(13) A responsible party who has not participated in implementing the provisions of a response action plan, including any amendments to the plan, shall have no right to seek or obtain contribution for payment of response costs against any responsible party participating in implementing the plan and any future amendments to the plan. For purposes of this subsection only, a party shall be considered to be a participating party upon issuance of the consent order or decree provided for in subsection (10) of this section. Issuance of a consent order or decree provided for in subsection (10) of this section is a bar to entry of any judgment for contribution in favor of a nonparticipating party against a participating party.

(14) A participant in the plan may seek recovery of its costs that are above its proportionate share of costs from any responsible party not participating in the plan. If such nonparticipating responsible party (a) received a notice of responsibility under section 7(2)(a) of this act or had actual notice of the development of the plan, (b) had reason to believe it was a responsible party, and (c) is a nonpublic entity, it may be liable to the participants in the plan for up to three times such nonparticipant's proportionate costs.

(15) (a) Any potentially responsible party or combination of parties, who is or are parties to a response action plan, including any potentially responsible party as defined under section 5 of this act that is an instrumentality of local, state, or federal government, may initiate an arbitration proceeding to resolve disputes concerning only issues specified in (b) of this subsection, by giving all responsible parties participating in the plan notice of the intent to arbitrate.

(b) The arbitration proceedings provided in this section shall be solely for the purpose of allocating the payment of response costs among potentially responsible parties that have obtained approval for a response action plan. The effect of such arbitration shall be final and binding on the parties to the arbitration and there shall be no right of appeal on allocation of response costs.

(c) For purposes of this subsection only, the allocation of costs of response among the participating parties shall be based on factors including but not limited to: Volume, toxicity, mobility, strength of evidence, ability to pay, causation, degree of care, litigative risks, public interest considerations, precedential value, and inequities and aggravating factors.

(d) The provisions of this subsection (15) are optional and are not intended to prevent any other method of resolving disputes on issues subject to arbitration under this subsection.

(e) For the purpose of conducting the arbitration procedure specified in this subsection, a panel of three arbitrators may be chosen and convened in accordance with the procedures of the American arbitration association. To the extent possible, at least two of those arbitrators shall have experience and expertise in engineering, the physical or biological sciences, health services, financial matters, or other relevant experience and qualification on response actions.

NEW SECTION. Sec. 9. COVENANT NOT TO SUE. (1) When requested by a responsible party who has agreed to participate in implementing a response action plan, the director shall provide a covenant not to sue with respect to any remedial action which is required by the plan and which will accomplish any of the following:

(a) Treatment of hazardous substances so as to destroy, eliminate, or permanently immobilize the hazardous constituents of such substances so that the substances, or any byproduct of the treatment or destruction process, no longer present any foreseeable future significant risk to public health or welfare or the environment; or

(b) When such destruction, elimination, or permanent immobilization is not practicable, the transportation of the hazardous substances off site to an approved hazardous waste disposal facility meeting the requirements of the federal resource conservation and recovery act, 42 U.S.C. Sec. 6924 and 6925, as amended as of the effective date of this section, and, if the substances are disposed of in this state, the rules of the department adopted pursuant to chapter 70.105 RCW for permanent disposal facilities; or

(c) Cleanup levels which have been set only under section 8(6)(a) of this act.

(2) (a) When requested by a responsible party who has agreed to participate in implementing a response action plan, the director shall provide a covenant not to sue with respect to any remedial action if the cleanup levels have been established under section 8(6) (b) of this act, and if the covenant not to sue is determined by the director to be in the public interest.

(b) In making the determination of public interest the director shall consider the following factors:

(i) Whether the benefits from the expedition of the voluntary response action caused by the issuance of a covenant not to sue would exceed the potential future risk to the public health and finances caused by such issuance;

(ii) The nature of the risks that might remain at the facility;

(iii) The extent to which the response action plan is based on attainment of performance standards based on objective criteria for releases of substances to, or the presence of substances in, land, air, or water;

(iv) Whether the account or other sources of funding would be available for any additional remedial actions that might eventually be necessary at the facility;

(v) Whether the monitoring and maintenance required at the site, if any, will protect human health and the environment; and

(vi) The extent to which the technology used in the response action is demonstrated to be effective.

(3) When requested by a responsible party who has agreed to participate in implementing a response action plan, the director shall provide a covenant not to sue with respect to any remedial action taken if the cleanup level or levels have been established under section 8(6)(c) of this act and if:

(a) The director has determined that issuing the covenant is in the public interest as defined in subsection (2)(b) of this section;

(b) Compliance with the otherwise applicable standards is technically impracticable from an engineering perspective; and

(c) The plan provides optimum protection of human health and the environment.

(4) A 'covenant not to sue' means a promise by the state made with respect to a particular hazardous substance or a particular area, the cleaning up of which has been the purpose of a previously approved remedial action undertaken by the responsible party at the direction of the department and with the approval of the department. In issuing the covenant, the state promises that, with respect to that substance or area, it will not initiate any future administrative or judicial action to force the responsible party to clean up, pay the expenses for cleaning up, conduct any investigations or pay the expenses for any investigations or response costs. A covenant shall be commensurate with and strictly limited to the scope of the previously approved remedial action, meaning that (a) if the remedial action was for cleaning up a particular hazardous substance, then the covenant does not extend to other hazardous substances, and (b) if the remedial action was for cleaning up a particular area, then the covenant does not extend to other areas. A covenant may be issued with respect to all remedial actions taken under a completed response action plan or may be issued for one or more particular remedial actions taken under a completed response action plan. When a covenant is issued for a particular area and not for particular hazardous substances within that area, the department shall take special care to assure that both the planned remedial action and its implementation conform to this chapter. As used in this subsection, the term 'particular area' means a precisely described three-dimensional area.

(5) The issuance of a covenant not to sue does not affect the power of the state to take whatever actions are necessary, other than those expressly barred by the covenant, to protect members of the public from a health hazard, including, but not limited to, actions to prevent entrance upon the property, to prevent the use of the property for any purpose which exposes anyone to a health hazard, or to enter upon the property and take measures to clean up the hazardous substance. Nor does the issuance of a covenant affect any power of the state to institute or respond to any tort action or any other judicial or administrative action, so long as

the state's action or response is not expressly barred by the covenant. With respect to any action filed against the state, a covenant does not bar the state from filing a cross-claim, counterclaim, or third party action against any person who may be liable or from seeking contribution from such person, so long as the damages or relief sought by the state in filing the cross-claim, counterclaim, or third party action is not expressly barred by the covenant.

(6) The director shall issue the covenant not to sue at the time of approval of a response action plan pursuant to section 8 of this act. Any covenant not to sue issued by the director shall be conditioned upon compliance with the approved response action plan and issuance of a certificate of completion pursuant to section 11 of this act. A covenant shall cease to be conditional and shall become effective on the date of certification of completion.

(7) After July 1, 1992, a covenant not to sue shall not be granted if the balance in the toxics reserve account is below ten million dollars.

(8) The decision to grant or deny a covenant under this section shall be reviewable under section 12 of this act.

(9) A person receiving a covenant not to sue under this chapter shall not be relieved of any liability owed to persons, other than the state of Washington, under any federal, state, or local law, including the common law.

(10) Issuance of a covenant not to sue to a responsible party shall not relieve or decrease any other party's liability to the state.

NEW SECTION. Sec. 10. DEPARTMENT'S POWERS TO INITIATE RESPONSE ACTIONS. (1) If a responsible party fails to initiate a response action plan or fails to comply with an approved response action plan, the director shall take appropriate steps to assure that the necessary response actions are undertaken, and, if necessary, proceed with an action to recover the costs of response action from the responsible party or parties.

(2) If the director determines that: (a) An emergency exists that requires immediate action to protect human health or the environment, and (b) the owner or operator is unwilling or unable to take such immediate action, the department, its authorized employees, agents, or contractors, or the employees, agents, or contractors of a responsible party acting under departmental approval may without court order enter upon property, public or private, to take such response action as is necessary to abate the emergency.

(3) If the potentially responsible parties fail to implement a response action plan that has been approved pursuant to section 8 of this act, the director may determine, in accordance with the procedures set forth in this section, that action to respond to a release or threatened release of hazardous substances is necessary and that entry upon real property, public or private, is necessary to execute response action. Such entry may be made by the department, its authorized employees, agents, or contractors, or the employees, agents, or contractors of a responsible party acting under an approved response action plan. The director's determination shall be based upon inspection, study, or other data as may be available, shall be made in writing, and shall be available for public inspection and copying. The department shall supply the person owning, operating, or in charge of the property concerned, as well as all potentially responsible parties with: (a) A written document detailing the director's determination and the basis for the determination, (b) a notice that response action and entry upon property shall proceed in no fewer than sixty days, and (c) a request for a prompt response. The director shall confer with any party responding to receipt of service of the director's determination in order to accommodate that party's legitimate concerns while obtaining prompt and necessary response action.

(4) The department, with the assistance of the attorney general's office, may apply to superior court for an order authorizing entry upon real property to execute response action. The department's application shall: (a) State that the notice procedures required in this section have been carried out, (b) describe the property concerned, (c) describe the response action selected by the director, and (d) include a schedule identifying the dates response actions are planned. If, after a hearing, the superior court finds that the department's application and supporting materials establish that the department has made a reasonable attempt to accommodate any responding party's legitimate concerns, the superior court shall enter an order authorizing entry upon real property to execute response action.

(5) The following are not subject to review under chapter 43.21B or 34.04 RCW: (a) The director's determination that response action is necessary, that entry upon real property is necessary, or the basis for such decision; and (b) any response by the director to the responsible party's concerns.

(6) No common law writ, temporary restraining order, or preliminary or permanent injunction may issue to stay or delay response action deemed necessary by the director unless the superior court finds that the complainant lacks any adequate remedy at law.

(7) Prior to conducting a response action, the department shall:

(a) Prepare a proposed scope of work based on any investigation or study conducted by or for the department, the responsible parties, or others;

(b) Provide the identified responsible parties with notice of the proposed response action and an opportunity to comment on the scope of work proposed and provide similar notice and opportunity to comment to members of the public that request notice. Unidentified responsible

parties and other members of the public shall also be notified by publication consistent with chapter 65.16 RCW; and

(c) Prepare a final scope of work based on the comments received and any other study or investigation conducted by or for the department.

The proposed and final scope of work, and the basis for them as well as all comments received by the department shall constitute the record of decision of the department. No record of decision need be developed when an emergency exists and the department undertakes a response action to protect the public health or the environment.

(8) Where the department has developed a record of decision for a response action and the department has conducted the response action in accordance with such record, in any action brought to recover costs, the scope of work of the department shall be presumed reasonable and necessary unless demonstrated to be arbitrary and capricious.

(9) The attorney general, at the request of the director, may recover from any responsible party moneys expended by the department on response actions, including response actions undertaken prior to the effective date of this section. This shall include any damages caused by responsible parties and any other costs allowed to be recovered by this chapter. Such actions may be commenced in the superior court of Thurston county, in the superior court of the county where the facility is located, or other court of competent jurisdiction. The amounts recoverable shall include interest from the date costs were first incurred for any response action taken.

NEW SECTION, Sec. 11. CERTIFICATION OF COMPLETION OF REMEDIAL ACTIONS. (1) Upon completion of an approved response action plan, the persons submitting the plan may apply for a certificate of completion from the department. The department shall provide notice of an application for certification of completion to interested persons and the public. The notice shall include a brief analysis of the application and indicate where additional information may be obtained. Public comment shall be accepted for a minimum of forty-five days from the date of the notice.

(2) The director shall grant or deny an application for certification of completion within ninety days of the application. If the director finds that all the provisions of the response action plan have been fully implemented, the director shall approve an application for certification of completion.

NEW SECTION, Sec. 12. REVIEW OF DECISIONS. (1) Within fifteen days of the director's disapproval or conditional acceptance of a response action plan pursuant to section 8 of this act, or at any time after approval of the plan, any potentially responsible party or combination of parties, which may be subject to the plan, may initiate an arbitration proceeding to resolve disputes concerning the plan or proposed plan by giving the department and all parties participating in the plan notice of the intent to arbitrate. Within fifteen days after denial of certification of completion of remedial action under section 11 of this act, any party who applied for certification may initiate an arbitration proceeding to resolve disputes concerning the certification of completion of the remedial action by giving the department and all parties participating in the plan notice of the intent to arbitrate. Decisions of the department regarding the amount or denial of public funding and regarding covenants not to sue are not subject to arbitration.

(2) A person with interests not otherwise represented at an arbitration proceeding may request to intervene in the proceeding for the purpose of presenting information to the arbitration panel. The arbitration panel shall grant intervenor status if it finds that additional information from such persons would be useful and relevant in reaching a decision. An intervenor shall have full rights to participate in the proceeding but shall not have the right to select an arbitrator.

(3) The department shall notify persons who commented on either the response action plan, the certification of completion, or the decision on a covenant not to sue when an arbitration has been initiated.

(4) An arbitration panel of three shall be chosen. One panel member shall be selected by the department, one by the potentially responsible party or parties, and the third by the first two members selected. To the extent possible, at least two arbitrators shall have experience and expertise in response action techniques and the financial and environmental consequences of implementation of response action plans. If within fifteen days after the date on which notice of intent to arbitrate is given, the department or any party is unable to agree on the method of selecting the panel members or on the rules for the operations of the panel, the department or any party may petition the superior court of Thurston county to promulgate rules to govern the selection of the panel members and the operations of the panel. If the court considers it appropriate, it may apply the procedures of the American arbitration association.

(5) The arbitrators shall: (a) Establish a time schedule for expedient resolution of the dispute, (b) allow for the presentation of both written and oral testimony and discovery procedures to supplement the agency's administrative record, and (c) issue findings of fact and conclusions as part of the panel decision. Proceedings may be informal, and the parties need not adhere to the rules of evidence for superior court. The panel's decisions shall be based on findings and conclusions and shall be by majority vote. The decision of the department shall be upheld unless the party challenging such decision, or the intervenor, demonstrates by clear

and convincing evidence that the decision of the department was incorrect or otherwise inconsistent with the provisions of this chapter. Costs, including reasonable expert and attorney's fees, of the arbitration shall be assessed by the arbitrators against each party or intervenor with potential liability under this chapter, in an amount reflecting the degree to which each party failed to prevail in its position in the decision of the arbitrators.

(6) If a responsible party or the department appeals the arbitration decision to the court and fails to improve its position, the court shall assess costs and attorney's fees of the defending parties against the party that appeals.

(7) For purposes of subsections (1) through (6) of this section 'party' means the department or a responsible party initiating arbitration in accordance with subsection (1) of this section.

(8) There shall be no right to judicial review of the department's or arbitration panel's decision regarding approval, conditional approval, or rejection of a proposed response action plan or its completion; the certification of completion of a remedial action; or the grant or denial of a covenant not to sue except as provided in this section.

(9) Any person aggrieved: (a) By the acceptance, conditional acceptance, or rejection of a voluntary response action plan under section 8 of this act; (b) by the grant or denial of an application for certification of completion under section 11 of this act; or (c) by the grant, denial, or limitation of a covenant under section 9 of this act shall have a right to judicial review of the department's decision. Review shall be sought within sixty days of the final action of the department in the superior court for Thurston county. The appealing parties shall show by clear and convincing evidence that the rejection or acceptance of the plan or application for certification of completion or granting, denying, or limiting the covenant was incorrect or otherwise inconsistent with the purposes of this chapter. If a request for arbitration is made pursuant to subsection (1) of this section, direct appeals pursuant to this subsection shall be stayed pending resolution of the arbitration and court review on matters arbitrated shall then be limited to a review of the record of arbitration. Any appeal of an arbitration decision issued under this chapter shall be of the record of the arbitration decision only and there shall be no right to a trial de novo. The arbitration panel's decision shall be upheld unless the court finds it to be clearly erroneous. Appeals shall be heard on the civil motion calendar and expedited to the maximum extent possible consistent with due process of law.

(10) Where the circumstances of a particular case indicate that a party to an unsuccessful suit has sought judicial review as a means of delay, the court may assess, as a penalty, any economic gain such party may have realized through such delay.

NEW SECTION, Sec. 13. NOTIFICATION/RETENTION OF RECORDS. (1) Any person (a) in charge of a vessel from which a reportable quantity of hazardous substance is released into or upon the waters of this state or adjoining shorelines; or (b) in charge of a vessel from which a reportable quantity of hazardous substance is released which may affect natural resources belonging to, pertaining to, or under the exclusive management authority of the state; or (c) in charge of a facility from which a reportable quantity of hazardous substance is released who fails to notify immediately the department as soon as he or she has knowledge of such release, or who knowingly submits a false or misleading notice shall, upon conviction, be fined not more than twenty-five thousand dollars, or imprisoned for not more than three years, or not more than five years in the case of a second or subsequent conviction, or both. Notification received pursuant to this section, or information obtained by the notification, shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(2) Beginning with the effective date of this section, for fifty years thereafter, or for fifty years after the date of establishment of a record, whichever is later, or at any such earlier time if a waiver is obtained from the department, it shall be unlawful for any person knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable, unreadable, or falsify any records of the type which the department may by rule identify as necessary. Any person who violates this subsection shall, upon conviction, be fined not more than twenty-five thousand dollars or imprisoned not more than three years, or five years in the case of a second or subsequent conviction, or both. If a business entity ceases operation before this period has expired other than by transfer of business operations to another entity, its obligations and the obligations of any of its employees under this subsection shall be terminated upon providing the department notice of ceasing operations and access to its records for one hundred twenty days prior to their destruction or disposal, unless the department agrees to a lesser period.

NEW SECTION, Sec. 14. ENFORCEMENT. (1) Whenever, in the opinion of the director (a) a person is responsible for a release or threatened release of a hazardous substance; (b) that person has been notified of its potential responsibility pursuant to section 7 of this act; and (c) that person has not submitted or implemented a response action plan pursuant to section 8 of this act, the director may seek injunctive or other judicial relief or issue such order or directive as it deems appropriate under the circumstances, and serve the order on that person personally or by registered mail. Such an order is not appealable pursuant to chapter 43.21B RCW.

(2) Whenever the director determines an emergency exists that requires immediate action to protect human health or the environment, the director may (a) issue such order or directive as appropriate under the circumstances, without first giving notice or otherwise allowing

response action as set forth in subsection (1) of this section; or (b) request the attorney general to secure such relief as may be necessary to abate such danger or threat, and the superior court of the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

NEW SECTION. Sec. 15. CIVIL PENALTIES. (1) Any person who violates any provision of an approved response action plan, or who fails to submit a proposed response action plan pursuant to section 8 of this act may be subject to a civil penalty of up to ten thousand dollars per day for each day of violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be a separate offense. Every act of commission or omission which procures, aids, or abets in the violation shall be subject to such a penalty. The penalty shall be imposed and appealed pursuant to RCW 90.48.144.

(2) In determining the amount of any penalty assessed pursuant to this section, the director shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, any prior history of such violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and such other matters as justice may require.

(3) Any person against whom a civil penalty is assessed under this section may obtain review thereof before the pollution control hearings board by filing a notice of appeal within thirty days from the date of such order, and by simultaneously sending a copy of such notice by certified mail to the director.

(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, the director may request the attorney general to institute a civil action in Thurston County superior court or other appropriate court to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

NEW SECTION. Sec. 16. THIRD PARTY ACTIONS. (1) Any person aggrieved by an action or inactions of a potentially responsible party which may result in a release of a hazardous substance that presents an imminent and substantial endangerment to health or the environment may bring an action in superior court to compel the potentially responsible party to comply with the provisions of this chapter. Before any action may be brought, the person aggrieved shall mail by certified mail a notice of intent to sue to the director of the department, who shall be allowed thirty days to negotiate or mediate a resolution to the dispute before any action may be filed.

(2) Any person aggrieved by the release or threat of release of a hazardous substance may commence a civil action against any person who fails to comply with an approved response action plan to carry out a response action.

(3) No action may be commenced under this section where:

(a) The department is diligently prosecuting a judicial action or pursuing administrative action under this chapter to force a potentially responsible party to respond to the release or threatened release of hazardous substances under this chapter; or

(b) The department is diligently pursuing response action against the release of the hazardous substances.

(4) Any person aggrieved who prevails in an action brought under this section shall be entitled to reasonable attorneys' fees and costs.

(5) Nothing in this chapter affects or impairs any right under any other statute or under the common law to bring a legal action relating to the release or threatened release of hazardous substances.

NEW SECTION. Sec. 17. RESPONSE ACTION CONTRACTOR LIABILITY. (1) A person who is a response action contractor, or a person employed by any public body who provides services relating to response action, and who is working within the scope of the person's employment with respect to any release or threatened release of a hazardous substance, pollutant, or contaminant from a facility shall not be liable under this chapter, under any other state or local law, or under common law to any person for injuries, costs, damages, expenses, or other liability, including, but not limited to, claims for indemnification or contribution, and claims by third parties for death, personal injury, illness, or loss of or damage to property or economic loss, that results from such release or threatened release. This subsection shall not apply in the case of a release or threatened release that is caused by conduct of the response action contractor that is negligent, grossly negligent, or that constitutes intentional misconduct.

(2) Nothing in this section affects the liability of any person under any warranty under state law, or the liability of an employer who is a response action contractor to any employee of such employer under any provision of law.

(3) The director may agree to hold harmless and indemnify any response action contractor meeting the requirements of this section against any liability, including the expenses of litigation or settlement, for negligence arising out of the contractor's performance in carrying out response action activities under this chapter, unless the liability was caused by conduct of the contractor that was grossly negligent or that constituted intentional misconduct. Indemnification under this subsection shall apply only to response action contractor liability that results from a release or threatened release of any hazardous substance, pollutant, or contaminant if the

release arises out of response action activities. An indemnification agreement under this subsection shall include deductibles and shall place limits on the amount of indemnification to be made available.

(4) The exemption provided under subsection (1) of this section, and the authority of the director to offer indemnification under subsection (3) of this section shall not apply to any person covered by the provisions of section 5(1) of this act.

(5) A person retained or hired by a potentially responsible party shall be eligible for consideration for indemnification under subsection (3) of this section only if the director specifically approves the response action being implemented.

NEW SECTION. Sec. 18. STATE LIENS. (1) Any liability to the state under this chapter shall constitute a debt to the state. Any such debt shall constitute a lien, in favor of the state, on all real property and rights to such property which belongs to persons liable under this chapter and is subject to, or effected by, a removal or response action.

(2) The lien imposed by this section shall arise at the earlier of the following:

(a) The time costs are first incurred by the state with respect to a response action under this chapter; or

(b) The time that the person referred to in subsection (1) of this section is provided notice under section 7 of this act of potential responsibility.

(3) A statement of claim, describing the property subject to the lien, shall be filed in the appropriate office as designated by state law. Such lien shall continue until the liability for the costs have been satisfied. Any lien filed pursuant to this section shall be subject to the rights of any purchaser, holder of a security interest, or judgment lien creditor whose interest is perfected in accordance with law before notice of the state lien is filed.

NEW SECTION. Sec. 19. PROPERTY TRANSFER. (1) The owner of public or private nonresidential real property upon which a release of a hazardous substance as defined in subsection (4) of this section has been found by the department to have occurred shall place a notice in the records of real property kept by the auditor of the county in which the property is located. The notice shall: (a) identify the property; (b) identify the owner of the property, and the person causing the notice to appear; (c) state that a release of a hazardous substance occurred on the property; (d) state the date the release occurred; and (e) direct further inquiries to the department. The department shall maintain records that identify the response action taken and the hazardous substance or substances released for each response action that has been conducted or approved by the department. Any person with an interest in the property, injured by the failure of a property owner to comply with this section, may recover damages for that injury by filing an action in superior court for the county in which the release occurred.

(2) Where any response action has been conducted or approved by the department with respect to any release or threatened release of a hazardous substance and the director has determined that the response action has been completed in accordance with section 11 of this act, the director shall declare in writing that the response action has been completed. The declaration shall be promptly filed with the records of real property kept by the auditor of the county in which the property is located and shall identify the property, the owner of the property, and the date the release occurred. The declaration shall also be provided to interested persons and the public.

(3) The owner of real property, whether public or private, transferring any right, title, or interest in the property shall provide, before recording the documents effecting the transfer, a written statement to the person's transferee describing any release of a hazardous substance as defined in subsection (4) of this section which the owner knows to have occurred for the prior twenty years on the property being transferred. Unless otherwise agreed by seller and purchaser, any purchaser injured by the failure of any owner of real property to provide the statement referred to in this subsection, or injured by the failure of an owner of real property to provide the statement referred to in this subsection before recording the documents effecting the transfer, is entitled to recover damages for that injury by filing an action in superior court for the county where the release occurred.

(4) The department shall determine by rule, consistent with the purposes of this chapter, which releases shall be subject to the reporting and notification requirements under subsections (1) and (3) of this section. This rule shall limit required reporting under this section to those releases that are of a magnitude that would cause a long-term adverse threat to the environment.

NEW SECTION. Sec. 20. FRAUD. If a potentially responsible party commits fraud on the department or another potentially responsible party in a proposed response action plan, in a request for a covenant not to sue, or in an application for a certificate of completion, then any limitation on liability or covenant not to sue otherwise provided is void, and the injured person may recover treble the actual damages sustained.

NEW SECTION. Sec. 21. ASSISTANCE FOR PUBLIC PARTICIPATION. (1) If one hundred or more persons who may be adversely affected by the failure to undertake an adequate response action plan petition the department for assistance, the department may grant moneys from the account established by section 30 of this act necessary to facilitate participation of a representative of those petitioning in the activities under this chapter.

(2) Grants may be made available to facilitate public participation in activities authorized by sections 8, 9, and 11 of this act.

(3) Grants may be made available to facilitate public participation in other activities under this chapter if, in the discretion of the department, such participation will expedite compliance with the purposes of this chapter.

(4) Grants shall not exceed fifty thousand dollars for any one site.

(5) The department shall implement this section in a manner that furthers public participation in the activities authorized by this chapter.

NEW SECTION. Sec. 22. A new section is added to chapter 43.21C RCW to read as follows:

SEPA EXEMPTION. The detailed statement and other procedural requirements of this chapter shall not be applicable to investigatory or response activities undertaken by the state or authorized or ordered by the state under chapter 70.105A RCW.

NEW SECTION. Sec. 23. EXEMPTION FROM PERMITS. Any person acting under an approved response action plan or the department undertaking a response action shall be exempt from the procedural and substantive requirements of state and local laws which would otherwise be applicable to such response action, including those requirements imposed by chapters 70.94, 70.105, 90.03, 90.44, 90.48, and 90.58 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 70.94 RCW to read as follows:

EXEMPTION FROM PERMITS. Any person acting under an approved response action plan or the department undertaking a response action under chapter 70.105A RCW shall be exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 25. A new section is added to chapter 70.105 RCW to read as follows:

EXEMPTION FROM PERMITS. Any person acting under an approved response action plan or the department undertaking a response action under chapter 70.105A RCW shall be exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 26. A new section is added to chapter 90.03 RCW to read as follows:

EXEMPTION FROM PERMITS. Any person acting under an approved response action plan or the department undertaking a response action under chapter 70.105A RCW shall be exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 27. A new section is added to chapter 90.44 RCW to read as follows:

EXEMPTION FROM PERMITS. Any person acting under an approved response action plan or the department undertaking a response action under chapter 70.105A RCW shall be exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 28. A new section is added to chapter 90.48 RCW to read as follows:

EXEMPTION FROM PERMITS. Any person acting under an approved response action plan or the department undertaking a response action under chapter 70.105A RCW shall be exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 29. A new section is added to chapter 90.58 RCW to read as follows:

EXEMPTION FROM PERMITS. Any person acting under an approved response action plan or the department undertaking a response action under chapter 70.105A RCW shall be exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 30. STATE TOXICS CONTROL ACCOUNT. (1) The state toxics control account is hereby created in the state treasury. Money in the account may only be used in a manner consistent with this chapter. Money deposited in the account shall be administered by the department and shall be subject to legislative appropriation. Money placed in the account shall include: (a) Tax receipts as provided in section 46 of this act; (b) the hazardous waste fees under section 54 of this act; (c) costs of cleanup actions undertaken after the effective date of this section and recovered under this chapter or any other authority which allows such recovery; (d) penalties collected or recovered pursuant to this chapter; and (e) any other money appropriated to the account by the legislature. All earnings from investment of balances in the state toxics control account, except as provided in RCW 43.84.090, shall be credited to the account.

(2) Costs of cleanup actions undertaken prior to the effective date of this section and recovered under this chapter shall be deposited in the general fund.

(3) Money in the account may be used for the following activities: Public funding of response costs as provided in section 8(8) of this act; implementation of the hazardous and solid waste regulatory program under chapters 70.105 and 70.95 RCW and the hazardous waste cleanup program under this chapter; grants as provided in section 21 of this act; and water and health protection.

NEW SECTION. Sec. 31. TOXICS CONTROL RESERVE ACCOUNT. (1) The toxics control reserve account is hereby created in the state treasury. Money in the account shall be used solely for actions including cleanup or removing and remedying releases or threats of releases of hazardous substances by the state at sites for which a covenant not to sue has been entered into by the state. Money deposited in the account shall be administered by the department and shall be subject to legislative appropriation. All earnings from investment of balances in the toxics control reserve account, except as provided in RCW 43.84.090, shall be credited to the account.

(2) Beginning on July 1, 1988, and on July 1 of each year thereafter, the treasurer shall transfer three million dollars from the state toxics control account to the toxics control reserve account. This subsection applies only if on the July 1 date the tax rate under section 42 of this act is at thirty one-hundredths of one percent and the balance in the reserve account is less than twenty million dollars.

NEW SECTION, Sec. 32. TOXICS CONTROL RESPONSE ACCOUNT. The toxics control response account is hereby created in the state treasury to be used exclusively to fund response actions for nonparticipant and orphan shares, the latter of which include shares of persons who are bankrupt, insolvent, or otherwise unavailable for payment. The state treasurer shall deposit into the toxics control response account from the state toxics control account for the biennium ending June 30, 1989, the sum of twenty-one million two hundred seventy-eight thousand dollars. Any funds remaining at the end of each fiscal biennium in this account shall be deposited in the toxics control reserve account.

NEW SECTION, Sec. 33. LOCAL TOXICS CONTROL ACCOUNT. (1) The local toxics control account is hereby created in the state treasury.

(2) All tax receipts deposited in this account under section 52 of this act shall be placed by the state treasurer in a bond reimbursement subaccount and used only to reimburse the general fund for all costs of bond redemption, including principal and interest, with respect to bonds the proceeds of which have been placed in the bond proceeds subaccount as provided in subsection (3) of this section.

(3) All proceeds of bond sales deposited in the account shall be placed by the state treasurer in a bond proceeds subaccount, and subject to appropriation by the legislature, shall be used for the following purposes: To pay for the appropriation provided in section 34(2) of this act; solid waste planning, management, regulation and enforcement; technical assistance to local governments on solid waste management practices; financial assistance for local toxics control projects; and health protection.

NEW SECTION, Sec. 34. APPROPRIATION TO THE DEPARTMENT OF ECOLOGY. (1) There is hereby appropriated from the state toxics control account to the department of ecology eleven million one hundred thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1989, to be allocated for the following purposes:

(a) Not to exceed five hundred thousand dollars for agricultural waste management programs.

(b) Not to exceed eight million six hundred thousand dollars for the ongoing implementation of the hazardous waste regulatory program authorized by chapter 70.105 RCW including, but not limited to, activities to permit and inspect hazardous waste facilities and to provide technical assistance to local governments in accordance with RCW 70.105.170 and 70.105.255; and local planning grants as provided in RCW 70.105.220 and 70.105.235.

(c) Not to exceed two million dollars for local enforcement grants.

(2) There is hereby appropriated from the local toxics control account to the department of ecology an amount not to exceed one hundred twenty-four million four hundred eleven thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1989, to be allocated for the following purposes:

(a) Not to exceed two million three hundred eleven thousand dollars for the ongoing implementation of the hazardous waste regulatory program authorized by chapter 70.105 RCW including, but not limited to, activities to permit and inspect hazardous waste facilities and to provide technical assistance to local governments in accordance with RCW 70.105.170 and 70.105.255; and local planning grants as provided in RCW 70.105.220 and 70.105.235.

(b) Not to exceed two million one hundred thousand dollars for the solid waste management activities including, but not limited to: State and local solid waste enforcement; the development and dissemination of technical assistance information for local governments regarding proper management and disposal of solid waste in accordance with RCW 70.95.100 and 70.95.263(2); and local planning grants as provided in RCW 70.95.130.

(c) Not to exceed one hundred twenty million dollars for grants and loans pursuant to section 36 of this act and the administrative costs of the bond issues.

(d) This subsection (2) is only effective to the extent that the proceeds from bond sales are deposited into the local toxics control account and can be used to pay for the appropriation.

(3) There is hereby appropriated from the state toxics control response account to the department of ecology, for the biennium ending June 30, 1989, an amount not to exceed twenty-one million two hundred seventy-eight thousand dollars, to be used exclusively for the purposes specified for the state toxics control response account under section 32 of this act.

NEW SECTION, Sec. 35. APPROPRIATION TO THE DEPARTMENTS OF REVENUE, COMMUNITY DEVELOPMENT, AND SOCIAL AND HEALTH SERVICES. (1) There is hereby appropriated from the state toxics control account to the department of revenue an amount not to exceed one hundred six thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1989, to administer the collection of revenues from the taxes imposed in sections 42 and 43 of this act.

(2) There is hereby appropriated from the state toxics control account to the department of community development an amount not to exceed eight hundred twenty-one thousand dollars,

or so much thereof as may be necessary, for the biennium ending June 30, 1989, for fire training.

(3) There is hereby appropriated from the state toxics control account to the department of social and health services an amount not to exceed one million five hundred eighteen thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1989, to be allocated for the following purposes:

(a) Not to exceed two hundred sixty-six thousand dollars to test public drinking water supplies for organic chemicals.

(b) Not to exceed six hundred sixty-eight thousand dollars to monitor drinking water supplies potentially affected by hazardous waste releases.

(c) Not to exceed five hundred eighty-four thousand dollars for health risk assessments, health monitoring activities, and health information services for communities surrounding a hazardous waste site.

NEW SECTION. Sec. 36. FINANCING LOCAL TOXICS CONTROL PROJECTS. In order to finance local toxics control projects and other local programs required by chapters 70.95 and 70.105 RCW, the department shall:

(1) Make grants or combinations of grants or low-interest loans to local governments from the local toxics control account or such other subaccounts for the purpose of assisting local governments to finance local toxics control projects and development of plans and/or programs as required by RCW 70.95.100, 70.95.130, 70.105.220, and 70.105.235. The department may charge such rates of interest on its loans to reimburse the account for administrative charges to carry out the grant purposes of this chapter. The department shall develop criteria based on the financial ability of the local government to determine the grants and/or combination grant and loan amounts. At least seventy-five percent of any bond proceeds deposited in the local toxics control account shall be disbursed as grants to local governments. Money received from local governments in repayment of loans made under this section shall be paid into the local toxics control account.

(2) Create such subaccounts in the local toxics control account as the department deems necessary to carry out the purposes of this chapter.

(3) Provide a method for the allocation of financial assistance.

NEW SECTION. Sec. 37. APPLICATION FOR FINANCIAL ASSISTANCE FOR LOCAL TOXICS CONTROL PROJECTS. To apply for financial assistance to initiate a response action the local government must have been notified by the department as a responsible party under section 7 of this act.

NEW SECTION. Sec. 38. CONDITIONS FOR FINANCIAL ASSISTANCE. As a condition to any financial assistance under section 36 of this act for a local toxics program, the department may require that a county or city will develop programs to:

(1) Increase reduction of solid waste;

(2) Achieve the recycling of solid wastes;

(3) Encourage waste reduction and recycling of moderate risk wastes, including education programs; and

(4) Implement collection programs for moderate risk waste.

The programs shall be incorporated into either an approved solid waste management plan in accordance with RCW 70.95.090 or an approved local hazardous waste management plan in accordance with RCW 70.105.220.

NEW SECTION. Sec. 39. PRIORITY PROCESS FOR LOCAL TOXICS CONTROL PROJECTS. (1) The department shall develop a priority process for grants or loans to help finance local government projects for implementing response action plans. The department shall consider at least the following factors in assigning a priority to a project:

(a) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(b) The cost of the project compared to the amount of funds available; and

(c) The fiscal condition of the local government.

(2) The department shall not sign contracts or otherwise financially obligate funds from the local toxics control account for local toxics control projects and local government response action plans before the legislature has appropriated funds for a specific list of such projects. The legislature may remove projects from the list recommended by the department. The legislature shall not change the order of the priorities recommended for funding by the department.

NEW SECTION. Sec. 40. INTENT. It is the intent of this chapter to levy a tax on all defined substances sold, used, consumed, handled, or distributed within this state. It is the further intent of this chapter to impose the tax only once for each defined substance, but nothing in this chapter exempts any person taxable under any other law.

NEW SECTION. Sec. 41. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Distributor' means (a) any person engaged in the business of selling defined substances in this state who brings, or causes to be brought, into this state from without the state any defined substance for sale, (b) any person who makes, manufactures, or fabricates defined

substances in this state for sale in this state, and (c) any person engaged in the business of selling defined substances without this state who ships or transports defined substances to persons in this state.

(2) 'Defined substance' means:

(a) All materials deemed hazardous substances according to section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980 (42 U.S.C. Sec. 9601(14)) as amended by Public Law 99-499;

(b) Petroleum products; and

(c) Any other substance or category of substances determined by rule of the department of ecology to present a threat to the public health or welfare or the environment if released into the environment.

(3) 'Petroleum product' means every product derived from the refining of crude oil, including but not limited to, plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, liquefied or liquefiable gases such as butane, ethane, and propane, and every other product derived from the refining of crude oil. 'Petroleum product' does not include natural gas, asphalt, or petroleum coke.

(4) 'Previously taxed defined substance' means:

(a) A defined substance in respect to which tax has been paid under this chapter and which has not been remanufactured or reprocessed in any manner (other than mere repackaging) since the tax was paid. If a defined substance in respect to which a tax has been paid under this chapter becomes an ingredient or component of another substance and the new substance is not a defined substance, no additional tax under this chapter shall be paid on the new substance; or

(b) A petroleum product which has been refined from another petroleum product in respect to which a tax has been paid under this chapter. If a petroleum product has as an ingredient or component part a nonpetroleum product defined substance in respect to which tax has been paid under this chapter, the manufacturing, refining or processing of said petroleum product shall not cause additional tax liability under this chapter, on said defined substance or said petroleum product.

(5) 'Use,' 'used,' 'using,' or 'put to use' shall have their ordinary meaning and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over a defined substance, and shall include activities such as storage, withdrawal from storage, or any other act within this state of combining defined substances with other ingredients or components to produce a new product, regardless of whether the defined substance will be consumed or resold in the course of business.

(6) 'Wholesale value' means the established price for which a manufacturer sells a defined substance to a distributor. If a defined substance is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the substance or is sold under conditions wherein the purchase price does not represent the true wholesale value thereof, the wholesale value of the defined substance shall be determined as nearly as possible according to the wholesale selling price at the place of use of similar substances of like quality and character, in accordance with rules of the department.

(7) Except as otherwise specified in this chapter, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION. Sec. 42. SALES TAX IMPOSED. (1) A tax is imposed upon each sale, handling, or distribution of a defined substance in this state by a distributor at the rate specified in subsection (3) of this section multiplied by the wholesale value of the defined substance. The tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state defined substances for sale, (b) makes, manufactures, or fabricates defined substances in this state for sale in this state, or (c) ships or transports defined substances to retailers in this state, to be sold by those retailers.

(2) The tax imposed in this section does not apply to successive sales, handlings, or distributions of previously taxed defined substances.

(3)(a) The rate of tax under this section shall be thirty one-hundredths of one percent, except as provided otherwise under this section.

(b) If on the last day of any calendar quarter the balance in the toxics reserve account exceeds twenty million dollars, the rate under this section shall be twenty-four one-hundredths of one percent effective for taxable events occurring after the last day of the next calendar quarter. This reduced rate shall continue to be effective unless it is changed under (c) of this subsection.

(c) If, subsequent to a rate reduction under (b) of this subsection, on the last day of any calendar quarter the balance in the toxics reserve account is less than ten million dollars, then the rate under this section shall be thirty one-hundredths of one percent effective for taxable events occurring after the last day of the next calendar quarter.

(d) Subsection (2)(b) of this section shall expire and cease to be of any force or effect on the first day in which the rate is increased under subsection (2)(c) of this section.

NEW SECTION. Sec. 43. USE TAX IMPOSED. (1) A tax is imposed upon each use of a defined substance at the rate provided in section 42 of this act multiplied by the wholesale value of the defined substance.

(2) The tax imposed in this section does not apply to the use of previously taxed defined substances.

NEW SECTION. Sec. 44. RECORDS. Every distributor shall keep complete and accurate records of defined substances held, purchased, sold, manufactured, brought in, or caused to be brought in from without the state. The records shall contain information required by the department, which may include but is not limited to the seller's name and address, the buyer's name and address, the date of sale, and all prices and discounts. All books, records, and other papers and documents required under this section shall be preserved for a period of at least five years after the date of the entries appearing in the records. The requirements of this section are in addition to the requirements of RCW 82.32.070.

NEW SECTION. Sec. 45. CREDITS FOR TAXES. Credit for taxes paid under this chapter shall be made, in accordance with rules of the department, for:

(1) Defined substances which are delivered outside this state by the seller or the seller's agents;

(2) Defined substances which are returned to the person who paid the tax on that defined substance under this chapter;

(3) Petroleum products which are exported for use outside this state as fuel, including fuel carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle; and

(4) Defined substances consisting of alumina or which are destroyed by a distributor in a manner approved by the department of ecology.

NEW SECTION. Sec. 46. ADMINISTRATIVE PROVISIONS. Chapter 82.32 RCW applies to the taxes imposed in this chapter. Revenues from the taxes imposed in this chapter shall be deposited in the state toxics control account created in section 30 of this act.

Sec. 47. Section 1, chapter 175, Laws of 1982 and RCW 36.58.100 are each amended to read as follows:

SOLID WASTE DISPOSAL DISTRICT—AUTHORIZED—BOUNDARIES—POWERS—GOVERNING BODY. (1) The legislative authority of any county ((other than a class AA county)), or the council of any city or town, is authorized to establish ((one or more)) a solid waste disposal district(s) within the county, city, or town for the purpose of providing and funding solid waste disposal services and solid waste disposal sites, as provided in this section. ((No solid waste disposal district may include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. The county legislative authority may modify the boundaries of the solid waste disposal district by the same procedure used to establish the district.)) A solid waste disposal district may be created to fund a disposal site or sites located within the district or to assist in funding, pursuant to interlocal agreement under chapter 39.34 RCW, a disposal site or sites operated by another establishing authority. Each solid waste disposal district shall develop and implement a comprehensive plan for funding all solid waste disposal sites within the district, entering into interlocal agreements under chapter 39.34 RCW when appropriate.

(2) A solid waste disposal district created by a county legislative authority shall include only that part of the county, whether incorporated or unincorporated, which is served by the solid waste disposal site or sites which will be funded by the district, except that any area within a city or town shall be excluded if the legislative authority of the city or town elects to finance the city or town's funding obligations through any of the following or combination of the following: Adjustment of rates, sale of bonds, or allocation of other revenues.

(3) A city or town council may create a solid waste disposal district to fund a solid waste disposal site or sites which serve the city or town. If such site or sites also serve any other incorporated areas or any unincorporated areas, the legislative authorities for those areas, upon request of the city or town, shall either create a solid waste disposal district pursuant to subsection (1) of this section or finance their funding obligations through any of the following or combination of the following: Adjustment of rates, sale of bonds, or allocation of other revenues.

(4) If a city or town is included in a solid waste disposal district, the district must include the entire city or town.

(5) A solid waste disposal district may be dissolved by the ((county legislative)) establishing authority after holding a hearing as provided in RCW 36.58.110.

(6) As used in RCW 36.58.100 through 36.58.150 the term ((county includes all counties other than class AA counties)) 'establishing authority' means a legislative authority or council authorized to establish a solid waste disposal district under this section.

(7) A solid waste disposal district is a quasi-municipal corporation, an independent taxing 'authority' within the meaning of Article VII, section 1 of the state Constitution, and a 'taxing district' within the meaning of Article VII, section 2 of the state Constitution.

(8) A solid waste disposal district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or

hereafter be specifically conferred by statute: PROVIDED, That a solid waste disposal district shall not have the power of eminent domain.

(9) The ~~((county legislative))~~ establishing authority shall be the governing body of a solid waste disposal district. The electors of a solid waste disposal district shall be all registered voters residing within the district.

Sec. 48. Section 2, chapter 175, Laws of 1982 and RCW 36.58.110 are each amended to read as follows:

SOLID WASTE DISPOSAL DISTRICT—ESTABLISHMENT, MODIFICATION, OR DISSOLUTION—HEARING—NOTICE. ~~((A county legislative))~~ An establishing authority proposing to establish a solid waste disposal district or to modify or dissolve an existing solid waste disposal district shall conduct a hearing at the time and place specified in a notice published at least once not less than ten days prior to the hearing in a newspaper of general circulation within the proposed solid waste disposal district. This notice shall be in addition to any other notice required by law to be published. Additional notice of such hearing may be given by mail, posting within the proposed solid waste disposal district, or in any manner local authorities deem necessary to notify affected persons. All hearings shall be public and the ~~((county legislative))~~ establishing authority shall hear objections from any person affected by the formation, modification, or dissolution of the solid waste disposal district and make such changes ~~((in the boundaries of the district or any other modifications that the county legislative))~~ as the establishing authority deems necessary.

Sec. 49. Section 3, chapter 175, Laws of 1982 and RCW 36.58.120 are each amended to read as follows:

SOLID WASTE DISPOSAL DISTRICT—ESTABLISHMENT—ORDINANCE. No solid waste disposal district shall be established ~~((within a county))~~ unless the ~~((county legislative))~~ establishing authority determines, following a hearing held pursuant to RCW 36.58.110, that it is in the public interest to form the district and the ~~((county legislative))~~ establishing authority adopts an ordinance creating the solid waste disposal district and establishing its boundaries.

Sec. 50. Section 5, chapter 175, Laws of 1982 and RCW 36.58.140 are each amended to read as follows:

SOLID WASTE DISPOSAL DISTRICT—EXCISE TAX—LIEN FOR DELINQUENT TAXES AND PENALTIES. A solid waste disposal district may levy and collect an excise tax on the privilege of living in or operating a business in a solid waste disposal taxing district sufficient to fund its solid waste disposal activities. ~~((PROVIDED, That any property which is producing commercial garbage shall be exempt if the owner is providing regular collection and disposal))~~ including, but not limited to, costs for solid waste disposal operations, capital costs, and monitoring costs. Any excise tax imposed under this section must be: (1) Imposed on all businesses and residences in the district, including but not limited to publicly and privately owned utilities; and (2) the amount of the tax collected from each business and residence shall be the same.

Any revenues received under this section may be pledged for retirement of revenue bonds issued under RCW 36.58.150.

The excise tax shall be billed and collected by the establishing authority at times and in the manner fixed and determined by the ~~((solid waste disposal district))~~ establishing authority. Penalties for failure to pay the tax on time may be provided for. A solid waste disposal district shall have a lien for delinquent taxes and penalties, plus an interest rate equal to the interest rate for delinquent property taxes. The lien shall be attached to each parcel of property in the district that is occupied by the person so taxed and shall be superior to all other liens and encumbrances except liens for property taxes.

The solid waste disposal district shall periodically certify the delinquencies to the county treasurer at which time the lien shall be attached. The lien shall be foreclosed in the same manner as the foreclosure of real property taxes.

Sec. 51. Section 7, chapter 282, Laws of 1986 and RCW 82.18.020 are each amended to read as follows:

TAX IMPOSED. There is imposed on each person using the services of a refuse collection business a refuse collection tax equal to ~~((three and six-tenths))~~ nine and two-tenths percent of the consideration charged for the services.

Sec. 52. Section 9, chapter 282, Laws of 1986 and RCW 82.18.040 are each amended to read as follows:

COLLECTION OF TAX—PAYMENT TO STATE. Taxes collected under this chapter shall be held in trust until paid to the state. Taxes so received by the state shall be deposited as follows: (1) Taxes received as a result of a rate equal to three and six-tenths percent shall be deposited in the public works assistance account created in RCW 43.155.050; and (2) the remainder of the taxes received shall be deposited in the local toxics control account created in section 33 of this 1987 act. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the refuse collection tax and this tax shall have priority over all other claims to the amount remitted.

The legislature on behalf of the state pledges to maintain and continue the tax rate increase provided by section 51 of this 1987 act and to place the tax revenues resulting therefrom in the local toxics control account for purposes of fully reimbursing the general fund for bond redemption costs, both principal and interest.

NEW SECTION, Sec. 53. HAZARDOUS WASTE NOTIFICATION. A new section is added to chapter 70.105 RCW to read as follows:

Any person who generates, transports, offers for transport, or transfers hazardous waste or who operates a hazardous waste transfer, storage, treatment, or disposal facility shall provide the department with notice of the person's intent to do so and shall obtain an environmental protection agency/state identification number. The department may adopt rules providing exemptions to this section consistent with the purposes of this chapter and chapter 70.105A RCW.

NEW SECTION, Sec. 54. HAZARDOUS WASTE FEE. A new section is added to chapter 70.105 RCW to read as follows:

(1) Every hazardous waste notifier shall pay to the department a hazardous waste fee to be calculated pursuant to subsection (2) of this section.

(2) The fee shall include the following:

(a) Twenty-five dollars for notification and request for an environmental protection agency/state identification number;

(b) Twenty-five dollars for cancellation of an environmental protection agency/state identification number;

(c) Fifty dollars per year for processing the annual report required by the department, provided, however, that no such fee shall be due in years when the annual report reports no wastes;

(d) An annual inspection charge in an amount to be set by the department pursuant to subsection (3) of this section; and

(e) A permit charge in an amount to be set by the department pursuant to subsection (4) of this section.

(3) The department shall set the inspection charge by rule as follows:

(a) The department shall collect inspection fees from individual notifiers. The fee charged to any notifier shall not exceed the maximum allowed in (e) of this subsection.

(b) The fee schedule pursuant to (e) of this subsection shall be based on the size, complexity, and type of facility or transporter to be inspected as set forth in (c) and (d) of this subsection:

(c) In determining the size of the facility, the following categories shall be used:

(i) Under five tons equals 'small';

(ii) Five to ten tons equals 'medium'; and

(iii) Over ten tons equals 'large'.

(d) In determining the complexity of the facility, the following categories, excluding those substances which are to be or have been recycled, and excluding contaminated soils and substances from spills, improper disposal, or other activities (as distinct from process), shall be used. For the purposes of this section, 'waste stream' shall mean a hazardous waste which is different from any other hazardous waste produced or handled by a notifier at the notifier's site. Two hazardous wastes are different if they do not share the same waste identification number.

(i) 'Simple' facilities are those which produce or manage less than four waste streams.

(ii) 'Moderate' facilities are those which produce or manage between four and seven waste streams.

(iii) 'Complex' facilities are those which produce or manage more than seven waste streams.

(e) Annual fees assessed upon a notifier shall not exceed:

(i) For large, complex land disposal facilities, sixteen thousand dollars;

(ii) For small simple land disposal facilities, six thousand six hundred dollars;

(iii) For large complex treatment facilities, nine thousand two hundred dollars;

(iv) For small simple treatment facilities, one thousand nine hundred dollars;

(v) For large complex storage facilities, seven thousand three hundred dollars;

(vi) For small simple storage facilities, one thousand five hundred dollars;

(vii) For large complex transporters or generation facilities, four thousand seven hundred dollars;

(viii) For small simple transporters or generation facilities, four hundred dollars;

(ix) For medium simple transporters or generation facilities, fifteen hundred dollars;

(x) For facilities of medium size or moderate complexity, the department shall establish by rule a maximum annual fee between four hundred and sixteen thousand dollars, relative to and consistent with the limits in these subparagraphs (i) through (ix).

(4) The department shall set a permit charge for each notifier seeking a permit under this chapter as follows:

(a) The charge shall be based on actual costs of permitting, as determined by a cost accounting system which accurately accumulates such data for each permit applicant, including overhead attributable to such costs of permitting.

(b) For each notifier seeking a permit, the department shall estimate the costs of the permit. Beginning January 31, 1988, each notifier seeking a permit shall pay one-fifth of that cost estimate. One-fifth shall be paid by January 31 of each subsequent calendar year except when governed by (c) of this subsection.

(c) At the time the drafting of a permit is completed, the department shall inform the notifier of the actual cost of the permit, as determined from an accurate cost accounting system. If that amount, prorated over the five years, exceeds the amount paid up to that time by the notifier, the department shall bill the notifier for the difference. If the amount owed is not paid within thirty days, the department may deny the permit. The amount collected for each of the remaining of the five years shall be adjusted accordingly. If the actual cost is less than the amount paid by the notifier, the department shall refund the difference at the time the permit is issued and the amount collected for each of the remaining of the five years shall be adjusted accordingly. If the application process if ended without issuance of a permit, the department shall refund any overpayment, and bill for any underpayment, within thirty days of when the process is ended.

NEW SECTION, Sec. 55. A new section is added to chapter 70.105 RCW to read as follows:

(1) The fees required by section 54 of this act, when due and payable, shall bear interest at the rate of nine percent per annum for each month (or portion thereof) that the fee is not paid.

(2) The department of ecology may levy civil penalties in the amount of up to five hundred dollars for each day fees and interest due and owing under section 54 of this act are unpaid. The procedures relating to levying and collection of penalties set forth in RCW 90.48.144 shall be applied to penalties levied under this section. Moneys collected under this subsection shall be placed in the hazardous waste control and elimination account.

(3) The attorney general is authorized to initiate such actions in the courts as are necessary and appropriate to insure compliance with the provisions of this chapter.

NEW SECTION, Sec. 56. A new section is added to chapter 43.131 RCW to read as follows:

(1) The authority under chapter 70.105A RCW except for that under sections 31, 33, and 36 through 39 of this act shall terminate on June 30, 1997, as provided under section 57 of this act.

(2) The authority under chapter 82.____ RCW (sections 40 through 46 of this act) shall terminate on June 30, 1997, as provided under section 57 of this act.

NEW SECTION, Sec. 57. A new section is added to chapter 43.131 RCW to read as follows:

(1) Chapter 70.105A, with the exception of sections 31, 33, and 36 through 39 of this act shall expire June 30, 1997.

(2) Chapter 82.____ RCW (sections 40 through 46 of this act) shall expire June 30, 1998.

NEW SECTION, Sec. 58. SEVERABILITY. If any provision of this act or chapter 70.105A RCW or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 59. LIBERAL CONSTRUCTION. This act and chapter 70.105A RCW are exempt from the rule of strict construction and shall be liberally construed to give full effect to the purposes for which they were enacted.

NEW SECTION, Sec. 60. CODIFICATION. (1) Sections 3 through 21, 23, 30 through 33, and 36 through 39 of this act shall be added to chapter 70.105A RCW.

(2) Sections 40 through 46 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION, Sec. 61. SECTION CAPTIONS. Section captions as used in this act constitute no part of the law.

NEW SECTION, Sec. 62. REPEALERS. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 65, Laws of 1983 1st ex. sess., section 129, chapter 7, Laws of 1985 and RCW 70.105A.030;

(2) Section 4, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.040;

(3) Section 5, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.050;

(4) Section 6, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.060;

(5) Section 7, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.070;

(6) Section 8, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.080;

(7) Section 13, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.090;

(8) Section 9, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.900; and

(9) Section 15, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.905.

NEW SECTION, Sec. 63. (1) The state treasurer shall transfer to the state toxics control account the balance of all funds in the hazardous waste control and elimination account which remain in this account immediately prior to the effective date of this section. Any person who, by the effective date of this section, has not paid the fees and other amounts due under those

sections of chapter 70.105A RCW which are repealed by section 62 of this act shall continue to be obligated to pay such fees and amounts. All payments received after the effective date of this section shall be deposited into the state toxics control account. The provisions of those RCW sections which are repealed in section 62 of this act shall continue to apply to those fees and amounts which are due on the effective date of this section.

(2) The repeal of RCW 70.105A.030 shall be applied retroactively as of January 1, 1987, so that no person, as defined in RCW 70.105A.020, will have to pay any fee for 1987, collectible in 1988.

NEW SECTION. Sec. 64. **EFFECTIVE DATE.** This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.*

Mr. Bristow spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Bristow yielded to question by Mr. Jacobsen.

Mr. Jacobsen: Could you explain exactly what the amendment does?

Mr. Bristow: As I said before, I don't pretend to be an expert. But if you want to begin with me on page 4, lines 24 through 26 of the bill, it talks about crude oil and petroleum products as distinct from wastes that should not be covered by the liability provisions, so the amendment leaves these subject to taxes. The leases of crude oil and petroleum products are already covered by a multitude of state and federal environmental laws. On page 8, line 30, responsibility for petroleum and that the petroleum while it is a product is not a hazardous waste. On page 5, lines 33 through 35, legal applications of federally approved pesticides are not considered to be released. Applicators would not be held liable for federally approved usage of pesticides on page 11, lines 22 through 31.

On page 17, lines 10 through 18, cleanup standards composed of laws, regulations, rules and criteria have been amended here to insure that due process is observed as the department adopts criteria. On page 17, line 27, the department of ecology is being asked to approve response action, and cost effectiveness would be one of the factors that they are asked to consider as they approve response action. On page 19, lines 4 and 5, this would authorize the department of ecology access to the entire record of a cleanup when they are deciding whether or not to amend this plan. On page 19, lines 25 through 28, this portion of the amendment would bar suits for contribution after the department of ecology has agreed on a cleanup plan with the participating parties. Page 20, line 18, the language is deleted; the consequence of this is to authorize the court to consider the results of an arbitration. On page 28, lines 25 through 26, and page 29, lines 20 through 21, this changes the standards for review by arbitration to the same as was in the bill as it passed the House to make certain that an action was consistent with the act as we would pass it. On page 34, line 31; page 35, line 25; pages 35-36, lines 25, 34 and 35 require the department to set up thresholds for sales that must be recorded through the county auditor so that we will know going in what must and must not be recorded with the county auditor. On the sale of new property, of a quart of oil or ten gallons of gasoline, does that then become required as part of your deed? On page 39--this establishes a separate account from which the orphan shares will be paid. The idea here is that there will be clear accountability. We want to make certain that sites are cleaned up and I don't think that anyone here, whether they're supportive of the sponsor of the amendment, the sponsor of the original bill, any of the folks that signed on, hopefully myself and Representative Rayburn, would deny the fact that we need to do cleanup in this state. But we want to make certain that it's clear and that there is accountability for the use of orphan shares and the funds that are created to do that.

On page 44, line 18, this amendment avoids labelling taxed substances as hazardous and instead they are listed or called defined substances. On page 44, lines 29 and 30, to the extent that the taxes imposed on crude oil, refined oil brought into this state may escape the tax. So this amendment clarifies that all refined oil products are to be taxed in place of a hit or miss taxation on crude oil.

Page 50, lines 33 and 34, this amendment will assure that equality under the tax as authorized by this section takes place, so that all of the residents of a waste management district would be equally assessed. Beginning on page 52, line 27, and ending on page 55, line 13, this amendment caps the hazardous waste fees

and the amounts of this cap are consistent with Ecology's proposed fee schedule and this has been agreed to by the Department of Ecology as I understand it. That's the extent of my rather limited knowledge on this bill. I'm certain that it clarifies any questions you might have.

Representatives May, Hargrove, Rayburn, S. Wilson, Rasmussen, Schoon and Nealey spoke in favor of the amendment, and Representatives Unsoeld, Hine and Sprenkle opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Bristow and others to Engrossed Second Substitute House Bill No. 434, and the amendment was adopted by the following vote: Yeas, 56; nays, 38; excused, 4.

Voting yea: Representatives Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Bristow, Brooks, Brough, Chandler, Cooper, Day, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Holland, Holm, Jesernig, King P, Kremen, Lewis, Madsen, May, McLean, Meyers, Moyer, Nealey, Padden, Patrick, Peery, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sutherland, Taylor, Vekich, Walk, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 56.

Voting nay: Representatives Allen, Appelwick, Armstrong, Belcher, Braddock, Brekke, Cantwell, Cole, Crane, Dellwo, Fisher, Grimm, Hine, Jacobsen, King R, Leonard, Locke, Lux, McMullen, Nelson, Niemi, Nutley, O'Brien, Prince, Pruitt, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Unsoeld, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 38.

Excused: Representatives Bumgarner, Doty, Hankins, Miller - 4.

The following amendment to the title was adopted:

On page 1, line 1 of the title, after "environment;" strike the remainder of the title and insert "amending RCW 70.105A.010, 70.105A.020, 36.58.100, 36.58.110, 36.58.120, 36.58.140, 82.18.020, and 82.18.040; adding a new section to chapter 43.21C RCW; adding new sections to chapter 70.105A RCW; adding a new chapter to Title 82 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 70.94 RCW; adding new sections to chapter 70.105 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; creating new sections; repealing RCW 70.105A.030, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.080, 70.105A.090, 70.105A.900, and 70.105A.905; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency."

The bill was ordered reengrossed and passed to Committee on Rules for third reading.

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

INTRODUCTIONS AND FIRST READING

HB 1252 by Representatives Valle, Ebersole, Winsley, Pruitt, Ferguson, Wineberry, Lux, Brekke, Nealey, Schoon, Walker, Rasmussen, Cole, Moyer, Brooks, D. Sommers and Wang

AN ACT Relating to information about the prevention of acquired immune deficiency syndrome in the schools; adding a new section to chapter 28A.04 RCW; and adding a new section to chapter 28A.05 RCW.

Referred to Committee on Education.

HB 1253 by Representatives Zellinsky, Schmidt, Pruitt, Bristow, Meyers, J. Williams and S. Wilson

AN ACT Relating to solid waste transfer stations and waste reduction and recycling priorities; adding a new section to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Environmental Affairs.

MOTION

On motion of Mr. McMullen, the bills on today's first reading calendar were referred to the committees designated.

SENATE AMENDMENTS TO HOUSE BILL

May 18, 1987

Mr. Speaker:

The Senate has passed REENGROSSED SUBSTITUTE HOUSE BILL NO. 327 with the following amendments:

On page 40, line 9, strike "1,461,000" and insert "3,000,000"

On page 40, line 15, strike "3,500,000" and insert "5,039,000"

On page 120, after line 12, insert the following:

"For the purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way."

On page 118, after line 43, insert the following:

"NEW SECTION, Sec. 914. The sum of two hundred thousand dollars or as much thereof as may be necessary, is appropriated to the office of financial management from the state building construction account.

The appropriation in this section is subject to the following conditions and limitations:

The office of financial management shall conduct a study on improving the state's capital planning and budgeting process and shall submit a report to the state legislature by January 1, 1988, with appropriate recommendations, plans, and proposed legislation that would establish comprehensive capital planning guidelines and criteria by which state agencies would prepare their six-year capital plans and by which the office of financial management shall conduct reviews and revisions of agency capital budget plans, including lease and lease development projects. These guidelines shall provide for at least the following categories and criteria under which capital requests shall be grouped and evaluated:

(1) NEW CAPITAL PURCHASE, LEASE, AND LEASE DEVELOPMENT REQUESTS: The criteria for evaluating such requests should include changes in workload volumes, service levels, resource requirements necessary to support changes in workload or service levels, and cost-benefit analysis to determine the feasibility of the request as well as the advantages of leasing versus purchasing and vice versa;

(2) REPLACEMENT OF EXISTING CAPITAL ASSETS: The criteria for evaluating such requests should include the alleviation of hazardous conditions in accordance with life-safety and building code requirements, and alleviation of the inability to maintain economically the asset as determined by appropriate cost and feasibility studies;

(3) MAJOR MAINTENANCE: The criteria for evaluating such requests should include, but not be limited to compliance with life-safety and building code requirements, energy conservation, alleviation of overcrowded space conditions, avoidance of waste and deterioration, and enhancements to working conditions;

(4) COMMUNITY AND ECONOMIC DEVELOPMENT (i.e. grants, subsidies, loans, and entitlements to local governments): The criteria for evaluating such requests should include quantifiable measurements for determining the extent to which the project or program meets the goals, objectives, or intent of its authorizing legislation;

(5) OTHER:

(a) Avoiding duplication or waste by coordinating program and project plans and schedules;

(b) Taking advantage of economies of scale by sharing program and project costs; and

(c) Advertising and awarding program and project funds or bids under one rather than multiple contract proposals."

Re-number the remaining sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Bristow moved that the House do concur in the Senate amendments to Reengrossed Substitute House Bill No. 327.

Mr. Bristow spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Reengrossed Substitute House Bill No. 327 as amended by the Senate.

Mr. B. Williams spoke against final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 327 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; nays, 30; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, McMullen, Meyers, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sryan, Schmidt, Scott, Silver, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Waik, Wang, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Chandler, Ferguson, Fuhrman, Heavey, Holland, Lux, May, McLean, Nealey, Padden, Patrick, Prince, Sanders, Schoon, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson K, Winsley - 30.

Excused: Representatives Bumgarner, Doty, Hankins, Miller - 4.

Reengrossed Substitute House Bill No. 327 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

May 18, 1987

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary

REPORT OF FREE CONFERENCE COMMITTEE

May 17, 1987

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, revising the 1987-89 omnibus appropriations act, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) 'Fiscal year 1988' or 'FY 1988' means the fiscal year ending June 30, 1988.

(b) 'Fiscal year 1989' or 'FY 1989' means the fiscal year ending June 30, 1989.

(c) 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) 'Revert' or 'lapse' means the amount shall return to an unappropriated status.

(e) 'FTE' means full time equivalent.

NEW SECTION. Sec. 2. Agencies receiving appropriations under this act shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act unless the services were provided on March 1, 1987. Agencies may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the

program in excess of amounts anticipated in this act and, in the case of unanticipated unrestricted federal moneys, as long as an equal amount of appropriated state general fund moneys is placed in a reserve status. Unrestricted federal moneys shall be used, to the maximum extent permitted under federal law, to replace state general fund moneys appropriated under this act for the biennium ending June 30, 1989. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

NEW SECTION. Sec. 3. For agencies for which the governor has allotment authority, the office of financial management shall limit expenditures for personal services contracts, goods and services, travel, and furnishings and equipment so that total general fund—state expenditures for such agencies are \$18,000,000 less than the total of the general fund—state appropriations for such agencies.

**PART I
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 44,349,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 29,631,000

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 1,880,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislative budget committee shall conduct an analysis of what improvements can be made in state-wide common school-related information, including:

(a) Data collection and dissemination goals, policies, procedures, and management;
(b) Duplication of services provided and programs delivered among local districts, educational service districts, the superintendent of public instruction, and, where possible, the private sector; and

(2) The legislative budget committee shall report its findings and recommendations under subsection (1) of this section to the senate and house of representatives ways and means committees at the beginning of the 1989 legislative session. Recommendations shall include, but not be limited to:

(a) Ways to reduce reporting and paperwork at the local district level;
(b) Consolidation of reports, where practical;
(c) Ways to reduce duplication of effort and program delivery; and
(d) Other potential cost efficiencies.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,503,000

The appropriation in this section is subject to the following conditions and limitations: The committee shall conduct a study of the common school state-wide data reporting system, including information on class size in kindergarten through twelfth grade. \$100,000 of the general fund appropriation is provided solely to contract with the institute of public policy and management of the University of Washington to conduct research associated with the study. The institute shall work closely with the superintendent of public instruction and the office of financial management to prepare a report to the legislature by December 1, 1988, regarding its findings and recommendations.

NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 5,524,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 106. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 5,394,000

NEW SECTION. Sec. 107. FOR THE SUPREME COURT

General Fund Appropriation \$ 10,678,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,337,000 is provided solely for the indigent appeals program.
(2) \$110,000 is provided solely for the creation of the public defender task force. The supreme court shall compile a list of three qualified persons from which the governor shall appoint the director of the public defender task force. Qualifications of the director shall include admission to the practice of law in this state for at least five years and experience in the representation of persons accused of crime. The director shall be paid a salary fixed by the governor under RCW 43.03.040. To assist the director in carrying out the duties of the position, there is created a public defender task force consisting of the following members: One member appointed by both the associations of cities and counties; one member appointed by the Washington state bar association; one member appointed by both the Washington appellate defender association and the Washington defender association; one member appointed by the Washington association of prosecuting attorneys; one member appointed by the judiciary; two members appointed by the president of the senate who shall not be members of the same

political party; and two members appointed by the speaker of the house of representatives who shall not be members of the same political party. Members of the task force shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The director shall, with the assistance of the task force, review the current system for providing appellate representation to indigent persons in criminal cases, civil commitment proceedings, and cases involving a disposition in a juvenile offense proceeding. The director shall by January 1, 1989, report to the judiciary committees of the house of representatives and senate with a plan for an effective and efficient program for delivering indigent defense services state-wide in trial court, the court of appeals, and the supreme court, in criminal cases, civil commitment proceedings, and cases involving a disposition in a juvenile offense proceeding. The plan shall include: Guidelines for determining who is eligible to receive legal services under the program, an estimate of resources needed to carry out the program at the trial and appellate court levels, and recommendations for mandatory pro bono publico participation by private attorneys.

NEW SECTION, Sec. 108. FOR THE LAW LIBRARY

General Fund Appropriation	\$	2,574,000
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NEW SECTION, Sec. 109. FOR THE COURT OF APPEALS

General Fund Appropriation	\$	12,013,000
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NEW SECTION, Sec. 110. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	21,738,000
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Public Safety and Education Account Appropriation	\$	18,828,000
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Total Appropriation	\$	40,566,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(3) \$50,000 of the public safety and education account appropriation is provided solely for the administrator for the courts to initiate measures to prevent gender and minority bias in the courts. Such measures shall include but not be limited to:

(a) A study of the status of women and minorities as litigants, attorneys, judges, and court employees;

(b) Recommendations for implementing reform; and

(c) Providing attitude awareness training for judges and legal professionals.

(4) \$260,000 of the general fund appropriation is provided solely for the Snohomish County preprosecution diversion program.

(5) \$150,000 of the general fund appropriation is provided solely for the administrator for the courts to contract for the performance of a two-year demonstration project to determine the effectiveness of alternative dispute resolution using the model center approach adopted by the legislature in chapter 7.75 RCW. The project shall be conducted in King and Snohomish counties by centers established under chapter 7.75 RCW as nonprofit corporations having broadly representative boards of directors and which are organized exclusively, as set forth in their articles of incorporation and bylaws, for the resolution of disputes and whose plans of operation have been approved pursuant to RCW 7.75.020 before the effective date of this section. The project shall be conducted in accordance with chapter 7.75 RCW. The focus of the project shall be to provide an alternative forum for the resolution of disputes for the purposes of reducing social tensions which lead to crime, promoting lasting settlements in which all parties to a dispute can be winners, settling disputes more quickly and less expensively than through the judicial process, and helping to reduce congestion in the court systems as contemplated in the court improvement act of 1984. Seventy-five thousand dollars of the appropriation shall be made available for a project in Snohomish county subject to commitments from Snohomish county and the city of Everett to each match the state appropriation. Seventy-five thousand dollars of the appropriation shall be made available for a project in King county subject to commitments from King county and the city of Seattle to each match the state appropriation. The state administrator for the courts shall submit a report to the judiciary committees of the senate and the house of representatives on the results of the project by December 1, 1989.

NEW SECTION, Sec. 111. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation	\$	477,000
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NEW SECTION, Sec. 112. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	5,260,000
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General Fund Appropriation—Federal	\$	500,000
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Total Appropriation	\$	5,760,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$167,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$389,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

NEW SECTION, Sec. 113. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	363,000
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NEW SECTION, Sec. 114. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	6,374,000
Archives and Records Management Account Appropriation	\$	2,116,000
Total Appropriation	\$	8,490,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

NEW SECTION, Sec. 115. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation	\$	280,000
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The appropriation in this section is subject to the following conditions and limitations: \$49,000 is provided solely to meet additional workload associated with the federal immigration reform and control act.

NEW SECTION, Sec. 116. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	285,000
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NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation	\$	241,000
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NEW SECTION, Sec. 118. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation	\$	45,000
State Treasurer's Service Fund Appropriation	\$	9,080,000
Total Appropriation	\$	9,125,000

NEW SECTION, Sec. 119. FOR THE STATE AUDITOR

General Fund Appropriation	\$	832,000
Motor Vehicle Fund Appropriation	\$	287,000
Municipal Revolving Fund Appropriation	\$	14,733,000
Auditing Services Revolving Fund Appropriation	\$	9,359,000
Total Appropriation	\$	25,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$180,000 of the auditing services revolving fund appropriation is provided solely to perform multi-agency audits of fixed assets, capital construction projects, and lease acquisitions and to perform deferred audits of state agencies.

(2) \$609,000 of the audit services revolving fund appropriation is provided solely for additional workload associated with the federal single audit act.

NEW SECTION, Sec. 120. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	5,143,000
Legal Services Revolving Fund Appropriation	\$	46,142,000
Total Appropriation	\$	51,285,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$840,000 of the legal services revolving fund appropriation is provided solely to support additional attorneys to defend an increased number of cases expected from an increase in the number of industrial appeals board staff.

(2) \$10,233,000 of the legal services revolving fund appropriation is provided solely for legal services augmentation; of which a maximum of \$3,933,000, including the state-wide salary increase allocation, is for salary increases consistent with the Price Waterhouse recommendation of March 19, 1987, for assistant attorneys general, \$5,000,000 is for additional funding for the defense of tort actions, \$400,000 is for increased legal services for the department of corrections and the indeterminate sentence review board, \$200,000 is for increased legal services for the department of ecology, \$200,000 is for increased legal services for the department of transportation, and \$500,000 is for increased legal services for the department of licensing.

(3) Pursuant to chapter 365, Laws of 1985, the attorney general shall transmit to the judiciary committees of the senate and house of representatives and the human rights commission by January 1, 1988, and by January 1 of every year thereafter a progress report which states

the agency's progress in meeting its affirmative action goals and timetables. The agency's goals for assistant attorneys general and other exempt employees shall be based on the percentage of each and every minority group's representation in the state labor force population.

NEW SECTION, Sec. 121. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	18,281,000
General Fund Appropriation—Federal	\$	60,000
Motor Vehicle Fund Appropriation	\$	100,000
Medical Aid Fund Appropriation	\$	98,000
Local Jail Improvement and Construction Fund Appropriation	\$	780,000
Total Appropriation	\$	19,319,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for the services of an actuarial consultant.

(2) Reports required to be submitted to the legislature or its committees by dates specified in this act shall be submitted by such dates, notwithstanding time necessary for review by the office of financial management. For agencies under the authority of the governor, the office may require submission of draft reports for its review prior to the dates required for submission to the legislative branch.

(3) By January 1, 1988, the office of financial management shall submit a report to the committees on ways and means of the senate and house of representatives describing a system to control the initial acquisition and replacement of furniture and equipment by state agencies. The system shall include proposed criteria for justifying furniture and equipment purchases by state agencies, a uniform accounting and reporting system for such purchases, and a centralized inventory and acquisition system that would fill state agency furniture and equipment requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate.

(4) \$250,000 of the general fund—state appropriation is provided solely for one-time costs of establishing a state-wide inventory of school facilities, using surveys conducted by qualified engineers and architects. The inventory shall be developed jointly and in cooperation with the state board of education and the superintendent of public instruction and shall be designed to yield consistent and easily accessible information intended to facilitate administrative decisions on school construction projects and analysis of long-term facilities needs.

(5) \$205,000, of which \$145,000 is from the general fund—state appropriation, is provided solely for the purposes of implementing the agency's responsibilities under Substitute House Bill No. 738. If Substitute House Bill No. 738 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) The office of financial management, in cooperation with the state board for community college education, shall study the cost of community college faculty salary increments, including savings from full time faculty turnover, identify the faculty salary increment policy at each college district, and report the findings and recommendations to the 1989 regular session of the legislature.

NEW SECTION, Sec. 122. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation	\$	8,752,000
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NEW SECTION, Sec. 123. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation	\$	1,736,000
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The appropriation in this section is subject to the following conditions and limitations: \$7,000 of this appropriation is provided solely for services to be provided by the investor responsibility research council.

NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	13,618,000
State Employees' Insurance Fund Appropriation	\$	2,164,000
Total Appropriation	\$	15,782,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the state employees' insurance fund appropriation is provided solely for the revision of the automated insurance eligibility system.

NEW SECTION, Sec. 125. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	354,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance. If Engrossed Substitute House Bill No. 844 is not enacted by June 30, 1987, this appropriation shall lapse.

NEW SECTION, Sec. 126. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation	\$	807,000
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NEW SECTION, Sec. 127. FOR THE DATA PROCESSING AUTHORITY

Data Processing Revolving Fund Appropriation	\$	1,268,000
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NEW SECTION, Sec. 128. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation	\$	43,697,000
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The appropriation in this section is subject to the following conditions and limitations: \$27,300,000 of the lottery administrative account appropriation is provided solely for the payment of costs incurred in the purchase and promotion of lottery games. If Engrossed Substitute House Bill No. 26 is enacted without requiring that costs of purchase and promotion of lottery games be paid out of the lottery administrative account, this amount of the appropriation shall lapse.

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	63,667,000
Hazardous Waste Control and Elimination Account Appropriation	\$	111,000
Timber Tax Distribution Account Appropriation	\$	3,276,000
Total Appropriation	\$	67,054,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The hazardous waste control and elimination account appropriation shall lapse if Substitute House Bill No. 434 is enacted by June 30, 1987.

(2) \$100,000 of the general fund appropriation is provided solely to support additional staff to perform tax research and statistical analysis.

(3) If Substitute Senate Bill No. 5293 is enacted by June 30, 1987, the department shall not collect business and occupation tax from adult family homes after the effective date of the bill.

NEW SECTION. Sec. 130. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	1,214,000
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The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	8,312,000
General Fund Appropriation—Federal	\$	1,623,000
General Fund Appropriation—Private/Local	\$	93,000
Motor Transport Account Appropriation	\$	10,925,000
General Administration Facilities and Services Revolving Fund		
Appropriation	\$	19,562,000
Total Appropriation	\$	40,515,000

NEW SECTION. Sec. 132. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS

ENTERPRISES

General Fund Appropriation	\$	1,937,000
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NEW SECTION. Sec. 133. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation	\$	1,000
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NEW SECTION. Sec. 134. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation	\$	10,205,000
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NEW SECTION. Sec. 135. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	1,229,000
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NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	20,666,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$554,000 is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5150.

(2) Not more than \$877,000 of this appropriation may be expended for the expenses of the office of the state actuary, including interagency reimbursements for services and statutory reports.

NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	2,104,000
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NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$	36,000
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NEW SECTION. Sec. 139. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	415,000
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Certified Public Accountant Examination Account Appropriation	\$	571,000
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Total Appropriation	\$	986,000
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NEW SECTION. Sec. 140. FOR THE BOXING COMMISSION

General Fund Appropriation	\$	105,000
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NEW SECTION. Sec. 141. FOR THE CEMETERY BOARD

Cemetery Account Appropriation	\$	143,000
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NEW SECTION. Sec. 142. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	4,233,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than six hundred ninety-eight racing days during the fiscal biennium ending June 30, 1989, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses as required under RCW 67.16.075.

(3) \$10,000 is provided solely for ex officio, nonvoting commissioners under Engrossed House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$160,000 is provided solely for drug testing and two additional security guards. This amount is contingent on the enactment of House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 143. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 87,777,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At the expiration of the lease of any state liquor store, except in an incorporated city in which more than one liquor store exists, if the yearly average of gross bottle sales falls below 80,000 bottles, that store shall be closed and an agency may be established in its place.

(2) \$60,000 is provided solely for computer programming needed to use the state payroll system.

NEW SECTION, Sec. 144. FOR THE PHARMACY BOARD

General Fund Appropriation \$ 1,343,000

NEW SECTION, Sec. 145. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—State \$ 23,712,000

Public Service Revolving Fund Appropriation—Federal \$ 426,000

Grade Crossing Protective Fund Appropriation \$ 320,000

Total Appropriation \$ 24,458,000

The appropriations in this section are subject to the following conditions and limitations: \$975,000 of the public service revolving fund appropriation is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistance, and consultants.

NEW SECTION, Sec. 146. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation \$ 233,000

NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State \$ 7,769,000

General Fund Appropriation—Federal \$ 5,149,000

Total Appropriation \$ 12,918,000

NEW SECTION, Sec. 148. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ 1,719,000

NEW SECTION, Sec. 149. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED

OFFICIALS

General Fund Appropriation \$ 63,000

PART II
HUMAN SERVICES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation \$ 59,605,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$23,884,000 is provided solely for the operation and/or contracting with nonprofit corporations for work training release for convicted felons.

(b) \$2,071,000 is provided solely for the support of the office of the director of community services.

(c) \$200,000 is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(d) \$854,000 is provided solely for the implementation of the sex offender treatment program for offenders under the jurisdiction of the division of community services as required by Second Substitute House Bill No. 1251.

(e) A maximum of \$285,000 may be spent for the replacement of used equipment within the community services division.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 269,824,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation \$ 17,961,000

Institutional Impact Account Appropriation	\$	317,000
Total Appropriation	\$	18,278,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) At least \$1,000,000 of the general fund appropriations in subsections (1) and (2) of this section shall be spent to contract for drug and alcohol treatment services for offenders in institutions and/or work release facilities.

(d) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	2,268,000
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The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1987. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(4) The department of social and health services shall not revise eligibility criteria for any of its programs or services in a manner which will increase the number of eligible persons or the general fund—state expenditures for the program or service unless specifically authorized by this act. To the extent that revisions to eligibility criteria are required by federal or state statute or court order, including the setting of need standards for public assistance recipients, such revisions shall be reviewed by appropriate committees of the legislature prior to implementation.

(5) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

(6) The department shall implement the plan for performance-based contracts developed under sections 203(6) and 204(1)(c), chapter 6, Laws of 1985 ex. sess., whereby a portion of vendor payments for private group care and other community residential placements shall reflect achievement of client outcome standards. The department shall report on implementation of the plan to the ways and means committees of the senate and house of representatives by December 15, 1987, and December 15, 1988.

(7) The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act shall be expended as provided in each section, except that the department may expend money, appropriated for other purposes, for the family independence program only after approval by the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

(8) The department shall report monthly unit cost performance data for all budget units, including comparisons to previous periods, to the legislative evaluation and accountability program committee on a quarterly basis.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund Appropriation—State	\$	165,009,000
General Fund Appropriation—Federal	\$	58,552,000
Total Appropriation	\$	223,561,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff, necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement the provisions of Engrossed Second Substitute House Bill No. 586 which establish a pilot project in order to guide the state in developing a comprehensive system of children and family services. If the bill is not enacted by June 30, 1987, this amount shall lapse. The department shall report to the ways and means and human services committees of the senate and house of representatives on implementation of this section by January 15, 1988. The report shall include the following information:

(a) The effectiveness of providing additional casework, support staff, and other services provided in this section in reducing and refocusing the workload of child protective services caseworkers;

(b) The impact on caseloads of hiring child protective services support staff, including clerical support, assistant attorneys general, eligibility determination specialists, and public health nurses; and

(c) The number and classifications of staff and the level and types of additional services for which the moneys in this section are used.

(3) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of therapeutic day care.

(4) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(5) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(6) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(7) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(8) \$300,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse.

(9) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(10) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(11) \$93,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) A maximum of \$332,000, of which \$275,000 is from the general fund—state appropriation, and 7.8 full time equivalent staff may be transferred from the division of children and family services to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(13) \$125,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	27,988,000
General Fund Appropriation—Federal		78,000
Total Appropriation	\$	28,066,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	44,385,000
General Fund Appropriation—Federal	\$	890,000
Total Appropriation	\$	45,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offender unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,788,000
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NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	118,388,000
General Fund Appropriation—Federal	\$	40,738,000
General Fund Appropriation—Local	\$	1,580,000
Total Appropriation	\$	160,706,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals of Kitsap county residents may be made to Western state hospital. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce commitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) \$4,375,000, of which \$3,500,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, other interested members of the community, and legislative staff and shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate an experimental design. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (c). If Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(d) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(e) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates and any other relevant factors required to reflect actual county administration costs. The mental health division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than January 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(f) Grants to counties for community mental health programs shall total not less than \$55,957,000 of the general fund—state appropriation under RCW 71.24.155. Of this amount, \$2,000,000 is provided solely for expanded services to children.

(g) \$480,000 of the general fund—state appropriation is provided solely for continuation of the community psychiatric training program at the University of Washington.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	150,711,000
General Fund Appropriation—Federal	\$	7,948,000
Total Appropriation	\$	158,659,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall prepare a transition plan for moving clients served by the program for adaptive living at Western state hospital into community residential facilities beginning on July 1, 1988. The transition plan shall include a list of qualified vendors and an appropriate amount of funding to be transferred from Western state hospital to cover the cost of establishing and operating community residential treatment beds. It is the intent of the legislature to provide community residential services in local noninstitutional settings. No other community residential programs may be established on the grounds of state mental institutions.

(b) \$300,000 of the general fund—state appropriation is provided solely for equipment and operating costs related to two additional PORTAL cottages on the Northern state hospital campus. Of this amount, a maximum of \$44,000 may be used to contract with local community mental health centers to provide services to clients who have exited the PORTAL program and reside locally in the community.

(c) The legislative budget committee shall evaluate the PORTAL program as to its treatment outcomes and general effectiveness. The legislative budget committee shall report its findings to the senate and house of representatives ways and means committees by December 1, 1987.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,477,000
General Fund Appropriation—Federal	\$	1,341,000
Total Appropriation	\$	4,818,000

The appropriations in this subsection are subject to the following conditions and limitations: \$78,600 from the general fund—state appropriation is provided solely for allocations to non-profit agencies advocating for the mentally ill. Such funds are for providing technical assistance to state agencies, mental health education programs, outreach and family support, and self-help support groups.

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,059,000
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**NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	79,041,000
General Fund Appropriation—Federal	\$	61,998,000
Total Appropriation	\$	141,039,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) \$2,185,000 of the general fund—state appropriation and \$385,000 of the general fund—federal appropriation are provided solely to increase rates paid for county contracted employment services for developmentally disabled adults receiving such services as of July 1, 1987. No county administrative charge shall be deducted from the amount specified in this subparagraph.

(c) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(d) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(e) \$1,169,000 is appropriated solely for the division of developmental disabilities to contract for an additional twenty-four group home beds and associated services in King county.

(f) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	100,635,000
General Fund Appropriation—Federal	\$	94,952,000
Total Appropriation	\$	195,587,000

(3) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,199,000
Total Appropriation	\$	1,199,000

(4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,991,000
General Fund Appropriation—Federal	\$	479,000
Total Appropriation	\$	4,470,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$46,000, of which \$38,000 is from the general fund—state appropriation, and two biennial full time equivalent staff may be transferred from the division of developmental disabilities to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(b) If Engrossed Second Substitute House Bill No. 221 is enacted by June 30, 1987, the department is authorized to expend the proceeds of the telecommunication devices for the deaf excise tax established under the bill for the distribution and maintenance of telecommunication devices, signal devices, and amplifying accessories to hearing-impaired persons as provided in the bill.

**NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
LONG-TERM CARE SERVICES**

General Fund Appropriation—State	\$	326,546,000
General Fund Appropriation—Federal	\$	331,586,000
Total Appropriation	\$	658,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for the adult residential care, contracted chore, adult day health, and senior citizens services act programs.

(3) Department-contracted chore services shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988. Department reimbursement to clients for attendant care and services provided by the community options program entry system shall provide for and assure payment of a monthly rate equivalent to \$4.76 per hour for full time employment beginning September 1, 1987, and \$5.15 per hour for full time employment beginning September 1,

1988. If Engrossed Second Substitute House Bill No. 1006 is enacted by June 30, 1987, department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989.

(4) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.7 percent on July 1, 1987 and 3.6 percent on July 1, 1988.

(5) \$650,000, of which \$312,000 is from the general fund—state appropriation, is provided solely for laundry services to state clients residing in skilled nursing facilities and intermediate care facilities.

(6) Grant payment standards shall be increased by 2.0 percent on September 1, 1987 and 4.0 percent on September 1, 1989, for adult residential care clients.

(7) \$1,090,000 of the general fund—state appropriation is provided solely for the respite care demonstration project.

(8) At least \$14,766,000 of the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	465,361,000
General Fund Appropriation—Federal	\$	442,371,000
Total Appropriation	\$	907,732,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(3) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(4) \$5,316,000, of which \$2,658,000 is from the general fund—state appropriation, is provided solely to increase day care, transportation, and other support services for participants in the opportunities program.

(5) Payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs shall contain an energy allowance to offset the costs of energy and such allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

(6) Persons who are unemployable due to alcohol or drug addiction who are not otherwise eligible for general assistance shall be referred to the alcoholism and drug addiction treatment and support program established by Substitute House Bill No. 646.

NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	62,580,000
General Fund Appropriation—Federal	\$	16,866,000
General Fund Appropriation—Local	\$	166,000
Total Appropriation	\$	79,612,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) \$24,565,000 of the general fund—state appropriation is provided solely for implementation of Substitute House Bill No. 646, establishing the alcohol and drug addiction treatment and support act. If Substitute House Bill No. 646 is not enacted by July 1, 1987, the funds in this subsection shall be transferred to the division of income assistance.

(4) The department shall provide shelter services under Substitute House Bill No. 646 to any individual requesting such services who meets the eligibility criteria established under that act.

(5) The department shall report to the appropriate committees of the legislature by January 5, 1988, on implementation of the alcohol and drug addiction treatment and shelter act. The report shall include at least the following information:

(a) The number of persons receiving client assessment services, including the number receiving assistance in the application process for supplemental security income benefits;

(b) The number of persons receiving treatment services, including the number receiving inpatient and outpatient treatment, and the number receiving a living allowance while undergoing outpatient treatment;

(c) The number of persons receiving shelter services and the type of shelter services provided;

(d) The number of applicants for general assistance payments referred to the program and the number of recipients of general assistance transferred to the program; and

(e) An assessment of the need to revise projected funding levels of \$2,700,000 for client assessment services, \$11,378,000 for treatment services, and \$10,487,000 for shelter services.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	528,288,000
General Fund Appropriation—Federal	\$	481,926,000
Total Appropriation	\$	1,010,214,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,864,000 of the general fund—state appropriation and \$16,927,000 of the general fund—federal appropriation are provided solely for an adult dental program for Title XIX categorically eligible and medically needy persons, effective January 1, 1988. If Substitute House Bill No. 1225 is enacted by June 30, 1987, the department shall by January 1, 1989, enroll 20,000 categorically eligible and medically needy persons in prepaid capitated dental programs.

(2) The department of social and health services may increase the medically needy income level under RCW 74.09.700 to the maximum level allowable for federal financial participation under Title XIX of the federal social security act within funds appropriated for this purpose.

(3) \$8,338,000 of the general fund—state appropriation and \$9,823,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy pregnant women and children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose resources do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act. Any part of the amounts provided in this subsection which are not needed for the purposes of this subsection may be spent for the purposes outlined in subsection (2) of this section.

(4) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(5) \$3,000,000 of the general fund—state appropriation is provided solely for matching grants to hospitals under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) The department may provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	58,177,000
General Fund Appropriation—Federal	\$	73,551,000
General Fund Appropriation—Local	\$	8,025,000
Total Appropriation	\$	139,753,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) Public and private community health clinics providing dental services under this section shall give priority to populations that lack access to federally supported dental services. The department shall prepare contracts which implement this requirement.

(3) \$1,919,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide activities, including \$50,000 for a review of the alternative on-site sewage program at both the state and local levels. The review shall address, but not be limited

to, the process and procedures associated with the review and application of alternative systems. Recommendations shall include, but not be limited to:

- (a) Ways to expedite review of applications;
- (b) Changes in rules and statutes to address unique alternative on-site system applications;
- (c) Staffing and resources required to implement an effective alternative on-site program;

and

(d) Any additional issues that are necessary for an effective and efficient alternative on-site sewage system program.

The department shall report to the legislature no later than January 30, 1988.

(4) \$5,500,000 of the general fund—state appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program.

(5) A maximum of \$86,842,000, of which \$24,437,000 is from the general fund—state appropriation, and 132 biennial full time equivalent staff may be transferred from the public health program to the division of children and family services to provide parent and child health services, dental health care for children, women, infant and children services, crippled children's services, nutrition services to children, family planning services, and program and category support services. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(6) \$3,100,000 of the general fund—state appropriation is provided solely to continue the kidney disease program.

(7) \$300,000 of the general fund—state appropriation is provided solely to enhance high-risk infant tracking.

(8) \$41,000 of the general fund—state appropriation is provided solely to expand PKU testing.

(9) \$1,500,000, of which \$300,000 is from the general fund—state appropriation, is provided solely for enhancing the women, infants, and children programs.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,583,000
General Fund Appropriation—Federal	\$	32,654,000
Total Appropriation	\$	46,237,000

The appropriations in this section are subject to the following condition and limitations: Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	46,280,000
General Fund Appropriation—Federal	\$	32,045,000
Institutional Impact Account Appropriation	\$	78,000
Total Appropriation	\$	78,403,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 biennial FTE staff for the office of the long-term care ombudsman.

(2) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation may be transferred from sections referenced in section 202(7) of this act solely for the evaluation of the aid to families with dependent children and the family independence programs as provided in Engrossed Second Substitute House Bill No. 448. The department may contract with objective independent evaluators subject to legislative budget committee approval, as specified in Engrossed Second Substitute House Bill No. 448. The department shall contract with the Washington state institute for public policy to conduct a longitudinal study of public assistance recipients. \$652,000 of the general fund—state moneys and \$652,000 of the general fund—federal moneys provided in this subsection are provided solely for the longitudinal study.

(3) If House Bill No. 1239, transferring caseload forecasting functions to the economic and revenue forecast council, is enacted by June 30, 1987, \$500,000 of the general fund—state appropriation shall be transferred to the department of revenue.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	156,570,000
General Fund Appropriation—Federal	\$	174,029,000
General Fund Appropriation—Local	\$	705,000
Total Appropriation	\$	331,304,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$283,000 of the general fund—state appropriation and \$270,000 of the general fund—federal appropriation are provided solely for administrative costs associated with the

provision of medical assistance to categorically needy pregnant women and children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose incomes do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(2) \$4,922,000, of which \$2,461,000 is from the general fund—state appropriation, is provided solely to increase services for participants in the opportunities program.

(3) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(4) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665.

(5) A maximum of \$554,000, of which \$460,000 is from the general fund—state appropriation, and 14.2 biennial full time equivalent staff may be transferred from the community services administration program to the administration and supporting services program to consolidate the social service payment system.

(6) If any transfer under this section affects the comparability of historical expenditure information at the program, category or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(7) The department shall submit a plan to the human services committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(8) \$350,000 of the general fund—state appropriation is provided solely for providing matching grants on a one-to-one state/local basis to regional health councils as established in RCW 70.38.085, or to the successor agencies. Grants shall be distributed equitably on the basis of need in order to preserve regional health planning.

NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	25,749,000
General Fund Appropriation—Federal	\$	51,135,000
General Fund Appropriation—Local	\$	200,000
Total Appropriation	\$	77,084,000

NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation—State	\$	28,259,000
General Fund Appropriation—Federal	\$	13,945,000
Total Appropriation	\$	42,204,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	32,765,000
General Fund Appropriation—Federal	\$	143,939,000
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Low Income Weatherization Account Appropriation	\$	4,000,000
Total Appropriation	\$	181,611,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,576,000 of the general fund—state appropriation is provided solely for grants to public and private nonprofit organizations to operate food banks, food distribution centers, and emergency shelters.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives Resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,136,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) The department shall conduct a state-wide housing needs study. The study, with preliminary recommendations, shall be submitted to the housing committee of the house of representatives and the commerce and labor committee of the senate no later than December 31, 1987, and a final report shall be submitted by December 31, 1988.

(5) \$325,000 of the general fund—state appropriation is provided solely for pilot demonstrations and development of model vocational programs, including a study of a technology demonstration skills center, in Lewis county.

(6) \$708,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 3 of Engrossed Substitute Senate Bill No. 5285. \$42,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 4 of Engrossed Substitute Senate Bill No. 5285. If the bill is not enacted by June 30, 1987, the amounts provided in this subsection shall lapse.

(7) The department shall review the needs of low-income migrant and seasonal workers. To the extent that funds are available, the legislature encourages the department to give special attention to low-income migrant and seasonal workers.

(8) \$360,000 of the general fund—state appropriation is provided solely for grants to three nonprofit agencies and local government agencies for local reemployment centers. In order to provide a breadth of experience and geographic dispersion, one center shall be located in King county, one center shall be located in a southwest Washington county in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year, and one center shall be located in an eastern Washington standard metropolitan statistical area in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, psychotherapy, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department. Each grant recipient must match state dollars on a one-for-one basis with non-state dollars.

(9) \$118,000 of the general fund—state appropriation is provided solely for a study to determine the economic contribution of sport and commercial salmon and sturgeon fishing.

(10) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$173,000 of the general fund—state appropriation is provided solely for a study of the uses, structure, and operation of a state-wide video telecommunications network. The department shall submit a report to the house of representatives and senate by January 1, 1989, recommending a plan for using video telecommunications in state government and assessing the potential of a state-wide public affairs satellite/cable television network broadcasting programs on state government to Washington state citizens. The department shall consult with the telecommunications division of the department of general administration for technical assistance in preparing this report.

(12) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program.

(13) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) In addition to the fee imposed under RCW 19.27.085, there is imposed through June 30, 1989, a fee of two dollars on each building permit issued by a county or a city. Quarterly, each county and city shall remit moneys collected under this subsection to the state treasury for deposit in the building code council account. However, no remittance is required until at least fifty dollars has accumulated pursuant to this subsection.

(15) \$187,000 of the general fund—state appropriation is provided solely for technical assistance to Okanogan county for the preparation of plans and permits relating to winter sports facilities development.

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	17,889,000
General Fund Appropriation—Federal	\$	4,690,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	28,746,000

NEW SECTION, Sec. 219. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	3,199,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	4,163,000

NEW SECTION, Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation	\$	5,000
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NEW SECTION, Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	176,000
Accident Fund Appropriation	\$	6,015,000
Medical Aid Fund Appropriation	\$	6,015,000
Total Appropriation	\$	12,206,000

NEW SECTION, Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation	\$	32,000
Public Safety and Education Account Appropriation	\$	7,866,000

Total Appropriation \$ 7,898,000

The appropriations in this section are subject to the following conditions and limitations: \$68,000 of the public safety and education account appropriation is provided solely for one-time costs associated with conversion to an incident-based uniform crime reporting system. Expenditure of these funds is contingent upon receipt of federal matching funds equal to or greater than \$68,000.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	8,384,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,037,000
Electrical License Fund Appropriation	\$	9,620,000
Farm Labor Revolving Account Appropriation	\$	292,000
Medical Aid Fund Appropriation	\$	81,983,000
Plumbing Certificate Fund Appropriation	\$	640,000
Pressure Systems Safety Fund Appropriation	\$	1,111,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	199,992,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall study the feasibility of establishing an independent ombuds office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

NEW SECTION. Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	4,042,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

(3) Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release. The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

NEW SECTION. Sec. 225. FOR THE HOSPITAL COMMISSION

General Fund Appropriation	\$	1,948,000
Hospital Commission Account Appropriation	\$	1,420,000
Total Appropriation	\$	3,368,000

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	5,700,000
General Fund Appropriation—Federal	\$	146,257,000
General Fund Appropriation—Local	\$	18,373,000
Administrative Contingency Fund Appropriation—Federal	\$	6,918,000
Unemployment Compensation Administration Fund Appropria- tion—Federal	\$	110,569,000

Employment Service Administration Account Appropriation—Federal.....	\$	2,334,000
Total Appropriation	\$	290,151,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

(4) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. 'Forest products industries' means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date the calculation is made. 'Average forest products employment' means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. The services of counter-cyclical employment members are exempt from unemployment compensation coverage under RCW 50.44.040 and the members shall be so advised by the department.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

(5) \$120,000 of the administrative contingency fund—federal appropriation is provided solely for a reemployment bonus demonstration project, contingent on the availability of federal or private funding of no less than \$500,000. The employment security department shall evaluate the effectiveness of the reemployment bonus in returning unemployed workers to employment and report to the commerce and labor committees of the senate and house of representatives by January 15, 1989. If federal or private moneys do not become available before June 30, 1988, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State	\$	2,357,000
General Fund Appropriation—Federal	\$	4,862,000
Total Appropriation	\$	7,219,000

The appropriations in this section are subject to the following conditions and limitations: \$11,000 in fiscal year 1988 and \$11,000 in fiscal year 1989 is provided for support of the deaf-blind service center.

NEW SECTION. Sec. 228. FOR THE CORRECTIONS STANDARDS BOARD

General Fund Appropriation—State	\$	185,000
General Fund Appropriation—Federal	\$	20,000
Total Appropriation	\$	205,000

NEW SECTION. Sec. 229. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	525,000
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NEW SECTION. Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	19,109,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	1,874,000
General Fund Appropriation—Federal	\$	16,528,000
General Fund Appropriation—Private/Local	\$	20,000
Geothermal Account Appropriation—Federal	\$	45,000
Building Code Council Account Appropriation	\$	632,000
Total Appropriation	\$	19,099,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation is provided solely to contract with the institute for public policy at The Evergreen State College to complete a comprehensive state hydropower study. The study shall: (1) Be developed in consultation with other state agencies (2) be completed by December 1, 1987, and (3) result in recommendations for a state hydropower plan for the balanced protection and development of the state's waterways.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	463,000
General Fund Appropriation—Private/Local	\$	468,000
Total Appropriation	\$	931,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	51,666,000
General Fund Appropriation—Federal	\$	59,846,000
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,999,000
Wood Stove Public Education Account Appropriation	\$	366,000
Special Grass Seed Burning Research Account Appropriation	\$	40,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	175,000
Litter Control Account Appropriation	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	2,095,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,071,000
Stream Gaging Basic Data Fund Appropriation	\$	139,000
Tire Recycling Account Appropriation	\$	548,000

Water Quality Account Appropriation	\$	2,398,000
Workers and Community Right to Know Fund Appropriation	\$	229,000
Total Appropriation	\$	133,578,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall implement the Nisqually river task force recommendations. \$150,000 of the general fund—state appropriation is provided solely for this purpose.

(2) \$75,000 of the general fund—state appropriation is provided solely for a wetlands restoration planning project. These funds may not be expended unless matched by a minimum of \$150,000 in federal, local, or private money.

(3) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

(4) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(5) \$9,250,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide water quality activities

(6) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

(7) \$553,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(8) If House Bill No. 434 is enacted by June 30, 1987, the appropriation from the hazardous waste control and elimination account shall lapse.

(9) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, and (b) contract with the department of community development to design a model oil spill contingency plan.

(10) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

(11) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

(12) Within the general fund appropriation, the department shall phase out state hazardous waste remedial action sites currently in progress and meet emergency response actions. This subsection does not apply if House Bill No. 434 is enacted by June 30, 1987.

(13) \$288,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 304. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Federal	\$	57,000
General Fund Appropriation—Private/Local	\$	2,726,000
Total Appropriation	\$	2,783,000

NEW SECTION, Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	35,258,000
General Fund Appropriation—Federal	\$	999,000
General Fund Appropriation—Private/Local	\$	745,000
Trust Land Purchase Account Appropriation	\$	8,784,000
Winter Recreation Parking Account Appropriation	\$	322,000
Snowmobile Account Appropriation	\$	922,000
Public Safety and Education Account Appropriation	\$	10,000
ORV (Off-Road Vehicle) Appropriation	\$	159,000
Motor Vehicle Fund Appropriation	\$	1,000,000
Total Appropriation	\$	48,199,000

The appropriations in this section are subject to the following conditions and limitations: \$416,000 of the general fund—state appropriation is provided solely for carrying out the Puget Sound water quality plan.

NEW SECTION, Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation—State	\$	1,638,000
Outdoor Recreation Account Appropriation—Federal	\$	108,000
Total Appropriation	\$	1,746,000

The appropriations in this section are subject to the following conditions and limitations: The committee shall coordinate the preparation of a comprehensive guide of recreation trails in the state of Washington. The guide shall include maps showing the location of recreation trails and may also include information regarding available facilities and recreational opportunities. All state agencies that maintain public recreational trails shall cooperate with the preparation of the comprehensive guide. The committee shall also solicit the cooperation of

federal agencies that maintain public recreational trails within the state. The committee shall submit a plan for the production and distribution of the guide to the legislature by January 1, 1988.

NEW SECTION, Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	842,000
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NEW SECTION, Sec. 308. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	602,000
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The appropriation in this section is subject to the following conditions and limitations: \$182,000 is provided solely for carrying out the Puget Sound water quality plan.

NEW SECTION, Sec. 309. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation	\$	2,910,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	4,010,000

NEW SECTION, Sec. 310. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	47,465,000
General Fund Appropriation—Federal	\$	14,057,000
General Fund Appropriation—Private/Local	\$	3,651,000
Aquatic Lands Enhancement Account Appropriation	\$	425,000
Total Appropriation	\$	65,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$106,000 of the general fund—state appropriation is provided solely for carrying out the Puget Sound water quality plan.

(2) \$40,000 of the general fund—state appropriation is provided solely for the purposes of reintroducing an early coho salmon run to the Tilton river and Winston creek.

(3) \$587,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$150,000 of the general fund—state appropriation is provided solely for shellfish enforcement on Hood Canal.

(5) \$150,000 of the aquatic lands enhancement account appropriation is provided solely for the preparation of an ecological impact statement on the guidelines for the management of salmon net pens in Puget Sound.

(6) The department shall present to the natural resource committees of the senate and house of representatives no later than February 1988 a report on the department's watershed plan, with specific identification of the benefits associated with the Queets hatchery and other Indian tribal agreements.

(7) \$194,000 of the general fund—state appropriation may be expended for additional feed for the Deschutes hatchery.

(8) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the department in conjunction with the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.

(9) \$150,000 of the general fund—state appropriation is provided solely to maintain and operate the Toutle river fish collection facility.

NEW SECTION, Sec. 311. FOR THE DEPARTMENT OF GAME

ORV (Off-Road Vehicle) Account Appropriation	\$	256,000
Aquatic Lands Enhancement Account Appropriation	\$	275,000
Public Safety and Education Account Appropriation	\$	515,000
Game Fund Appropriation—State	\$	36,821,000
Game Fund Appropriation—Federal	\$	15,142,000
Game Fund Appropriation—Private/Local	\$	1,856,000
Game Fund—Special Wildlife Account Appropriation	\$	423,000
Total Appropriation	\$	55,288,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, in carrying out its responsibilities under the timber, fish, and wildlife agreement, accomplish the following:

(a) Perform the necessary data collection, research, and monitoring programs which examine the differences, and make provisions for those differences, between eastern and western Washington; and

(b) Conduct a study on the department's cooperative road closure program and land-owner education program in eastern Washington.

(2) Of the \$8,000,000 general fund—state appropriation in chapter (E2SHB 758), Laws of 1987, \$711,000 is provided solely for implementation of the timber, fish, and wildlife agreement and \$59,000 is provided solely for carrying out the Puget Sound water quality plan.

NEW SECTION, Sec. 312. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	36,176,000
General Fund Appropriation—Federal	\$	78,000
General Fund Appropriation—Private/Local	\$	20,000

ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	21,136,000
Survey and Maps Account Appropriation	\$	773,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	106,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,636,000
Resource Management Cost Account Appropriation	\$	52,495,000
Total Appropriation	\$	115,516,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,706,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(3) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(4) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(5) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(6) \$100,000 of the general fund—state appropriation is provided solely for interim relocation of all department staff presently located in the John A. Cherberg building. The department shall vacate the John A. Cherberg building no later than February 29, 1988.

NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	16,021,000
General Fund Appropriation—Federal	\$	601,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000
Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Total Appropriation	\$	19,532,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$53,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

(6) \$50,000 of the general fund—state appropriation is provided for disposal of hazardous waste pesticides.

(7) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

(8) \$80,000 of the general fund—state appropriation is provided solely for the aquaculture program.

NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	23,650,000
Motor Vehicle Fund Appropriation	\$	532,000
Total Appropriation	\$	24,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund appropriation is provided solely for the business assistance center. The center, in concert with participating state agencies, shall develop a reporting system to document the work and results of state business assistance programs. The center shall forward annual reports to the ways and means committees of the house of representatives and senate, the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate, including but not limited to jobs created, investment generated, and measures of technical assistance provided and other program activities.

(2) \$195,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs. State funds for small business development center programs in Lewis county shall not be reduced from the level provided in the 1985-1987 biennium.

(3) \$625,000 of the general fund appropriation is provided solely for contracts with the small business export finance assistance center of Washington. At least \$100,000 of the amount provided in this subsection shall be used by the department and the small business export finance assistance center for the development of a coordinated outreach program for trade information services and export finance assistance. In developing this program, the department and the small business export finance assistance center shall work with the business assistance center, ports, and other users and suppliers of trade services.

(4) The department shall analyze market trends and investment opportunities in at least eight key sectors of the Washington economy. The department shall publish five-year projections of selected mature and growth industries with current or potentially large impacts on the state economy, including barriers to competitiveness, potential market niches, investment trends, and their relationship to state economic development efforts. The department shall work in concert with the Washington state economic development board, the department of community development, CENTRAFOR, IMPACT, the employment security department, and the private sector to develop these industry studies and to analyze strategies for the retention and development of high-wage jobs.

(5) The following amounts of the general fund appropriation are provided solely for matching funds to equal amounts of private-sector, federal, and in-kind contributions:

- (a) Washington high technology center, \$7,000,000; and
- (b) Center for international trade in forest products, \$297,000.

(6) \$225,000 of the general fund appropriation is provided solely for preparation, if warranted, of a proposal to the federal department of energy that the proposed superconducting supercollider be located in Washington state.

NEW SECTION. Sec. 315. FOR THE ECONOMIC DEVELOPMENT BOARD

General Fund Appropriation—State	\$	666,000
General Fund Appropriation—Private/Local	\$	100,000
Total Appropriation	\$	766,000

NEW SECTION. Sec. 316. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	7,377,000
State Centennial Commission Account Appropriation	\$	2,540,000
Total Appropriation	\$	9,917,000

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

NEW SECTION, Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account Appropriation \$ 9,320,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 5901 is not enacted by June 30, 1987, the appropriation in this section shall lapse.

NEW SECTION, Sec. 318. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation \$ 27,000

PART IV
TRANSPORTATION

NEW SECTION, Sec. 401. FOR THE STATE PATROL

Death Investigations Account Appropriation \$ 24,000
 General Fund Appropriation—State \$ 16,938,000
 General Fund Appropriation—Federal \$ 2,974,000
 General Fund Appropriation—Private/Local \$ 1,769,000
 Total Appropriation \$ 21,705,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$471,000 of the general fund—state appropriation shall be spent on crime labs. \$1,424,000 of the general fund—federal appropriation is provided solely for crime labs if federal narcotics enforcement moneys are granted to the state. If these moneys are not granted to the state, an additional \$471,000 of the general fund—state appropriation shall be spent on crime labs. If the additional \$471,000 is spent on crime labs, the expenditure for the narcotics section shall not exceed the expenditures for that purpose during the 1985-1987 biennium.

(2) \$431,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5063. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse. Fees resulting from implementation of the bill shall be placed in the state general fund.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to establish a separate unit to provide expertise in the investigation of major crimes and to provide assistance to law enforcement entities throughout the state at their request. The state patrol shall develop a computer data base and record system to store crime scene information to assist in major crimes investigations and to make such data readily available to all law enforcement agencies. The chief of the state patrol shall contract with the Green river task force to develop the expertise for these activities. A maximum of \$100,000 may be expended for this purpose.

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation \$ 15,508,000
 Architects' License Account Appropriation \$ 765,000
 Health Professions Account Appropriation \$ 9,601,000
 Medical Disciplinary Account Appropriation \$ 1,195,000
 Professional Engineers' Account Appropriation \$ 1,207,000
 Real Estate Commission Account Appropriation \$ 4,936,000
 Total Appropriation \$ 33,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system. This funding is contingent on interagency transfers totaling \$548,000 in value. The office of financial management shall determine: (a) Which agencies shall make transfers to the department of licensing; (b) how much each agency shall transfer; and (c) whether the transfers shall be money or in-kind.

(3) \$163,000 of the general fund appropriation, \$155,000 of the architects' license account appropriation, \$161,000 of the medical disciplinary account appropriation, \$544,000 of the health professions account appropriation, \$121,000 of the professional engineers' account appropriation, and \$229,000 of the real estate commission account appropriation shall be placed in reserve status by the office of financial management pending reappropriation by the legislature during the 1988 session. The department shall submit a report prior to December 1, 1987, to the ways and means committees of the senate and house of representatives describing and justifying the methods used to set the fees charged for professional regulation.

(4) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed House Bill No. 713. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

PART V
EDUCATION

NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	17,701,000
General Fund Appropriation—Federal	\$	10,683,000
Public Safety and Education Account Appropriation	\$	456,000
Total Appropriation	\$	28,840,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$364,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs. \$50,000 of this amount shall be used to contract for services to expand the program to include Latin America.

(3) \$18,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$50,000 of the general fund—state appropriation is provided solely for pilot programs for Hispanic dropout prevention and retrieval.

(5) \$43,000 of the general fund—state appropriation is provided solely for the purchase of multi-cultural/multi-ethnic instructional materials to be distributed to all elementary and secondary school buildings in the state.

(6) The superintendent of public instruction shall, jointly with the state board for community college education, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(7) \$35,000 of the general fund—state appropriation is provided solely for the development of a horticulture greenhouse project within the Sequim school district.

NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	9,966,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION, Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	3,805,863,000
Revenue Accrual Account Appropriation	\$	55,100,000
Total Appropriation	\$	3,860,963,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,786,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 504 of this act by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 507 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:

(i) Forty-six certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(ii) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(b)(i) For the 1987-88 school year, an additional two certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(ii) For the 1988-89 school year, an additional three certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(c) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(d) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each seventeen and one-half full time equivalent students enrolled in a vocational education

program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(i) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 504(2) of this act by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and 19.53 percent in the 1987-88 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and 17.12 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a), (b), (c), and (e) through (i) of this section, there shall be provided a maximum of

\$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of \$3,209,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$342,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,135,000 may be expended in fiscal year 1989.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of section 101 of Engrossed Second Substitute House Bill No. 455, the following allocations for the 1987-88 school year shall be recognized as levy reduction funds:

(a) For certificated instructional staff units generated under subsection (2)(b)(i) of this section, all allocations for nonemployee-related costs and one-half of all allocations for certificated salaries and benefits.

(b) For certificated instructional staff units generated under subsection (2)(b)(ii) of this section, one-third of all allocations including nonemployee-related costs and certificated staff salaries and benefits.

(10) For the purposes of section 101 of Engrossed Second Substitute House Bill No. 455, the increase per full time equivalent student in the state basic education appropriation provided under this section is 2.75 percent between the 1986-87 and 1987-88 school years, and 3.52 percent between the 1987-88 and 1988-89 school years.

(11) The revenue accrual account appropriation is provided solely for allocations for employer contributions to the teachers' retirement system included under subsection (4) of this section.

(12) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. Any school district receiving an allocation under this subsection must certify that funding distributed for its remote and necessary school plants under this subsection and subsection (2)(e) of this section is used solely for programs for students enrolled in these school plants. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

(13) The appropriations in this section includes \$110,343,000 allocated for compensation increases for basic education staff, as provided pursuant to section 504 of this act.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(1) (a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of additional years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of subsection (2) of this section, 'basic education certificated instructional staff' is defined as provided in section 203 of Engrossed Second Substitute House Bill No. 455.

(c) 'LEAP Document 10' means the computerized tabulation of 1986-87 average salary allocations for basic education certificated administrative staff and basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:06 hours.

(2)(a)(i) For the 1987-88 school year, average salary allocations for basic education certificated administrative staff under section 503 of this act shall be the district's 1986-87 certificated

administrative average salary shown on LEAP Document 10, increased by 2.1 percent of the 1986-87 LEAP Document 10 state-wide average salary for certificated administrative staff.

(i) For the 1988-89 school year, average salary allocations for basic education certificated administrative staff under section 503 of this act shall be the district's certificated administrative average salary allocation for the 1987-88 school year provided under this section, further increased by 2.14 percent of the 1986-87 LEAP Document 10 state-wide average salary.

(b)(i) For the 1987-88 school year, average salary allocations for basic education classified staff under section 503 of this act shall be the district's 1986-87 classified average salary shown on LEAP Document 10, increased by 2.7 percent of the 1986-87 LEAP Document 10 state-wide average salary for classified staff.

(ii) For the 1988-89 school year, average salary allocations for basic education classified staff under section 503 of this act shall be the district's classified average salary allocation for the 1987-88 school year provided under this section, further increased by 2.77 percent of the 1986-87 LEAP Document 10 state-wide average classified salary.

(c) Allocations for certificated instructional salaries in the 1987-88 school year under section 503(2) of this act shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1987-88 state-wide salary allocation schedule established in subsection (3)(a) of this section; or

(ii) The district's actual average annual basic education certificated instructional staff salary for the 1986-87 school year, as reported to the superintendent of public instruction prior to June 1, 1987, improved by 2.1 percent.

(d) Allocations for certificated instructional salaries in the 1988-89 school year under section 503(2) of this act shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1988-89 state-wide salary allocation schedule established in subsection (3)(b) of this section; or

(ii) For districts which received salary allocations for the 1987-88 school year under subsection (2)(c)(ii) of this section, the average basic education certificated instructional staff salary allocated for that year increased by 2.1 percent.

(3) Pursuant to section 204 of Engrossed Second Substitute House Bill No. 455, the following state-wide salary allocation schedules for certificated instructional staff, for allocation purposes only, are established:

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,050	17,510	17,988	18,465
1	17,681	18,158	18,653	19,164
2	18,329	18,823	19,335	19,897
3	19,011	19,522	20,051	20,648
4	19,710	20,255	20,801	21,432
5	20,443	21,006	21,568	22,250
6	21,210	21,773	22,370	23,103
7	21,995	22,574	23,188	23,972
8	22,796	23,410	24,041	24,893
9		24,279	24,944	25,831
10			25,865	26,820
11				27,843
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,000	20,989	20,000	21,210	22,250
1	20,750	21,756	20,750	21,995	23,069
2	21,517	22,557	21,517	22,813	23,921
3	22,301	23,393	22,301	23,648	24,808
4	23,137	24,262	23,137	24,518	25,728
5	23,989	25,166	23,989	25,439	26,666
6	24,876	26,087	24,876	26,376	27,655
7	25,797	27,058	25,797	27,348	28,678

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
8	26,751	28,064	26,751	28,354	29,752
9	27,740	29,104	27,740	29,411	30,843
10	28,763	30,179	28,763	30,502	31,986
11	29,838	31,287	29,838	31,628	33,162
12	30,946	32,446	30,946	32,804	34,390
13	32,088	33,640	32,088	34,015	35,669
14 or more		34,884	33,265	35,276	36,981

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,600	18,075	18,568	19,061
1	18,251	18,744	19,254	19,782
2	18,920	19,430	19,958	20,539
3	19,624	20,152	20,698	21,314
4	20,346	20,909	21,472	22,123
5	21,102	21,683	22,264	22,968
6	21,894	22,475	23,091	23,848
7	22,704	23,302	23,936	24,746
8	23,531	24,165	24,816	25,696
9		25,062	25,749	26,664
10			26,699	27,685
11				28,741
12				
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,645	21,666	20,645	21,894	22,968
1	21,419	22,458	21,419	22,704	23,813
2	22,211	23,285	22,211	23,549	24,693
3	23,021	24,147	23,021	24,411	25,608
4	23,883	25,045	23,883	25,309	26,558
5	24,763	25,978	24,763	26,259	27,526
6	25,678	26,928	25,678	27,227	28,547
7	26,629	27,931	26,629	28,230	29,603
8	27,614	28,970	27,614	29,269	30,712
9	28,635	30,043	28,635	30,360	31,838
10	29,691	31,152	29,691	31,486	33,018
11	30,800	32,296	30,800	32,648	34,232
12	31,944	33,493	31,944	33,862	35,499
13	33,123	34,725	33,123	35,112	36,819
14 or more		36,010	34,338	36,414	38,174

(c) As used in this subsection:

(i) 'BA' means a baccalaureate degree;

(ii) 'MA' means a masters degree;

(iii) 'PHD' means a doctorate degree;

(iv) '+ (N)' means the number of college quarter hour credits earned since the highest degree.

NEW SECTION, Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 21,549,000

The appropriation in this section is subject to the following conditions and limitations:

(1) 'Incremental fringe benefits' means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 percent in the 1988-89 school year for classified staff, which percentages shall

be the fringe benefit rates applied to the respective salary adjustments provided in subsection (3) of this section.

(2) A maximum of \$8,431,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509 of this act shall be increased by \$10.51 per pupil for the 1987-88 school year and by \$21.60 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510 of this act shall be increased by \$9.15 per pupil for the 1987-88 school year and by \$18.60 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511 of this act shall be increased by \$6.23 per pupil for the 1987-88 school year and by \$12.84 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513 of this act shall be increased by \$57.15 per full time equivalent student for the 1987-88 school year, and by \$117.45 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516 of this act shall be increased by \$0.47 per weighted pupil-mile for the 1987-88 school year, and by \$0.95 per weighted pupil-mile for the 1988-89 school year.

(3) A maximum of \$13,118,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 507, and for state-supported staff in institutional education programs, section 508, and in educational service districts, section 502. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 504 of this act.

NEW SECTION, Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS
 General Fund Appropriation \$ 49,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this section is to provide a grant, in addition to the district's basic education allocation, to each school district based on full time equivalent student enrollment to meet the educational needs of each district.

(2) School districts shall be eligible to receive a grant in addition to their basic education allocation. This additional grant shall be distributed to local school districts from the superintendent of public instruction on the basis of full time equivalent students. For districts enrolling not more than one hundred average annual full time equivalent students, except as otherwise specified, and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, the grant shall be distributed as follows:

(a) For grades K-6, for districts enrolling not more than sixty average full time equivalent students, the grant shall be based on sixty full time equivalent students;

(b) For grades 7 and 8, for districts enrolling not more than twenty average full time equivalent students, the grant shall be based on twenty full time equivalent students; and

(c) For districts that have high schools with sixty or fewer full time equivalent students, the grant shall be based on sixty full time equivalent students.

(3) For the 1987-89 biennium, each school district shall receive, in addition to the basic education allocation, a grant of no less than \$67.50 per full time equivalent student. Grants shall be distributed on a school year basis. A maximum of \$24,750,000 may be allocated for the 1987-88 school year.

(4) For the purposes of this section, each school board shall:

(a) Assess the needs of the schools within the district;

(b) Assign priority to addressing the identified needs;

(c) Prepare a comprehensive two-year plan to address the priority needs identified by the committee within the grant funding limitations; and

(d) Develop an evaluation methodology to assess specifically how the expenditure of the grants demonstrate a direct educational benefit to the pupils within the district.

(5) New or existing programs enhanced by the funds provided to districts by a grant under this chapter shall not become a part of the state's basic education obligation as set forth by the Constitution.

(6) Funding appropriated and plans developed shall not be subject to collective bargaining.

(7) No school district board of directors may grant salary and compensation increases from a grant under this section in excess of the amount and/or percentage as may be provided for employees as set forth in the state operating appropriations act in effect at the time the compensation is payable.

(8) Local district grants may be used to fund any or all of the following activities:

(a) Innovative programs to increase the adult-pupil ratio without increasing the number of certificated staff, including but not limited to:

(i) Providing stipends to competent retired teachers to return them to the classroom as 'team teachers' or classroom assistants;

(ii) Providing stipends to teachers' aides;

(iii) Providing incentives to administrators who spend a portion of their work day in the classroom team teaching or providing classroom assistance;

(iv) Providing recognition to citizen volunteers who assist in the classroom;

(v) Providing training programs for classroom assistants, including volunteers; and

(vi) Purchasing equipment that directly relates to classroom instruction or assists the teacher in minimizing time away from teaching.

(b) Dropout prevention and retrieval programs, including, but not limited to:

(i) Curriculum development;

(ii) Public and private sector partnerships in expanding offerings in programs such as 'Choices' and the 'Registry' program;

(iii) Alternative learning program development;

(iv) Enhancement of vocational, career, college, and pupil advisory programs;

(v) Elementary school advisory programs;

(vi) Mentor pupil programs such as 'Natural Helpers'; and

(vii) Curriculum materials and equipment purchases.

(c) Drug and alcohol abuse programs, including, but not limited to:

(i) In-service staff training programs for the identification of students at-risk; and

(ii) Community services networking to direct students who are substance abusers to appropriate treatment facilities.

(d) Early childhood programs, including but not limited to:

(i) A parents as first teachers program that provides for resource materials on home learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other appropriate activities to enable parents to improve learning in the home, understand the relationship between developmental stages and behavior, and monitor their children's growth and development relating to understanding and use of language; perception through sight and hearing; motor development and hand-eye coordination; and health, physical development, and emotional, social, and mental development;

(ii) Nutritional programs;

(iii) Parental participation programs; and

(iv) Child day-care programs.

(e) In-service training programs for staff development including, but not limited to:

(i) Funding speakers or group leaders to deliver in-service training to staff;

(ii) Program materials and equipment;

(iii) Tuition, registration fees, and associated fees for attendance at seminars, workshops, or courses that directly relate to enhancing adult training for classroom duties; and

(iv) Travel reimbursement directly related to in-service training.

(f) Programs that develop and promote logical reasoning and improved analytical skills, including programs for highly capable students.

(9) Stipends may be awarded under RCW 28A.58.093 to certificated or classified staff who assume extra duties that specifically relate to any activities included in subsection (8) of this section.

(10) Small or rural districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds.

(11) The superintendent of public instruction shall make a comprehensive report to the legislature on the use of the local district grants and the educational benefits derived therefrom by January 31, 1989.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	407,476,000
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	452,794,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,565,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on April 27, 1987, at 14:43 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	20,121,000
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	27,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,577,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,094,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,128,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,294 per full time equivalent student.

(b) \$2,978,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,405 per full time equivalent student.

(c) \$370,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,492 per full time equivalent student.

(d) \$564,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,395 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,054,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,012 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student and a total allocation of no more than \$3,735,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$5,410 per full time equivalent student and a total allocation of no more than \$2,894,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$3,502 per full time equivalent student and a total allocation of no more than \$371,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,387 per full time equivalent student and a total allocation of no more than \$560,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,022 per full time equivalent student and a total allocation of no more than \$2,059,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$153,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation	\$	11,294,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,174,000 is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation	\$	48,011,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,982,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 and 1988-89 school years at a maximum rate of \$356 per unit as calculated pursuant to this subsection. The number of units for each

school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 5,272,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$482,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.
- (2) \$2,483,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$338 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.
- (3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$341 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.
- (4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal \$ 123,866,000
 (1) Education Consolidation and Improvement Act \$ 120,554,000
 (2) Education of Indian Children \$ 290,000
 (3) Adult Basic Education \$ 3,022,000

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 75,138,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,888 per student for a maximum of 12,050 full time equivalent students.
- (2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of \$2,930 per student for a maximum of 12,050 full time equivalent students.
- (3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.
- (4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.
- (5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.
- (6) \$3,000,000 is provided solely for the establishment and operation of the Washington institute of applied technology within the Seattle area. This program shall be administered under a cooperative agreement between the Seattle school district, Seattle community college district No. 6, and the Seattle private business community. If Engrossed Senate Bill No. 5996 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State \$ 13,434,000
 General Fund Appropriation—Federal \$ 4,000,000
 Total Appropriation \$ 17,434,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$855,000 of the general fund—state appropriation is provided solely for a contract with the Pacific Science Center for travelling van programs and other educational services for public schools. The Pacific Science Center shall work towards an equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the

geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(2) \$84,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$4,000,000 of the general fund—federal appropriation is provided solely for the implementation of the substance abuse prevention programs.

(4) \$5,500,000 of the general fund—state appropriation is provided for solely for the implementation of the drop-out prevention and retrieval provisions of Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(5) \$2,020,000 of the general fund—state appropriation is provided solely for the implementation of the schools for the twenty-first century pilot programs established by Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(6) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under Substitute Senate Bill No. 5622. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(7) \$225,000 of the general fund—state appropriation is provided solely for child abuse education provisions of Engrossed Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(8) \$1,600,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations for scholarships or support services, including but not limited to child care or transportation, for parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(9) \$250,000 of the general fund—state appropriation is provided solely for the implementation of the student teaching pilot project established by Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$1,688,000 of this appropriation shall be expended during fiscal year 1988.

(2) \$635,000 is provided solely to extend services to counties that were not served by educational clinics during the 1985-87 fiscal biennium.

NEW SECTION, Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 216,956,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,678,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$95,546,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

NEW SECTION, Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation \$ 13,391,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$565,000 may be expended for regional traffic safety education coordinators.

NEW SECTION, Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State \$ 6,000,000

General Fund Appropriation—Federal \$ 68,154,000

Total Appropriation \$ 74,154,000

NEW SECTION, Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State \$ 3,375,000

General Fund Appropriation—Federal \$ 4,677,000

Total Appropriation \$ 8,052,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$145,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific Science Center.

(3) \$2,129,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$832,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs.

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 24,085,000

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State \$ 9,613,000

General Fund Appropriation—Federal \$ 148,000

Total Appropriation \$ 9,761,000

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation \$ 5,201,000

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington \$ 7,763

Washington State University \$ 6,549

Central Washington University, Eastern Washington University, The

Evergreen State College, and Western Washington University:

The first 3000 FTE Students \$ 5,974

Each Student over 3000 FTE \$ 3,895

State Board for Community College Education \$ 2,793

(3) Each institution of higher education and the state board for community college education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students;

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(e) The process for evaluating and accepting students for admission into the institution or the system;

(f) Any process developed by the institution or the system for evaluating student performance;

(g) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(h) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention;

(i) The annual faculty turnover rates experienced by the institution or the system; and

(j) The amount spent on instructional equipment, the type of equipment purchased, and the instructional enhancements that resulted from the additional equipment.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(5) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(6) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

(7) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

University of Washington	\$	522,000
Washington State University	\$	225,000
Central Washington University	\$	113,000
Eastern Washington University	\$	150,000
The Evergreen State College	\$	75,000
Western Washington University	\$	150,000

(8) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington	\$	3,893,000
Washington State University	\$	2,083,000
Central Washington University	\$	405,000
Eastern Washington University	\$	489,000
The Evergreen State College	\$	212,000
Western Washington University	\$	575,000
State Board for Community College Education	\$	4,036,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

(9) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, 'faculty' includes all instructional and research faculty, academic deans, department chairpersons, and community college librarians and counselors who are not part of the state classified service system. 'Exempt staff' includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system.

University of Washington	\$	19,266,000
Washington State University	\$	9,493,000
Central Washington University	\$	2,159,000
Eastern Washington University	\$	2,469,000
The Evergreen State College	\$	1,069,000
Western Washington University	\$	2,893,000
State Board for Community College Education	\$	14,283,000
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide full time faculty and teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%

Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Exempt staff and part time faculty at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

However, exempt librarians and counselors may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt salary increases is within the amounts provided in this subsection.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(10) In addition to the 6.3 and 6.0 percent salary increases provided to community college faculty in subsection (9) of this section, \$1,129,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate one third of these funds in fiscal year 1988 and two thirds in fiscal year 1989 as follows:

Lower Columbia College	\$	124,000
Shoreline Community College	\$	242,000
Community College of Spokane	\$	533,000
Skagit Valley College	\$	115,000
Whatcom Community College	\$	18,000
Community College District 12	\$	52,000
Walla Walla Community College	\$	18,000
Highline Community College	\$	27,000

(11) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified employees to provide a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	3,501,000
Washington State University	\$	2,365,000
Central Washington University	\$	478,000
Eastern Washington University	\$	583,000
The Evergreen State College	\$	337,000
Western Washington University	\$	652,000
State Board for Community College Education	\$	3,166,000
Higher Education Coordinating Board	\$	23,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(12) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (9) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsections (9) and (10) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

NEW SECTION, Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
General Fund Appropriation \$ 531,174,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$170,000 shall be spent solely for necessary expenditures attributable to the fire of February 16, 1987, at Everett Community College.

(2) At least \$480,000 shall be spent by the state board for community college education for the literacy tutor coordination project.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	516,799,000
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	522,499,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$10,500,000 of the general fund appropriation is provided solely for equipment.
- (2) A maximum of \$75,000 may be spent to identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service employees and for start-up costs of the day care centers.
- (3) \$400,000 is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.
- (4) At least \$75,000 of the appropriations in this section shall be spent for research on the health and safety hazards of video display terminals in the workplace.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	287,150,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$4,717,000 is provided solely for equipment.
- (2) Funds are provided to Washington State University to continue the Yakima nursing training program.
- (3) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.
- (4) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.
- (5) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	81,688,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,157,000 is provided solely for equipment.
- (2) \$150,000 is provided solely for start-up and operation of the health research and education center in Spokane.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation	\$	68,969,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,015,000 is provided solely for equipment.
- (2) \$310,000 is provided solely to assist Central Washington University's school of business in achieving accreditation.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	40,269,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$945,000 is provided solely for equipment.
- (2) \$400,000 of the general fund appropriation is provided solely for the Washington state center for the improvement of the quality of undergraduate education.
- (3) \$300,000 of the general fund appropriation is provided solely for summer seminars in coordination with the national faculty of humanities, arts and sciences to improve the quality of teaching in high schools and community colleges.
- (4) At least \$200,000 shall be spent for a labor center. The college shall endeavor to obtain additional funds for the labor center from nonstate sources.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	87,675,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,421,000 is provided solely for equipment.
- (2) \$96,000 of the general fund appropriation is provided solely for development of a value-added testing program to measure educational attainment of students while enrolled at the university.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State	\$	52,344,000
General Fund Appropriation—Federal	\$	3,471,000
State Educational Grant Appropriation	\$	40,000
Total Appropriation	\$	55,855,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$43,392,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount, a minimum of \$18,100,000 shall be

expended for work study grants. The state need grant program shall emphasize, to the extent possible, the provision of aid to low-income single parents with dependents.

(2) \$5,000,000 of the general fund—state appropriation is provided solely for the distinguished professorship trust fund.

(3) \$300,000 of the general fund appropriation is provided solely for the implementation of House Bill No. 857, the teachers conditional scholarship program.

(4) \$900,000 of the general fund—state appropriation is provided solely for the displaced homemaker program.

NEW SECTION. Sec. 610. FOR WASHINGTON STATE LIBRARY

General Fund Appropriation—State	\$	9,280,000
General Fund Appropriation—Federal	\$	4,399,000
General Fund Appropriation—Private/Local	\$	634,000
Western Library Network Computer System Revolving Fund Appropriation—Private/Local	\$	12,556,000
Total Appropriation	\$	26,869,000

NEW SECTION. Sec. 611. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	85,000
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NEW SECTION. Sec. 612. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation	\$	1,947,000
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NEW SECTION. Sec. 613. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	3,409,000
General Fund Appropriation—Federal	\$	780,000
Total Appropriation	\$	4,189,000

NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	863,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$70,000 is provided solely for costs of the Smithsonian Institution's 'Magnificent Voyagers' exhibit.

(2) \$83,000 is provided solely to fund an assistant director position to assist in the implementation of the society's long-range plan. The plan includes, but is not limited to, increasing private funds to support operational costs, achieving national accreditation, and improving current programs.

NEW SECTION. Sec. 615. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation—State	\$	685,000
General Fund Appropriation—Federal	\$	88,000
Total Appropriation	\$	773,000

NEW SECTION. Sec. 616. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	746,000
State Capitol Historical Association Museum Account Appropriation	\$	117,000
Total Appropriation	\$	863,000

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State	\$	45,845,000
General Fund Appropriation—Federal	\$	9,645,000
Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation	\$	36,835,000
Total Appropriation	\$	92,325,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$30,722,000 of the general fund—state appropriation, \$9,644,000 of the general fund—federal appropriation, and \$25,397,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$1,000 of the general fund—federal appropriation and \$82,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for higher education personnel board classified and exempt employees employed by the higher education coordinating board and the higher education personnel board. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective January 1, 1988, followed by an additional three percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(4) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(5) (a) The monthly contributions for insurance benefits shall not exceed \$167.00 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(7) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

(8) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board or the higher education personnel board.

NEW SECTION. Sec. 702. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system.

	FY 1988	FY 1989
Revenue Accrual Account Appropriation \$	57,134,000	52,866,000
Total Appropriation	\$110,000,000	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation \$	1,350,000	1,350,000
Total Appropriation	\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation \$	800,000	800,000
Total Appropriation	\$1,600,000	

(4) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.22% of earnable compensation for the 1987-89 biennium.

(5) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.92% of compensation earnable for the 1987-89 biennium.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation, the level recommended by the state actuary.

NEW SECTION. Sec. 703. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1988	FY 1989
General Fund Appropriation \$	1,300,000	1,300,000
Total Appropriation	\$2,600,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund—state appropriation shall be distributed to state agencies for the purpose of additional contributions required for the public employees' retirement system as a result of Senate Bill No. 5150.

(2) \$2,000,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of Senate Bill No. 5150.

(3) If Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse.

NEW SECTION. Sec. 704. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State \$ 2,000,000

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 705. FOR THE GOVERNOR—INDIAN CLAIMS

General Fund Appropriation \$ 4,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Before June 30, 1988, the governor, through the department of community development, in consultation with the attorney general, may use all or any portion of the amount appropriated for the purpose of settling the claims of the Puyallup Indian tribe to lands formerly lying beneath the Puyallup river.

(2) On and after July 1, 1988, the governor through the department of general administration may provide for purchasing, for current or future public purposes, any land for which the tribal claim remains unsettled, subject to all of the following:

(a) Before March 31, 1989, the owner of the land must offer in writing to sell the land at a price not exceeding what its market value would be without the tribal claim.

(b) If a parcel lies partially on lands formerly beneath the Puyallup river and partially outside such lands, the department also may elect to purchase all or part of the portion lying outside such lands if the purchase is reasonably necessary to make the purchased land suitable for a public purpose.

(c) The sale to the state of each parcel shall include an assignment of any rights the landowner has against others for defects in title to the land.

(d) In order to facilitate the use of the land for a public purpose, the department may purchase parcels conditioned on access being provided by the seller or other landowners. The department may also use any other lawful means to gain access to the purchased land.

NEW SECTION. Sec. 706. FOR THE GOVERNOR—UNIFIED BUSINESS IDENTIFIER

General Fund Appropriation \$ 2,984,000

Accident Fund Appropriation \$ 281,000

Medical Aid Fund Appropriation \$ 281,000

Total Appropriation \$ 3,546,000

NEW SECTION. Sec. 707. FOR THE GOVERNOR—STATE AND LOCAL CONTROLLED SUBSTANCES ENFORCEMENT ASSISTANCE

General Fund Appropriation—Federal \$ 3,557,000

NEW SECTION. Sec. 708. FOR THE GOVERNOR—LEGAL SERVICES AUGMENTATION

General Fund Appropriation \$ 2,520,000

Special Fund Agency Legal Services Augmentation Revolving Fund

Appropriation \$ 3,780,000

Total Appropriation \$ 6,300,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of the legal services augmentation from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency legal services augmentation revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for legal services augmentation.

NEW SECTION. Sec. 709. FOR THE GOVERNOR—ARTS STABILIZATION

General Fund Appropriation \$ 600,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a state-wide stabilization program for arts organizations which have annual budgets exceeding \$200,000.

NEW SECTION. Sec. 710. FOR THE GOVERNOR—VOCATIONAL EDUCATION AND TRAINING

General Fund Appropriation—State \$ 4,607,000

General Fund Appropriation—Federal \$ 22,562,000

Total Appropriation \$ 27,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) These appropriations are provided solely to carry out functions previously maintained by the commission for vocational education, which was terminated effective June 30, 1987, by RCW 43.131.288.

(2) The governor may designate by executive order the agency or agencies necessary to maintain and continue the availability of federal funds and the programs related thereto, such as the Carl Perkins vocational act, the federal job training and partnership act, and federal veterans administration approval of schools, pursuant to RCW 43.06.120.

(3) The governor may designate by executive order the agency or agencies whose substantive authority would allow them to carry out programs which were previously administered by the commission for vocational education and which were not terminated by RCW 43.131.288, such as the private vocational schools act, the job skills program, and the Washington award for vocational excellence.

NEW SECTION. Sec. 711. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund \$ 19,000

Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund \$ 92,300

NEW SECTION. Sec. 712. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account \$ 316,600

General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned \$ 5,000,000

Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers \$ 3,000,000

General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account \$ 7,913,300

General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund \$ 2,500,000

Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund \$ 861,000

Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989 \$ 884,100

Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989 \$ 378,900

Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation during the period July 1, 1987 through June 30, 1989 \$ 14,200,000

NEW SECTION. Sec. 713. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

(1) In settlement of all claims for expenses in State v. Blanusca, Superior Court for Pierce County, Judgment No. 85-1-00253-1, pursuant to RCW 9.01.200, including interest \$ 16,057.00

(2) Terence R. Whitten, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104 \$ 92,020.00

(3) Richard D. McWilliams, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104 \$ 68,835.00

(4) In settlement of all claims for expenses in State v. Austin, Superior Court for Thurston County, Judgment No. 85-1-00497-7, pursuant to RCW 9.01.200, including interest \$ 10,213.00

(5) In settlement of all claims for expenses in City of Bellevue v. Irons, Superior Court for King County, Judgment No. 86-1-03095-2, pursuant to RCW 9.01.200, including interest \$ 27,888.00

(6) In settlement of all claims for expenses in State v. Striegel, South District Court of Snohomish County, Judgment No. 86-07847, pursuant to RCW 9.01.200, including interest \$ 5,926.00

(7) In settlement of all claims for expenses in State v. Shirley, Cascade District Court of Snohomish County, Judgment No. SCS-58916, pursuant to RCW 9.01.200, including interest	\$	1,623.00
(8) In settlement of all claims for expenses in City of Wenatchee v. Pedersen, District Court of Chelan County, Judgment No. 6723 WPD, pursuant to RCW 9.01.200, including interest	\$	1,432.00
(9) In settlement of all claims for expenses in State v. Enemark, District Court # 1 of Pierce County, Judgment No. 85-6-52377-3, pursuant to RCW 9.01.200, including interest	\$	5,334.00
(10) In settlement of all claims for expenses in State v. Thompson, Superior Court of Spokane County, Judgment No. 82-1-0064-7, pursuant to RCW 9.01.200, including interest	\$	8,233.00
(11) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Kenneth Allen Hammond	\$	1,272.00
(b) Rudy Elzkorn	\$	4,200.00
(c) Joe C. Grentz	\$	14,261.00
(12) Department of social and health services, for payment of retro-active salary increases as required in Washington Federation of State Employees v. State Personnel Board, superior Court of Thurston County, Order No. 80-2-00966-1: PROVIDED, That to the extent that federal financial participation is available, the department shall apply such funds before using this appropriation	\$	10,970,000.00

NEW SECTION. Sec. 714. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 1,125,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	4,655
Institutional Impact Account	\$	36,816
Architects' License Account	\$	1,062
Cemetery Account	\$	45
Hazardous Waste Control and Elimination Account	\$	6
Public Safety and Education Account	\$	31,011
Health Professions Account	\$	13,465
Professional Engineers' Account	\$	81
Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142
Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879
Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146

General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629
Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386
Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196

NEW SECTION, Sec. 715. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	6,187,000
General Fund Appropriation for public utility district excise tax distribution	\$	24,031,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,950,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	58,630,000
General Fund Appropriation for local mass transit assistance	\$	177,580,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,283,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	17,807,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	272,649,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	39,100,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	39,044,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	31,570,000
County Sales and Use Tax Equalization Account Appropriation	\$	10,900,000
Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	592,000
Total Appropriation	\$	682,383,000

NEW SECTION, Sec. 716. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	58,414,601
General Fund Appropriation for federal flood control funds distribution	\$	24,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	60,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	300,000
Total Appropriation	\$	58,848,601

NEW SECTION, Sec. 717. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,619,731
Highway Bond Retirement Fund Appropriation	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,790
Spokane River Toll Bridge Account Appropriation	\$	889,088
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	327,069,045
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation	\$	656,800

Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropria- tion	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropria- tion	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appropria- tion	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropria- tion	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropria- tion	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropria- tion	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,700
Total Appropriation	\$	749,650,859

PART VIII
MISCELLANEOUS

NEW SECTION. Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION. Sec. 802. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1987.

NEW SECTION. Sec. 803. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 804. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 805. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 806. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to

which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 807. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1987 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 808. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 809. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect July 1, 1987."

On page 1, beginning on line 1 of the title, after "budget," strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; providing effective dates; and declaring an emergency."

Signed by Senators McDermott, McDonald, Hansen; Representatives Grimm, McMullen, Ballard.

MOTION

On motion of Mr. Grimm, the House adopted the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1221.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1221 as amended by Free Conference Committee.

Representatives Grimm, Silver, B. Williams, Appelwick, McMullen, Ballard and Hine spoke in favor of passage of the bill, and Representatives Ebersole and H. Sommers opposed it.

MOTION

On motion of Ms. Hine, the following remarks by the conferees were ordered to be inserted in the Journal.

Mr. Grimm: I urge you to vote for the budget, Engrossed Substitute House Bill No. 1221, as it has been reported to you by the Free Conference Committee. I urge you to do that in recognition of the fact that it does many good things. First of all, as has been our assertion from the beginning, whatever we do in the making of improvements to state services and programs over the next two years, it will not be done at the expense of the poor and the needy. I'm pleased to let you know that there is nothing that adversely impacts or affects those who are poor or needy in this proposal. As a matter of fact, contrary to the Senate's position, there is no hassle factor called "mandatory monthly reporting" provisions contained in this proposal. In addition, there are substantial improvements: Funding for the first time, thanks to the Speaker, for basic health care and those who are medically needy; improvements in health care for people who haven't had access to health care. It does more. It restores, beginning January 1 of 1988, access for individuals who are needy and on welfare to dental care. That program had been in effect prior to 1981 and was taken out during the recession and now for the first time it is being restored. There are many people whose teeth and whose health have been very bad, who will say thank you and mean it.

In addition, we have and are proposing, that we make substantial improvements in the education and higher education in this state. In education, improvements in class size, kindergarten through third grade, 52 and then 53 per thousand. For children who are preschool age, and are at risk because of low income, we are providing an enhancement of \$6 million for them; improvements not even called for in Governor Gardner's proposal for vocational-technical institutes of \$6

million; improved enrollments and better and new equipment. Drop-out programs--one of the worst problems confronting us in our educational system is keeping kids in school--an additional \$5.5 million to make sure that they are kept in school; and in higher education, faculty salaries, universally considered to be one of the priorities of this legislative session; instructional support which, if you are on the faculty of our institutions of higher education, you consider to be equally important--the most significant improvement in instructional support in our colleges and universities in many, many years; for the students, improvements for financial aid, \$10 million. That's the good news.

But there is, as well, bad news. There is a price that we are paying for no new taxes. There is a price that we are paying for all the programs that have been squeezed into this budget and that is a lack of fiscal responsibility. Not since 1981-82 have we passed a budget with such a huge, what is commonly referred to as, bow wave. When we passed House Bill No. 527 more than a month ago, one individual on this floor urged us to vote "No" because it was going to demand a \$500 million tax increase as a result of the bow wave. This budget, forced upon us in great measure (the no-tax part of it) by the Senate, those who were in control of the budget-writing process there, has more than \$700 million in bow wave.

Pensions: The reduction in even the pension amount that we passed here in House Bill No. 527 more than a month ago, \$140 million reduction. Those are prices, those are costs, that, in fact, are not going to be saved eventually. They just won't be incurred and covered during 1987-89, but they will be by some other legislature in the future, more likely in 1989 than not. It spoils, unfortunately, the four-year tradition of fiscal integrity and responsibility that has been established here in this house and this legislature since 1983, and I regret this loss.

I do want to say, however, that the system works. Thanks, and here on what I hope is the last day, I can use names, thanks to Representative Ballard; thanks to Representative McMullen. We had a formal conference committee process that, in fact, made it possible for us to reach a resolution and for that, I appreciate their help and the help as well of Senator McDonald, Senator McDermott and Senator Hansen. In closing, I would like to say one thing with the leave of the Speaker. Thirteen years ago, the Speaker Leonard Sawyer made a very risky decision. He said we are going to hire professional staff so that we can have independent decision-making and not be dependent on everyone in government agencies or lobbyists from outside. He said let's hire people who will be nonpartisan and who will give us good information. He did, and what we have is a thank you to a group of staff people who best represent that tradition that was established almost fifteen years ago. If they are listening over there, to Scott and Greg and to Vicky and to Bill and Bill and Nancy and Janet and Randy and all the others, for the information that you have provided to us, for the many hours of work, for the quality of the product and the ability to give us the power to make independent decisions, and to get this budget drafted, thank you.

Mr. McMullen: I rise to urge you to adopt this compromise budget. I believe it is a true compromise. It is the best we can do with what we have at this time. Over the period of the last several weeks we've seen proposal after proposal turned out and printed up. I think it got into the high teens at one point. For almost every item in the budget we can find a proposal which had a higher amount and a proposal which had a lower amount. Now I had my own personal druthers, but this particular conference committee went through all these items and tried to strike what they felt was the best balance on all the items. Our own personal bottom line, the House position, was to protect the social services of our state and do the best we could with education on top of that. I think we can be proud of what we were able to accomplish, albeit somewhat limited.

In the area of K-12 education we pumped in \$140 million without counting the salary increases -- \$140 million of new money into education. In the higher education area we pumped in 155 million new dollars. If you've watched over the past decade or so, those states who make a real surge toward economic development talk about the investments they make into higher education. We have 155 million new dollars in higher education. Two hundred and ninety-five million dollars into education--a quarter billion dollars; nearly \$300 million. I say let the word go out across this country that the state of Washington is stepping up to its future. We're

putting nearly 300 million new dollars into education which is enhancement money. I think it's something we can be proud of. I urge your vote "Yes" on this budget.

Mr. Ballard: I rise to ask you to vote for this budget. I think it is a process of a lot of time and a lot of people. I know that we all would have liked to get out of here earlier, but that simply didn't work out. For the last several weeks we have been sitting at a negotiating table; a lot of people have done a lot of giving, a lot of projecting. We have had an excellent process, even though it has been a timely process.

I think, as far as the negotiators themselves go, there were no winners or losers, but the people of the state of Washington are the ones that I think are going to win with this budget. I've never served on the Ways & Means Committee, and everybody always says that that's the committee you need to get on, because you get where the action is and you get to see where all the money is going. I can tell you the one thing that has really gotten my attention in being part of the negotiations is going through the actual amount of money and the places where we spend money in this state. If you haven't done it, folks, you need to do it. I use the words of one of our representatives; I was shocked, surprised, amazed and I guess what I have to say is, if anybody says that we are running government totally efficiently, you need to sit down and go through the process. It's a little frightening how we do things out there. But that's it. I think the process we have started on a bipartisan effort is going to pay dividends because if we're going to spend the money, it's my strong feeling we need to spend it in the very best manner possible to affect the most people in a positive manner. We've started that process.

It's a responsible document. Sure, we could spend lots of money in other areas and all of us have our areas that we would like to. We've dealt with education. It's been pointed out by all the members who have spoken here today. Very responsible, social needs are increased in a number of areas. We've left a reserve, and all of us would like to have a higher reserve, but we've left a reserve that gives us some area; if we have something happen, that's going to give us a way not to have to come back here and raise taxes if we have some minor glitches in our economy. It's done all this within existing revenue. I know that there are lots of people who would have like to have done it differently, but when we put it all together and we look at this document, I think we have a real winner here. I strongly encourage you to vote "Yes."

Representatives Braddock and Sprenkle spoke against passage of the bill, and Representatives Brough, Walker, Valle and Leonard spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1221 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 80; nays, 14; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Ferguson, Fisch, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Belcher, Braddock, Brekke, Cole, Ebersole, Fisher, Fuhrman, Jacobsen, King R, Lux, Nelson, Niemi, Sommers H, Wilson K - 14.

Excused: Representatives Bumgarner, Doty, Hankins, Miller - 4.

Engrossed Substitute House Bill No. 1221 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered stand as the title of the act.

MESSAGES FROM THE SENATE

May 18, 1987

Mr. Speaker:

The Senate has passed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 621,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

May 18, 1987

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4418,

HOUSE CONCURRENT RESOLUTION NO. 4422,

SUBSTITUTE SENATE BILL NO. 6076,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 621,

SUBSTITUTE SENATE BILL NO. 6076.

The Speaker declared the House to be at ease.

The House was called to order by the Speaker.

MESSAGE FROM THE SENATE

May 18, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1239,

SENATE CONCURRENT RESOLUTION NO. 8418,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 327,

SUBSTITUTE HOUSE BILL NO. 1221,

HOUSE BILL NO. 1239.

MESSAGE FROM THE SENATE

May 18, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 327,

SUBSTITUTE HOUSE BILL NO. 621,

SUBSTITUTE HOUSE BILL NO. 1221,

HOUSE BILL NO. 1239,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

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

INTRODUCTION AND FIRST READING

HCR 4423 by Representative McMullen

Adjourning Sine Die.

MOTIONS

On motion of Mr. McMullen, the rules were suspended and House Concurrent Resolution No. 4423 was placed on the calendar for second reading and read the second time in full.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives McMullen and Locke spoke in favor of adoption of the resolution.

POINT OF INFORMATION

Mr. Ballard: Mr. Speaker, if we pass House Concurrent Resolution No. 4423, does that mean that this body will not be able to take any further action on any bills?

The Speaker: Representative Ballard, no. The House Concurrent Resolution No. 4423 is a concurrent resolution effective when adopted by the Senate and signed by the President of the Senate. The resolution by itself does not preclude other business by this body. This resolution signals the Senate that we're ready to adjourn sine die.

The resolution was adopted.

MOTION

On motion of Mr. McMullen, the House adjourned until 1:30 p.m., Tuesday, May 19, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-THIRD DAY

AFTERNOON SESSION

House Chamber, Olympia, Tuesday, May 19, 1987

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Bumgarner, Chandler, Day, Doty, Hankins, R. King, Miller, D. Sommers and Wang who were excused.

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

MOTION

On motion of Mr. Vekich, the House adjourned until 9:00 a.m., Wednesday, May 20, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, May 20, 1987

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Beck, Brough, Bumgarner, Doty, Hankins and Miller who were excused.

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

MESSAGES FROM THE GOVERNOR

May 18, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 18, 1987, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 4: Relating to public records under the public disclosure law;

HOUSE BILL NO. 10: Relating to the transfer of service credit from the statewide city employees' retirement system;

SECOND SUBSTITUTE HOUSE BILL NO. 16: Relating to wood stoves;

SUBSTITUTE HOUSE BILL NO. 47: Relating to the inclusion of directors of public safety within the Washington law enforcement officers' and fire fighters' retirement system;

SUBSTITUTE HOUSE BILL NO. 63: Relating to lake management districts;

SUBSTITUTE HOUSE BILL NO. 83: Relating to motor vehicle accident reports;

HOUSE BILL NO. 94: Relating to the uniform fraudulent transfer act;

SUBSTITUTE HOUSE BILL NO. 99: Relating to health insurance coverage access for those persons otherwise uninsurable;

HOUSE BILL NO. 161: Relating to motorcycle helmets;

SUBSTITUTE HOUSE BILL NO. 364: Relating to contractors;

SUBSTITUTE HOUSE BILL NO. 413: Relating to modification of child support orders;

SUBSTITUTE HOUSE BILL NO. 418: Relating to child support;

SUBSTITUTE HOUSE BILL NO. 419: Relating to administrative establishment of paternity;

SUBSTITUTE HOUSE BILL NO. 420: Relating to domestic relations;

SUBSTITUTE HOUSE BILL NO. 430: Relating to authorizing and regulating employee cooperative corporations;

SUBSTITUTE HOUSE BILL NO. 476: Relating to banks and banking;

SUBSTITUTE HOUSE BILL NO. 523: Relating to the financing of pollution control facilities, systems, and activities;

SECOND SUBSTITUTE HOUSE BILL NO. 569: Relating to the Washington wine commission;

SUBSTITUTE HOUSE BILL NO. 646: Relating to alcoholism and drug addiction treatment and shelter and general assistance--unemployable;

HOUSE BILL NO. 713: Relating to debt-related securities;

SUBSTITUTE HOUSE BILL NO. 738: Relating to the transfer of corrections standards board to other state agencies;

SUBSTITUTE HOUSE BILL NO. 743: Relating to state government;

SUBSTITUTE HOUSE BILL NO. 782: Relating to reporting by lobbyists;

HOUSE BILL NO. 831: Relating to the horse racing commission;

SUBSTITUTE HOUSE BILL NO. 857: Relating to assistance for future teachers;

SUBSTITUTE HOUSE BILL NO. 876: Relating to methadone treatment;

SUBSTITUTE HOUSE BILL NO. 931: Relating to the possession and distribution of legend drug samples;

SUBSTITUTE HOUSE BILL NO. 982: Relating to teacher certification;

HOUSE BILL NO. 1034: Relating to establishment of a rail development account;

SUBSTITUTE HOUSE BILL NO. 1035: Relating to the rail development commission;

SUBSTITUTE HOUSE BILL NO. 1065: Relating to establishing an automatic fingerprint identification system;

HOUSE BILL NO. 1087: Relating to property tax exemptions for the production or performance of musical, dance, artistic, dramatic, and literary works;

HOUSE BILL NO. 1090: Relating to the taxation of nonprofit organizations involved with student loans;

SUBSTITUTE HOUSE BILL NO. 1097: Relating to reciprocal tuition and fee programs;

SUBSTITUTE HOUSE BILL NO. 1156: Relating to distressed area requirements in the community revitalization team program and the development loan fund program;

SUBSTITUTE HOUSE BILL NO. 1160: Relating to roadway and maintenance project costs;

SUBSTITUTE HOUSE BILL NO. 1197: Relating to common school capital projects.

Sincerely,

Terry Sebring, Counsel

May 20, 1987

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 19, 1987, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 3: Relating to retirement overpayments;

HOUSE BILL NO. 67: Relating to the business and occupation taxation of the conditioning of seed for use in planting;

HOUSE BILL NO. 209: Relating to cigarette tax enforcement;

HOUSE BILL NO. 220: Relating to University of Washington printing craft employees;

SECOND SUBSTITUTE HOUSE BILL NO. 321: Relating to excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum;

HOUSE BILL NO. 326: Relating to conservation district funding;

SUBSTITUTE HOUSE BILL NO. 341: Relating to banks and banking;

SECOND SUBSTITUTE HOUSE BILL NO. 426: Relating to state government ratifying an interstate compact with the state of Oregon and establishing the Columbia River Gorge Commission;

HOUSE BILL NO. 452: Relating to school-based day care;

SUBSTITUTE HOUSE BILL NO. 499: Relating to the issuance or renewal of state and federal wastewater permits;

HOUSE BILL NO. 628: Relating to retail sales and use taxation of diesel fuel;

SUBSTITUTE HOUSE BILL NO. 644: Relating to laboratory certification by the department of ecology;

SUBSTITUTE HOUSE BILL NO. 833: Relating to efficiency in government;

SUBSTITUTE HOUSE BILL NO. 844: Relating to dependent care;

SUBSTITUTE HOUSE BILL NO. 1132: Relating to the diversification of the economy of the Tri-Cities.

Sincerely,

Terry Sebring, Counsel

INTERIM COMMITTEE APPOINTMENTS

The Speaker announced the following appointments and reappointments:

- Joint Administrative Rules Committee: Representatives R. King, Niemi, Prince, Walker;
- Legislative Committee on Economic Development: Representatives Amondson, Doty, Grant, May, Meyers, Vekich;
- Education Commission of the States: Representative Ebersole;
- Joint Legislative Ethics Board: Representatives Brooks, Fisher, Leonard, D. Sommers;
- Gambling Commission: Representatives Gallagher, Patrick;
- Legislative Budget Committee: Representatives Brekke, Fuhrman, Grimm, Holland, Sayan, Silver, H. Sommers, B. Williams;
- Legislative Evaluation and Accountability Program Committee: Representatives Brough, Grimm, Madsen, McLean;
- Legislative Transportation Committee: Representatives Walk, Chair; Baugher, Cantwell, Fisch, Fisher, Gallagher, Hankins, Patrick, Prince, Schmidt, Sutherland, S. Wilson;
- Municipal Research Council: Representatives Ferguson, Haugen, Hine, Miller;
- Organized Crime Advisory Board: Representatives Bumgarner, Dellwo, Niemi, Schmidt;
- Statute Law Committee: Representatives Dellwo, Padden;
- Joint Select Sunset Committee: Representatives Basich, Day, Moyer, H. Sommers, Taylor;
- Tax Advisory Council: Representatives Appelwick, Ballard.

SENATE AMENDMENTS TO HOUSE BILL

May 18, 1987

Mr. Speaker:

The Senate has passed REENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 374, Laws of 1985 as amended by section 40, chapter 185, Laws of 1987 and RCW 84.52.0531 are each amended as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be as follows:

(1) For excess levies in 1985 for collection in 1986 and thereafter, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation; plus

(b) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus

(c) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

(2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. Fringe benefits for purposes of this subsection shall include:

(a) Employer retirement contributions, if applicable;

(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and

(c) Employer social security contributions.

(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. 'Compensation', for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(4) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: PROVIDED, That when determining the basic education allocation under subsection (1) of this section, effective September 1, 1979, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(5) Any district is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years 1985 through 1993 as follows:

(a) For excess levies to be collected in calendar years 1986, 1987, ~~(and)~~ 1988, and 1989, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: (i) The district's actual levy percentage for calendar year 1985, (ii) the average levy percentage for all school district levies in the state in calendar year 1985, or (iii) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

(b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year ~~(1989)~~ 1990. The incremental reduction shall equal one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.

(c) For excess levies to be collected in calendar year 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year 1993.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION, Sec. 2. A new section is added to chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	3,695,520,000
Revenue Accrual Account Appropriation	\$	55,100,000
Total Appropriation	\$	3,750,620,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,646,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated salary as determined under section 105(3)(a) of this act by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 507 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess., and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (h) of this subsection:

(i) Fifty certificated staff units for each one thousand full time equivalent kindergarten through twelfth grade students;

(ii) For the 1987-88 school year, two additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three; and

(iii) For the 1988-89 school year, three additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three.

(iv) It is the intent of the legislature that school districts use the increased funds provided in subsection (2)(a) of this section to provide improved adult-student classroom ratios and, to the extent possible, additional certificated instructional staff.

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) One certificated staff unit for each seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be one certificated staff unit for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-twentieth of a certificated staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-tenth of a certificated staff unit for each additional student enrolled.

(e) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, three certificated staff units; and

(ii) For enrollments of up to twenty annual average full time equivalent students in grades seven and eight, one certificated staff unit.

(f) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated staff unit.

(g) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated staff unit.

(h) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per each additional forty-three and one-half average annual full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 105(3)(b) of this act by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit per each three certificated staff units allocated under such subsection.

(b) For all other enrollments, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and 19.53 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17 percent in the 1987-88 school year and 17.12 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of \$3,176,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$342,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,121,000 may be expended in fiscal year 1989.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of section 101 of this act, the following shall be recognized as levy reduction funds:

(a) For certificated staff units generated under subsection (2)(a)(ii) of this section, all allocations for nonemployee related costs and one-half of all allocations for certificated salaries and benefits; and

(b) For certificated staff units generated under subsection (2)(a)(iii) of this section, one-third of all allocations including salaries, benefits, and nonemployee related costs.

(10) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent of public instruction shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(11) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. Any school district receiving an allocation under this subsection must certify that funding distributed for its remote and necessary school plants under this subsection and subsection (2)(d) of this section is used solely for programs for students enrolled in these school plants. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

(12) The revenue accrual account appropriation in this section is provided solely for pension contribution allocations under subsection (4) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation \$ 131,892,000

For the purposes of section 104 of this act and this section, the following conditions and limitations apply:

(1)(a) 'LEAP Document 10A' means the computer tabulation of 1986-87 derived base salaries for basic education certificated staff and 1986-87 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:07 hours.

(b) 'LEAP Document 1' means the computer tabulation of staff mix factors characterizing certificated staff by educational experience and years of service, as developed by the legislative evaluation and accountability program committee on April 20, 1981, at 11:35 hours.

(c) 'Incremental fringe benefits' means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in this section.

(2) For the purposes of RCW 28A.58.095 and section 104(9) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the greater of: (i) The district's certificated derived base salary as shown on LEAP Document 10A increased by 2.1 percent; or (ii) \$17,615.

(b) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the greater of: (i) The district's maximum certificated derived base salary for the 1987-88 school year under (a) of this subsection further increased by 2.1 percent; or (ii) \$18,151.

(c) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's average classified salary as shown on LEAP Document 10A; and (ii) 2.7 percent of the state-wide average classified salary shown on LEAP Document 10A.

(d) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's maximum average classified salary for the 1987-88 school year under (c) of this subsection; and (ii) 2.77 percent of the state-wide average classified salary as shown on LEAP Document 10A.

(e) The maximum percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

(f) (i) The maximum percentage increase in each district's certificated derived base salary for administrative group employees, computed using LEAP Document 1, shall not exceed the percentage increase authorized pursuant to this section in the district's basic education certificated derived base salary.

(ii) The maximum percentage increase in each district's classified average salary for administrative group employees shall not exceed the percentage increase authorized pursuant to this section in the district's basic education average classified salary.

(g) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1987-88 or 1988-89 school year which would raise the rate per full time equivalent unit to more than \$167 per month.

(h) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(i) School districts may elect an alternate measure of salary compliance for classified staff by comparing average salaries for the current school year to the imputed classified average salary that was or would have been paid the same staff in the same positions during the prior school year if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year thereafter is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(j) For the purposes of this subsection and implementation of RCW 28A.58.095, 'basic education' means those school district programs defined in the accounting manual for public schools in the state of Washington as 01 - Basic Education, 31 - Vocational Secondary, 94 - General Instructional Support, and 97 - General Support Services:

(3)(a) For the purposes of the appropriation in section 104 of this act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary as shown on LEAP Document 10A, multiplied by the district's prior year staff mix factor for basic education certificated staff calculated using LEAP Document 1.

(b) For the purposes of the appropriation in section 104 of this act, each district's average basic education classified salary allocation shall be the amount shown on LEAP Document 10A.

(4)(a) \$34,822,000 is provided to increase funding for each basic education certificated staff unit allocated for the 1987-88 school year under section 104(2) of this act by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by the difference between the district's maximum 1987-88 certificated derived base salary authorized under subsection (2)(a) of this section and the district's certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(b) \$58,069,000 is provided to increase funding for each basic education certificated staff unit allocated under section 104(2) of this act for the 1988-89 school year by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by the difference between the district's maximum 1988-89

certificated derived base salary authorized under subsection (2)(b) of this section and the district's certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(c) \$6,886,000 is provided to increase funding for each basic education classified staff unit allocated for the 1987-88 school year under section 104(3) of this act by 2.7 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(d) \$11,310,000 is provided to increase funding for each basic education classified staff unit allocated under section 104(3) of this act for the 1988-89 school year by 5.47 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(5) A maximum of \$13,017,000 is provided to implement salary increases for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$10.74 per pupil for the 1987-88 school year and by \$21.79 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$8.24 per pupil for the 1987-88 school year and by \$16.72 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$6.36 per pupil for the 1987-88 school year and by \$12.90 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$56.86 per full time equivalent student for the 1987-88 school year, and by \$115.39 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$0.42 per weighted pupil-mile for the 1987-88 school year, and by \$0.86 per weighted pupil-mile for the 1988-89 school year.

(6) A maximum of \$7,788,000 is provided for salary increases and incremental fringe benefits for state-supported certificated and classified staff allocations in the handicapped program and state-supported staff in institutional education programs and educational service districts. Such moneys shall be distributed to implement the same percentage salary increases as authorized for basic education staff under this section.

(7)(a) As a condition to the allocation of funds provided by this section for the 1987-88 school year, the superintendent of public instruction shall require school districts to ensure that the district has established for that school year a minimum full time equivalent salary for all certificated staff of \$17,115, excluding supplemental contracts.

(b) As a condition to the allocation of funds provided by this section for the 1988-89 school year, the superintendent of public instruction shall require school districts to ensure that the district has established for that school year a minimum full time equivalent salary for all certificated staff of \$17,651, excluding supplemental contracts.

NEW SECTION. Sec. 4. Sections 503, 504, and 505, chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. (uncodified) are hereby repealed.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 1, after ".0531" strike the remainder of the title and insert "and 84.52.053; adding a new section to chapter 28A.41 RCW; adding new sections to chapter ... (ESHB 1221), Laws of 1987 1st ex. sess.; repealing sections 503, 504, and 505, chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. (uncodified); making appropriations; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

Mr. Ebersole moved that the House do not concur in the Senate amendments to Reengrossed Second Substitute House Bill No. 455 and ask the Senate to recede therefrom.

Mr. Betzoff moved that the House do concur in the Senate amendments to Reengrossed Second Substitute House Bill No. 455.

Representatives Betzoff and Taylor spoke in favor of the motion, and Mr. Ebersole opposed it.

Mr. Betrozoff spoke again in favor of the motion, and Mr. Holland spoke in favor of it.

The motion by Mr. Betrozoff to concur in the Senate amendments to Reengrossed Second Substitute House Bill No. 455 was not carried.

The Speaker stated that the House had, by its action, refused to concur in the Senate amendments to Reengrossed Second Substitute House Bill No. 455 and asked the Senate to recede therefrom.

MOTION

On motion of Mr. Appelwick, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order by the Speaker (Mr. O'Brien presiding).

MOTION

On motion of Mr. Ebersole, the House adjourned until 1:30 p.m., Thursday, May 21, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-FIFTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Thursday, May 21, 1987

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Beck, Bumgarner, Chandler, Day, Doty, Hankins, R. King, Miller, D. Sommers and Wang who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christine Thompson and Rick Nelson. Prayer was offered by Representative Clyde Ballard.

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

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

SENATE AMENDMENTS TO HOUSE BILL

May 21, 1987

Mr. Speaker:

The Senate has passed REENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to establish the limitation on school district maintenance and operations levies at twenty percent, with ten percent to be equalized on a state-wide basis. The legislature further intends to establish a modern school financing system for compensation of school staff and provide a class size reduction in grades kindergarten through three. The legislature intends to give the highest funding priority to strengthening support for existing school programs.

The legislature finds that providing for the adoption of a state-wide salary allocation schedule for certificated instructional staff will encourage recruitment and retention of able individuals to the teaching profession, and limit the administrative burden associated with implementing state teacher salary policies.

PART I FINANCING OUR SCHOOLS

Sec. 101. Section 1, chapter 374, Laws of 1985 as amended by section 40, chapter 185, Laws of 1987 and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

- (1) ~~(For excess levies in 1985 for collection in 1986 and thereafter, the sum of:~~
 - ~~(a) That amount equal to ten percent of each school district's prior year basic education allocation; plus~~
 - ~~(b) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:~~
 - ~~(i) Pupil transportation;~~
 - ~~(ii) Handicapped education costs;~~
 - ~~(iii) Gifted; and~~
 - ~~(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus~~
 - ~~(c) in the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A-44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A-44 RCW in such computation;~~

(2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district. PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds. PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. Fringe benefits for purposes of this subsection shall include:

- (a) Employer retirement contributions, if applicable;
 - (b) Health and insurance payments including life, accident, disability, unemployment compensation, and workers' compensation; and
 - (c) Employer social security contributions.
- (3) Any school district whose average base compensation for certificated or classified personnel respectively is below state wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. Compensation, for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(4) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended. PROVIDED, That when determining the basic education allocation under subsection ((t)) (4) of this section, ((effective September 1, 1979;)) nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

((Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(5) Any district is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years 1985 through 1993 as follows:

(a) (2) For ((excess levies to be collected in calendar years 1986, 1987, and 1988)) the purposes of subsection (5) of this section, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: ((t)) (a) The district's actual levy percentage for calendar year 1985, ((t)) (b) the average levy percentage for all school district levies in the state in calendar year 1985, or ((t)) (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

((b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year 1989. The incremental reduction shall equal one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.

(c) For excess levies to be collected in calendar year 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year 1993.

(6) (3) For excess levies for collection in calendar year 1988 and thereafter, the maximum dollar amount shall be the total of:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsections (5) and (6) of this section; plus

(b) In the case of nonhigh districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation; less

(c) The maximum amount of state matching funds under section 102 of this 1987 act for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1988 and thereafter, a district's levy base shall be the sum of the following allocations received by the district for the prior school year, including allocations for compensation increases, multiplied by the percent increase per

full time equivalent student in the state basic education appropriation between the prior school year and the current school year:

(a) The district's basic education allocation as determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145:

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) 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.

(5) For levies to be collected in calendar year 1988, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's base year levy percentage as defined in subsection (2) of this section by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the 1987-88 school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in calendar year 1988.

(6) For excess levies for collection in calendar year 1989 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year or thirty percent, whichever is less, by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(7) 'Levy reduction funds' shall mean increases in state funds allocated to a district for programs included under subsection (4) of this section that are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments recognized in state allocation formulas. Any other increases in state allocations from the district's allocations for the prior school year that are not specifically excluded in this subsection shall be considered levy reduction funds. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data.

(8) For the purposes of this section, 'prior school year' shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(9) For the purposes of this section, 'current school year' shall mean the year immediately following the prior school year.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.41 RCW to read as follows:

(1) Commencing with taxes assessed in 1988 to be collected in calendar year 1989 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation. For the first distribution of local effort assistance funds provided under this section in calendar year 1989, state funds may be prorated according to the formula in this section.

(2) (a) 'Prior tax collection year' shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) The 'state-wide average ten percent levy rate' shall mean ten percent of the total levy bases as defined in RCW 84.52.0531(4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The 'ten percent levy rate' of a district shall mean:

(i) Ten percent of the district's levy base as defined in RCW 84.52.0531(4), plus one-half of any amount computed under RCW 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) 'Eligible districts' shall mean those districts with a ten percent levy rate which exceeds the state-wide average ten percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate; to (ii) the state-wide average ten percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ten percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate; divided by (ii) the district's ten percent levy rate.

(4) Fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.

Sec. 103. Section 3, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 133, Laws of 1986 and RCW 84.52.053 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner ~~(set forth in)~~ and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state, as amended by Amendment ((59)) 79 and as thereafter amended, at a special or general election to be held in the year in which the levy is made or, in the case of a proposition authorizing two-year levies for maintenance and operation support of a school district((including but not limited to levies)) or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities ((and levies for the maintenance and operation of schools, for a period exceeding one year)), or both, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That once additional tax levies have been authorized for maintenance and operation support of a school district for a two year period, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote 'yes' and those opposed thereto to vote 'no'.

PART II ENHANCING SCHOOL MANAGEMENT

Sec. 201. Section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 144, Laws of 1986 and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.02.300 and 28A.02.310, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.58.754, as now or hereafter amended.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130 and 28A.41.140 to fund those program requirements identified in RCW 28A.58.754 in accordance with the formula and ratios provided in RCW 28A.41.140 and those amounts of dollars appropriated by the legislature to fund the salary requirements of sections 203 and 204 of this 1987 act.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, 'classroom teacher' shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions

of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.41.130, 28A.41.140 and 28A.58.754, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 202. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 5, chapter 349, Laws of 1985 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

~~((1))~~ (a) Certificated instructional staff and their related costs;

~~((2))~~ (b) Certificated administrative staff and their related costs;

(c) Classified staff and their related costs;

~~((3))~~ (d) Nonsalary costs;

~~((4))~~ (e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and

~~((5))~~ (f) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

(2) (a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ~~((Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel.))~~ The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature for the 1987-88 school year shall reflect the following ratios at a minimum: (i) Forty-eight certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) Commencing with the 1988-89 school year, the formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(d) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754 and section 203 of this 1987 act. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month and shall exclude full time equivalent handicapped students recognized for the purposes of allocation of state funds for programs under chapter 28A.13 RCW. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the

office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) ~~Certificated instructional staff shall include those persons employed by a school district ((in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent)) who are nonsupervisory employees within the meaning of RCW 41.59.020(8); PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute.~~

~~(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).~~

(4) Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION, Sec. 203. A new section is added to chapter 28A.41 RCW to read as follows:

(1) For the purposes of this section and sections 204 and 205 of this act, 'basic education certificated instructional staff' shall mean all full time equivalent certificated instructional staff in the following programs as defined for state-wide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) In the 1988-89 school year and thereafter, each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

NEW SECTION, Sec. 204. A new section is added to chapter 28A.41 RCW to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a state-wide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.41.140.

(2) The superintendent of public instruction shall calculate salary allocations for state funded basic education certificated instructional staff by determining the district average salary for basic education instructional staff using the salary allocation schedule established pursuant to this section. However, no district shall receive an allocation based upon an average basic education certificated instructional staff salary which is less than the average of the district's 1986-87 actual basic education certificated instructional staff salaries, as reported to the superintendent of public instruction prior to June 1, 1987, and the legislature may grant minimum salary increases on that base.

NEW SECTION, Sec. 205. A new section is added to chapter 28A.58 RCW to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary

used for the state basic education allocations for that school year as determined pursuant to section 204 of this act.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection to the extent that the district's actual average benefit contribution exceeds the greater of: (i) The formula amount for insurance benefits provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable; or (ii) the actual average amount provided by the school district in the 1986-87 school year. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.58.096, or employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.67.074, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.58.450 through 28A.58.515. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

Sec. 206. Section 3, chapter 16, Laws of 1981 and RCW 41.59.935 are each amended to read as follows:

Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding salary or compensation increases in excess of those authorized in accordance with ~~((RCW 28A.58.095))~~ sections 204 and 205 of this 1987 act.

Sec. 207. Section 2, chapter 143, Laws of 1986 and RCW 28A.02.325 are each amended to read as follows:

The board of directors of the school district shall make the final determination as to whether an employee suggestion award will be made and shall determine the nature and extent of the award. The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount. Any moneys which may be awarded to an employee as part of an employee suggestion program shall not be considered salary or compensation for the purposes of ~~((RCW 28A.58.095))~~ section 205 of this 1987 act or chapter 41.40 RCW.

Sec. 208. Section 5, chapter 278, Laws of 1984 as amended by section 1, chapter 197, Laws of 1987 and RCW 28A.03.425 are each amended to read as follows:

The office of the superintendent of public instruction, in consultation with the state board of education, shall prepare model curriculum programs and/or curriculum guidelines in three subject areas each year. These model curriculum programs or curriculum guidelines shall span all grade levels and shall include statements of expected learning outcomes, content, integration with other subject areas including guidelines for the application of vocational and applied courses to fulfill in whole or in part the courses required for graduation under RCW 28A.05.060, recommended instructional strategies, and suggested resources.

Certificated employees with expertise in the subject area under consideration shall be chosen by the superintendent of public instruction from each educational service district, from a list of persons suggested by their peers, to work with the staff of the superintendent of public instruction to prepare each model curriculum program or curriculum guidelines. Each participant shall be paid his or her regular salary by his or her district, and travel and per diem expenses by the superintendent of public instruction. The superintendent of public instruction shall make selections of additional experts in the subject area under consideration as are needed to provide technical assistance and to review and comment upon the model curriculum programs and/or curriculum guidelines before publication and shall be paid travel and per diem expenses by the superintendent of public instruction as necessary. The model curriculum programs and curriculum guidelines shall be made available to all districts. Participants developing model curriculum programs and/or curriculum guidelines may be used by school districts to provide training or technical assistance or both. After completion of the original development of model curriculum programs or curriculum guidelines, the office of the superintendent of public instruction shall schedule, at least every five years, a regular review and updating of programs and guidelines in each subject matter area. ~~((Any travel and per diem expenses provided to employees involved in the development of model programs or guidelines shall not be considered salary or compensation for purposes of the limitations established in RCW 28A.58.095.))~~

Sec. 209. Section 2, chapter 147, Laws of 1986 and RCW 28A.03.523 are each amended to read as follows:

(1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

(a) Three teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle school level teacher, and one must be a secondary level teacher;

(b) Three principals from each congressional district of the state. One individual must be an elementary building principal, one must be a junior high or middle school building principal, and one must be a secondary building principal;

(c) One school district superintendent from the state; and

(d) One school district board of directors from the state.

Not more than three teachers and three principals from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

(2) The awards for teachers and principals shall include certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations.

(3) In addition to certificates under subsection (2) of this section, awards for teachers and principals shall include:

(a) A waiver of tuition and fees under RCW 28B.15.547 and a stipend not to exceed one thousand dollars to cover costs incurred in taking courses for which the tuition and fees have been waived under this subsection and RCW 28B.15.547. The stipend shall not be considered compensation for the purposes of (~~RCW 28A.58.095~~) section 205 of this 1987 act; or

(b) Teachers and principals, at their discretion, may elect to forego the waiver of tuition and fees and the stipend under subsection (3) of this section and apply for a grant not to exceed one thousand dollars, which grant shall be awarded under the provisions of RCW 28A.03.535. Within one year of receiving the award for excellence in education, teachers and principals shall notify the superintendent of public instruction in writing of their decision to apply for a grant or to receive the waiver of tuition and fees and the stipend under subsection (3) of this section.

Sec. 210. Section 2, chapter 399, Laws of 1985 and RCW 28A.58.842 are each amended to read as follows:

The board of directors of any school district may establish a commendable employee service and recognition award program for certificated and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of (~~RCW 28A.58.095~~) section 205 of this 1987 act or chapter 41.32 RCW.

NEW SECTION, Sec. 211. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 349, Laws of 1985 and RCW 28A.58.093;

(2) Section 2, chapter 16, Laws of 1981, section 1, chapter 275, Laws of 1983, section 1, chapter 245, Laws of 1984 and RCW 28A.58.095; and

(3) Section 4, chapter 16, Laws of 1981 and RCW 41.56.960.

NEW SECTION, Sec. 212. The sum of five million dollars, or as much thereof as may be necessary is appropriated for the biennium ending June 30, 1989, to the superintendent of public instruction for state matching funds pursuant to section 102 of this act. Such sum is found to be equivalent to twenty-three percent of the money for state matching funds under section 102 of this act for the 1987-89 biennium. The superintendent of public instruction shall distribute the funds to districts proportionally to the amount the district would have received if the formula under section 102 of this act were fully funded. Districts shall not receive more than their proportional shares.

NEW SECTION, Sec. 213. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 214. This act shall take effect September 1, 1987."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 84.52.0531, 84.52.053, 28A.41.130, 28A.41.140, 41.59.935, 28A.02.325, 28A.03.425, 28A.03.523, and 28A.58.842; adding new sections to chapter 28A.41 RCW; adding a new section to chapter 28A.58 RCW; creating a new section; repealing RCW 28A.58.093, 28A.58.095, and 41.56.960; making an appropriation; and providing an effective date."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendments to Reengrossed Second Substitute House Bill No. 455.

Mr. Ebersole spoke in favor of the motion.

POINT OF INQUIRY

Mr. Ebersole yielded to question by Mr. Sanders.

Mr. Sanders: Representative Ebersole, how was the reduction from \$21.5 million to \$5 million accomplished?

Mr. Ebersole: The money for the last six months of this biennium would be prorated, meaning roughly twenty-three cents on the dollar. The same districts that would have qualified will still qualify, but they would get a proportionately reduced share. Essentially it's twenty-three cents on the dollar.

POINT OF ORDER

Mr. Padden: Mr. Speaker, under House Rule 14(B), "Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal...." I have carefully reviewed the minutes of the Journal of the twenty-fourth day of this special session on Wednesday, May 20, when Engrossed Second Substitute House Bill No. 455 had business acted upon it without a roll call or a quorum present. I also call your attention to Reed's Rule 20, regarding a quorum and would ask for a ruling whether or not RE2SHB No. 455 can be properly acted upon in light of the fact that there was no quorum present yesterday.

SPEAKER'S RULING

The Speaker: Representative Padden, the Speaker has found that your point is not timely. We have approved yesterday's Journal. Nobody challenged a quorum.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion by Representative Ebersole that the House do concur in the Senate amendments to Reengrossed Second Substitute House Bill No. 455, and the motion was carried by the following vote: Yeas, 72; nays, 16; excused, 10.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Betrozoff, Brough, Fuhrman, Haugen, Holland, McLean, Moyer, Padden, Schmidt, Schoon, Silver, Smith C, Taylor, Walker, Wilson S - 16.

Excused: Representatives Beck, Bumgarner, Chandler, Day, Doty, Hankins, King R, Miller, Sommers D, Wang - 10.

Representative Silver was excused.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Reengrossed Second Substitute House Bill No. 455 as amended by the Senate.

Mr. Ebersole spoke in favor of passage of the bill, and Mr. Taylor opposed it.

Representative Lewis demanded an oral roll call vote, and the demand was sustained.

Representatives Sanders, Lewis, Peery, Cole, Hine, K. Wilson and Pruitt spoke in favor of passage of the bill, and Representatives Brough, Betrozoff, Lux and Schoon opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Second Substitute House Bill No. 455 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 71; nays, 16; excused, 11.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Smith L, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Ballard, Baugher, Betzoff, Brooks, Brough, Fuhrman, Haugen, McLean, Moyer, Padden, Schmidt, Schoon, Smith C, Taylor, Walker, Wilson S - 16.

Excused: Representatives Beck, Bumgarner, Chandler, Day, Doty, Hankins, King R, Miller, Silver, Sommers D, Wang - 11.

Reengrossed Second Substitute House Bill No. 455 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish to change my vote from "Yea" to "Nay" on RE2SHB No. 455 as amended by the Senate.

PETER T. BROOKS, 16th District.

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

INTRODUCTIONS AND FIRST READING

HB 1254 by Representatives H. Sommers, Appelwick and Bristow

AN ACT Relating to public facilities; amending RCW 67.40.020; adding a new section to chapter 67.28 RCW; adding a new section to chapter 67.40 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on State Government.

HB 1255 by Representatives Vekich, Kremen, Zellinsky, Hargrove, Schoon, Amondson, B. Williams, Cantwell, Braddock, Grant, Day and Rasmussen

AN ACT Relating to industrial development corporations; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.040, 31.24.050, 31.24.070, 31.24.080, 31.24.090, 31.24.100, 31.24.120, 31.24.130, 31.24.140, and 31.24.150; adding new sections to chapter 31.24 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; creating new sections; repealing RCW 31.24.060; and prescribing penalties.

Referred to Committee on Trade & Economic Development.

HB 1256 by Representatives Day, Kremen, Silver, Vekich and Schoon

AN ACT Relating to industrial development corporations; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.040, 31.24.050, 31.24.070, 31.24.080, 31.24.090, 31.24.100, 31.24.120, 31.24.130, 31.24.140, and 31.24.150; adding a new section to chapter 19.52 RCW; adding new sections to chapter 31.24 RCW; adding a new chapter to Title 36 RCW; creating a new section; repealing RCW 31.24.060; and prescribing penalties.

Referred to Committee on Trade & Economic Development.

MOTION

On motion of Mr. Appelwick, the rules were suspended and Engrossed Substitute Senate Bill No. 5901 was placed on the calendar for second reading.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, by Committee on Ways & Means (originally sponsored by Senator McDermott)

Revising the authority of the state convention and trade center.

The bill was read the second time.

Mr. Locke moved adoption of the following amendment by Representatives Locke and Grimm:

On page 1, after line 5, strike all material through line 35 on page 4 and insert the following:

***NEW SECTION, Sec. 1.** (1) The director of financial management, in consultation with the chairpersons of the ways and means committees of the senate and house of representatives, may authorize temporary borrowing from the state treasury for the purpose of covering cash deficiencies in the state convention and trade center account resulting from project completion costs. Subject to the conditions and limitations provided in this section, lines of credit may be authorized at times and in amounts as the director of financial management determines are advisable to meet current and/or anticipated cash deficiencies. Each authorization shall distinctly specify the maximum amount of cash deficiency which may be incurred and the maximum time period during which the cash deficiency may continue. The total amount of borrowing outstanding at any time shall never exceed the lesser of:

(a) \$58,275,000; or

(b) An amount, as determined by the director of financial management from time to time, which is necessary to provide for payment of project completion costs.

(2) Unless the due date under this subsection is extended by statute, all amounts borrowed under the authority of this section shall be repaid to the state treasury by June 30, 1989, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed. Borrowing may be authorized from any excess balances in the state treasury, except the agricultural permanent fund, the Millersylvania park permanent fund, the state university permanent fund, the normal school permanent fund, the permanent common school fund, and the scientific permanent fund.

(3) As used in this section, 'project completion' means:

(a) All remaining development, construction, and administrative costs related to completion of the convention center; and

(b) Costs of the McKay building demolition, Eagles building rehabilitation, and construction of rentable retail space and an operable parking garage.

(4) It is the intent of the legislature that project completion costs be paid ultimately from the following sources:

(a) \$29,250,000 to be received by the corporation under an agreement and settlement with Industrial Indemnity Co.;

(b) \$1,070,000 to be received by the corporation as a contribution from the city of Seattle;

(c) \$20,000,000 to be received by the corporation under an anticipated agreement with a private developer;

(d) \$7,955,000 to be provided by a private developer for McKay building demolition, Eagles building rehabilitation, and construction of rentable retail space and an operable parking garage; and

(e) \$4,765,000 for contingencies and project reserves from additional general obligation bonds to be repaid from convention center revenue from the special excise tax under RCW 67.40.090.

(5) The borrowing authority provided in this section is in addition to the authority to borrow from the general fund to meet the bond retirement and interest requirements set forth in RCW 67.40.060. To the extent the specific conditions and limitations provided in this section conflict with the general conditions and limitations provided for temporary cash deficiencies in RCW 43.88.260 (section 7, chapter ... (SSB 5606), Laws of 1987), the specific conditions and limitations in this section shall govern.

Sec. 2. Section 2, chapter 34, Laws of 1982 as last amended by section 1, chapter 210, Laws of 1984 and RCW 67.40.020 are each amended to read as follows:

(1) The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The governor shall appoint a board of nine directors for the corporation who shall serve terms of six years, except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. After January 1, 1991, at least one position on the board shall be filled by a member representing management in the hotel or motel industry subject to taxation under RCW 67.40.090. The directors may provide for the payment of their expenses. The corporation may cause a state convention and trade center with an overall size of approximately three hundred thousand square feet to be designed and constructed on a site in the city of Seattle. In acquiring, designing, and constructing the state convention and trade center, the corporation shall consider the recommendations and proposals issued on December 11, 1981, by the joint select committee on the state convention and trade center.

(2) The corporation may acquire and transfer real and personal property by lease, sublease, purchase, or sale, and further acquire property by condemnation of privately owned property or rights to and interests in such property pursuant to the procedure in chapter 8.04 RCW, or gift, accept grants, request the financing provided for in RCW 67.40.030, cause the state convention and trade center facilities to be constructed, and do whatever is necessary or appropriate to carry out those purposes. The corporation may enter into lease and sublease contracts for a term exceeding the fiscal period in which such lease and sublease contracts are made: PROVIDED, That such contracts are approved by the director of financial management in consultation with the chairpersons of the ways and means committees of the house of representatives and the senate. The terms of sale or lease of properties acquired by the corporation on February 9, 1987, pursuant to the property purchase and settlement agreement entered into by the corporation on June 12, 1986, excepting the McKay parcel which the corporation is contractually obligated to sell under that agreement, shall also be subject to the approval of the director of financial management in consultation with the chairpersons of the ways and means committees of the house of representatives and the senate. In order to allow the corporation flexibility to secure appropriate insurance by negotiation, the corporation is exempt from RCW 48.30.270. The corporation shall maintain, operate, promote, and manage the state convention and trade center.

(3) In order to allow the corporation flexibility in its personnel policies, the corporation is exempt from chapter 41.06 RCW, chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW and chapter 41.40 RCW.

Sec. 3. Section 2, chapter 233, Laws of 1985 and RCW 67.40.025 are each amended to read as follows:

~~((To more accurately determine the total costs and revenues of))~~ All operating revenues received by the corporation formed under RCW 67.40.020 ((and to ensure accountability, promote flexibility, and increase profitability, the funds of the corporation shall be administered as an enterprise fund by the corporation, the state treasurer, and other state agencies. Administration and accounting of an enterprise fund, as applied by and to the corporation formed under RCW 67.40.020, includes the following additional powers and practices:

~~(+))~~ shall be deposited in the state trade and convention center operations account, hereby created in the state treasury. Moneys in the account, including unanticipated revenues under RCW 43.79.270, may be spent only after appropriation by statute, and may be used only for operation and promotion of the center.

Subject to approval by the office of financial management under RCW 43.88.260 (section 7, chapter ... (SSB 5606), Laws of 1987), the corporation may expend moneys for operational purposes in excess of the ~~((amount appropriated for such purposes))~~ balance in the account, to the extent the corporation receives or will receive additional operating revenues.

~~((2) Seventy-five percent of the income from the investment of the corporation's funds deposited in the general fund pursuant to RCW 43.84.090 including interest earned thereon, before and after May 10, 1985, shall be credited against any future borrowings by the corporation from the general fund for debt service or otherwise at the time such funds are needed after July 1, 1987.))~~

(4) As used in this section, 'operating revenues' does not include any moneys required to be deposited in the state convention and trade center account.

Sec. 4. Section 4, chapter 34, Laws of 1982 as last amended by section 66, chapter 57, Laws of 1985 and RCW 67.40.040 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, earnings from the investment of the proceeds, proceeds of the tax imposed under RCW 67.40.090, and ~~((operating revenues of))~~ all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, or renovation of the center, shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Seventy-five percent of the income from the investment of the corporation's funds deposited in the account, including interest earned thereon, before and after May 10, 1985, shall be credited against any future borrowings by the state convention and trade center corporation from the general fund for debt service or otherwise at the time such funds are needed after July 1, 1987.

(3) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

~~((+))~~ (a) For reimbursement of the state general fund under RCW 67.40.060;

~~((+))~~ (b) After appropriation by statute;

~~((2))~~ (i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

~~((3))~~ (ii) For acquisition, design, and construction of the state convention and trade center;

~~((4))~~ For operation and promotion of the center;

~~((5))~~ (iii) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center;

~~((6))~~ (iv) To establish a subaccount of up to fifty million dollars for expansion or renovation of the center;

~~((7))~~ (v) For early retirement of the bonds issued under RCW 67.40.030; and

~~((8))~~ (vi) To reduce or eliminate the tax imposed under RCW 67.40.090.

PROVIDED, That no proceeds from the sale of bonds or earnings from the investment of the proceeds shall be used to fund subsection (4) or (8) of this section.

Sec. 5. Section 6, chapter 34, Laws of 1982 as amended by section 5, chapter 1, Laws of 1983 2nd ex. sess. and RCW 67.40.060 are each amended to read as follows:

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 67.40.030.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on that payment date. On each date on which any interest or principal and interest is due, the state treasurer shall cause an identical amount to be paid out of the state convention and trade center account, or state convention and trade center operations account, from the proceeds of the special excise tax imposed under RCW 67.40.090, operating revenues of the state convention and trade center, and bond proceeds and earnings on the investment of bond proceeds, for deposit in the general fund of the state treasury. Any deficiency in such transfer shall be made up as soon as special excise taxes are available for transfer and shall constitute a continuing obligation of the state convention and trade center account until all deficiencies are fully paid.

Bonds issued under RCW 67.40.030 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

Sec. 6. Section 9, chapter 34, Laws of 1982 and RCW 67.40.090 are each amended to read as follows:

Commencing April 1, 1982, there is imposed, and the department of revenue shall collect, in King county a special excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes rental or lease of real property and not a mere license to use or enjoy the same. The legislature on behalf of the state pledges to maintain and continue this tax until the bonds authorized by this chapter are fully redeemed, both principal and interest.

(1) The rate of the tax imposed under this section shall be:

~~((1))~~ (a) From April 1, 1982, through December 31, 1982, inclusive, three percent in the city of Seattle and two percent in King county outside the city of Seattle; and

~~((2))~~ (b) On and after January 1, 1983, five percent in the city of Seattle and two percent in King county outside the city of Seattle. The tax levied under this subsection (b) shall expire on the first day of the next calendar quarter after the director of financial management certifies that (i) the bonds issued pursuant to RCW 67.40.030 have been fully retired and (ii) all borrowings by the convention center for (A) bond retirement, and (B) operating expenses of the convention center incurred through June 30, 1992, have been repaid together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(2) On and after October 1, 1993, in addition to the tax specified in subsection (1) of this section, there is levied a surtax for the purpose of reimbursing moneys borrowed to pay actual net operating deficits of the convention center incurred after June 30, 1992, as provided in this subsection. On or before October 1, 1993, and on or before October 1 of each succeeding year, the director of financial management shall certify the actual net operating deficit, if any, of the convention center for the prior fiscal year and shall determine the rate of surtax which, if imposed during the succeeding twelve months, will be sufficient to reimburse moneys borrowed for the actual net operating deficit of the convention center in the prior fiscal year plus any surtax deficiencies in prior years less any surtax surpluses in prior years. As used in this section, (a) 'surtax deficiency' means any excess of (i) the convention center net operating deficit over (ii) receipts from the surtax imposed under this subsection to reimburse such deficit; and (b) 'surtax surplus' means any excess of (i) receipts from a surtax imposed to reimburse a convention center net operating deficit over (ii) the convention center operating deficit which the surtax is intended to reimburse. The surtax so determined shall be effective, and shall be

imposed and collected, beginning October 1 of each year for the succeeding twelve months: PROVIDED, That the surtax shall not exceed forty percent of the tax in effect under subsection (1) of this section in the city of Seattle and in King county outside the city of Seattle. The director of financial management shall determine the amount of the surtax based upon actual receipts from the tax provided for in RCW 67.40.090 during the last complete fiscal year. The surtax imposed on hotels and motels in King county outside the city of Seattle shall be forty percent of the surtax imposed on hotels and motels in the city of Seattle.

(3) The surcharge under subsection (2) of this section shall be forty percent of the tax in effect under subsection (1) of this section, effective on the day either of the following events occurs, whichever is earlier:

(a) A temporary or permanent injunction or order becomes effective which prohibits in whole or in part the collection of surtax at the rates specified in subsection (2) of this section; or

(b) A decision of a court in this state invalidating in whole or in part subsection (2) of this section.

The proceeds of the special excise tax shall be deposited in the state convention and trade center account. Chapter 82.32 RCW applies to the tax imposed under this section.

NEW SECTION, Sec. 7. A new section is added to chapter 67.28 RCW to read as follows:

No city imposing the tax authorized under RCW 67.28.180 may use the tax proceeds directly or indirectly to acquire, construct, operate, or maintain facilities or land intended to be used by a professional sports franchise if the county within which the city is located uses the proceeds of its tax imposed under RCW 67.28.180 to directly or indirectly acquire, construct, operate, or maintain a facility used by a professional sports franchise.

NEW SECTION, Sec. 8. A new section is added to chapter 67.40 RCW to read as follows:

No city imposing the tax authorized under RCW 67.40.100(2) may use the tax proceeds directly or indirectly to acquire, construct, operate, or maintain facilities or land intended to be used by a professional sports franchise if the county within which the city is located uses the proceeds of its tax imposed under RCW 67.28.180 to directly or indirectly acquire, construct, operate, or maintain a facility used by a professional sports franchise.

NEW SECTION, Sec. 9. There is appropriated to the state convention and trade center corporation from the state convention and trade center account, for the fiscal period beginning on the effective date of this section and ending June 30, 1989, the following amounts:

(1) \$51,618,000 for development, construction, and administrative costs of completion; and

(2) \$12,720,000 for McKay building demolition, Eagles building rehabilitation, construction of rentable retail space and an operable parking garage, and project reserves and contingency funds.

NEW SECTION, Sec. 10. Section 317, chapter ... (ESHB 1221), Laws of 1987 1st ex. sess., (unmodified) is repealed.

NEW SECTION, Sec. 11. A new section is added to chapter 67.40 RCW to read as follows:

The state treasurer shall from time to time transfer from the state general fund, or such other funds as the state treasurer deems appropriate, to the state convention and trade center operations account such amounts as are necessary to fund appropriations from the account. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

NEW SECTION, Sec. 12. \$9,320,000 or so much thereof as may be necessary, is appropriated from the state convention and trade center operations account to the state convention and trade center corporation, for the fiscal biennium ending June 30, 1989, for the purposes of operation and promotion of the center.

NEW SECTION, Sec. 13. It is the intention of the legislature to review the public nonprofit corporation created in chapter 67.40 RCW to construct and operate the state convention and trade center, and the method of financing the capital and operating costs of the state convention and trade center. Further, it is the intention of the legislature that the state continue its responsibility to finance the capital costs of the center, to retire debt issued for this purpose, to continue all existing obligations and duties of the corporation, and to maintain management continuity for the center.

NEW SECTION, Sec. 14. There is hereby created the joint committee on the state convention and trade center of the legislature of the state of Washington. The committee shall consist of: (1) Two members each of the majority and minority caucuses of the senate, as selected by the president of the senate, one of whom is the chairperson of the committee on ways and means or the chairperson's designee; and (2) two members each of the majority and minority caucuses of the house of representatives, as selected by the speaker of the house, one of whom is the chairperson of the committee on ways and means or the chairperson's designee.

NEW SECTION, Sec. 15. The joint committee on the state convention and trade center, in consultation with the state convention and trade center board, members of the hotel and motel industry subject to taxation under RCW 67.40.090, and the director of financial management, or the director's designee, shall prepare a report to the legislature on or before December 15, 1987, on the state convention and trade center. This report shall address the operational, managerial, and financial feasibility, and the advantages and disadvantages, of alternative

organizational structures for and financing of the state convention and trade center. The report shall include recommendations for separating the state from fiscal responsibility for operation of the center to the maximum extent possible, including the possibility of privatization, while providing for fulfillment of all existing obligations and duties of the corporation. The report shall include analysis of granting direct taxing authority to the entity managing the center.

NEW SECTION, Sec. 16. There is hereby appropriated one hundred thousand dollars to the senate and house of representatives from the state general fund for fiscal year 1988 to finance the report by the select committee on the convention and trade center. This appropriation may be used to finance a consultant's study on this subject.

NEW SECTION, Sec. 17. The board of directors of the convention center corporation shall provide for public display, protection, and maintenance of works of art as specified by either the executive rules committee of the house of representatives or the facilities and operations committee of the senate.

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

Renumber the sections consecutively.

Mr. Locke spoke in favor of the amendment.

POINT OF ORDER

Mr. Hargrove: Mr. Speaker, I raised the point of order promptly after the moving of the amendment, and I would like to ask you to rule on the scope and object of this particular amendment, considering the Speaker's previous-type rulings that he has made this session, saying many times from the rostrum that the amendments should perfect the bill and not...

SPEAKER'S RULING

The Speaker: Representative Hargrove, your point of order was not raised in a timely manner.

Mr. Wineberry moved adoption of the following amendments by Representatives Wineberry, Belcher, Nelson, Heavey, Jacobsen, Nutley, Leonard, Jesernig, Fisher, Vekich, O'Brien, Sayan and Allen to the amendment:

On page 1, after line 6 of the amendment, insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 67.40 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Affirmative action' means a procedure by employers by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It does not mean any sort of quota system.

(2) 'Commission' means the Washington state human rights commission.

(3) 'Contract' includes any agreement with the public corporation formed under RCW 67.40.020 for the construction, alteration, or repair of any facility and any agreement with the corporation for the purchase, lease, or furnishing of goods, real or personal property, or services, including utility services, investment services, transportation (including bills of lading), research, insurance, and consultants. 'Contract' does not include agreements creating the relationship of employee with the contracting agency.

(4) 'Corporation' means the public corporation formed under RCW 67.40.020.

NEW SECTION, Sec. 2. A new section is added to chapter 67.40 RCW to read as follows:

(1) Contractors whether in or out of the state of Washington submitting a bid for a contract shall submit to the corporation for review and approval by the commission an affirmative action plan, consistent with the office of federal contract compliance programs' guidelines, designed to increase opportunities in all aspects of employment for racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans.

(2) All affirmative action plans shall affect opportunities for the categories listed in subsection (1) of this section except as otherwise provided in this section. Any contractor who has an affirmative action plan or conciliation agreement approved by the office of federal contract compliance, or analogous agency, within the preceding thirteen months shall be considered by the commission to have an approved plan for state contract purposes.

(3) Implementation of the review and approval processes shall encompass every contractor bidding as of a specific date, or be based on a random selection method adopted by the commission. No contractor may be placed at a disadvantage on a contract or have awarding of the contract delayed because of a backlog in processing affirmative action plans or because of a complaint which has not been resolved under section 4, 7, or 8 of this act.

(4) When there is participating state and federal funds on a singular contract, compliance with federal guidelines shall prevail. Contractors bidding for the first time shall submit an affirmative action plan with the bid. When a commission approved affirmative action plan is included within the specifications of a construction contract, contractors shall not be required to submit a separate plan.

NEW SECTION, Sec. 3. A new section is added to chapter 67.40 RCW to read as follows:

The commission shall have the following powers and duties:

(1) Investigate the employment practices of any contractor to determine compliance with this chapter.

(2) Review and approve or disapprove affirmative action plans submitted by contractors currently doing business with the corporation.

(3) Develop, adopt, and implement rules governing the affirmative action plans, including the form and content of the plans, consistent with the guidelines established by the office of federal contract compliance programs, including procedures for developing affirmative action goals, timetables, standard contract clauses, and such other rules as may be necessary to effectuate the purpose of this chapter.

(4) In appropriate cases, notify the corporation, the United States equal employment opportunity commission, the office of federal contract compliance programs, or other appropriate federal, state, or local agencies whenever it has reason to believe that any contractor is not in compliance with this chapter.

(5) Develop, adopt, and implement rules governing an optional annual affirmative action employment and supplier plan for goods and services contractors which satisfies both affirmative action and minority and women's business enterprises compliance goals.

(6) Issue declaratory rulings pursuant to RCW 34.04.080 on the application of this chapter and any implementing rules.

(7) Advise the corporation, state agencies, contractors, and others on the policy of this chapter and practices under it.

NEW SECTION, Sec. 4. A new section is added to chapter 67.40 RCW to read as follows:

Following the procedures in RCW 49.60.230 and 49.60.240 to the extent applicable, the commission shall receive or initiate complaints of discrimination or noncompliance with this chapter, investigate the complaints, make findings as to whether or not there is reasonable cause to believe that a person is not in compliance, and attempt to achieve compliance by conference, conciliation, and persuasion. If an agreement is reached for compliance, it shall be reduced to writing and issued as an order of the commission.

NEW SECTION, Sec. 5. A new section is added to chapter 67.40 RCW to read as follows:

If no agreement can be reached for compliance, then the commission may take one or more of the following actions:

(1) Acceptance of a corrective action plan which shall include a contractor's written and signed commitment outlining actions taken or proposed, with time limits and goals, to correct, compensate for, and remedy each violation of equal opportunity requirements as specified in a list of deficiencies;

(2) Recommend that the corporation enforce the sanctions clauses of the contract; or

(3) File an action in superior court and petition the court to enforce the sanctions clauses of the contract.

NEW SECTION, Sec. 6. A new section is added to chapter 67.40 RCW to read as follows:

Any contract executed by a private developer for the sale or lease of retail space in the state convention and trade center shall contain a clause requiring the developer to sell or lease not less than seven percent of such retail space to minority-owned businesses and not less than three percent of such retail space to women-owned businesses certified under chapter 39.19 RCW, unless the private developer can demonstrate to the commission that such certified businesses are not available for the applicable lease period.

NEW SECTION, Sec. 7. A new section is added to chapter 67.40 RCW to read as follows:

If a person, firm, corporation, or business does not comply with any provision or provides any fraudulent information concerning compliance with any provision of a contract required under sections 2 through 6 of this act, the corporation may withhold payment on, suspend, or terminate the contract and subject the contractor to civil penalties of ten percent of the amount of the contract or five thousand dollars, whichever is less. Willful repeated violations, exceeding a single violation, may disqualify the contractor from further participation in state contracts for a period of one year.

After an administrative hearing by the corporation pursuant to chapter 34.04 RCW and after the exhaustion of administrative remedies, any adverse decision under this section may be appealed to any superior court in any county where the alleged violation occurred. The prevailing party in any hearing or court action is entitled to attorneys' fees and court costs.

NEW SECTION, Sec. 8. A new section is added to chapter 67.40 RCW to read as follows:

If necessary to effectuate the purposes of this chapter, contracts shall be awarded to other than the lowest bidder if the lowest bidder fails or refuses to adopt or implement an affirmative action plan approved by the commission. Under no circumstances may the contract be

awarded to other than the lowest bidder for the sole reason that the lowest bidder has not achieved a specified numerical or percentage goal or timetable."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, line 22 of the amendment, after "41.06 RCW" and before the comma insert "except RCW 41.06.150(22) and the rules adopted by the state personnel board thereto"

POINT OF ORDER

Mr. Schoon: Mr. Speaker, I'd appreciate it if you would rule on scope and object on this amendment, please.

SPEAKER'S RULING

The Speaker: Representative Schoon, the Speaker has examined Engrossed Substitute Senate Bill No. 5901 and has examined the amendment labelled 771. The Senate Bill is an act relating to fiscal matters and deals with financial matters relating to the trade and convention center, including borrowing authority, appropriation authority and accounting. Amendment 771 deals with personnel policies and matters. I find that your point is well taken; the amendment is outside the scope and object of the original bill.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, Vekich, Fisch and Basich to the amendment:

On page 1, after line 7 of the amendment, insert the following:

"Sec. 1. Section 10, chapter 232, Laws of 1985 and RCW 82.60.050 are each amended to read as follows:

RCW 82.60.030 and 82.60.040 shall expire July 1, (~~(1991)~~) 1994.

Sec. 2. Section 22, chapter 116, Laws of 1986 and RCW 82.62.040 are each amended to read as follows:

RCW 82.62.020 and 82.62.030 shall expire July 1, (~~(1988)~~) 1991."

Renumber the remaining section consecutively and correct any internal references accordingly.

POINT OF ORDER

Mr. Locke: Thank you, Mr. Speaker. I challenge the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: The Speaker has examined Engrossed Substitute Senate Bill No. 5901 and has examined the amendment labelled 773. As you know, Representative Hargrove, Engrossed Substitute Senate Bill No. 5901 is a matter relating to the fiscal matters of the trade and convention center. Your amendment deals with the extension of sales' tax deferral. I find, Representative Locke, your point of order is well taken; the amendment is outside the scope and object of the original bill.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, Baugher, Sayan, Fisch, Vekich, Basich and Lux to the amendment:

On page 1, after line 7 of the amendment, insert the following:

"NEW SECTION. Sec. 1. All convention center operations and contractors must use union labor."

Renumber the remaining section consecutively and correct any internal references accordingly.

POINT OF ORDER

Mr. May: I request a ruling on scope and object.

SPEAKER'S RULING

The Speaker: Representative May, the Speaker finds that Engrossed Substitute Senate Bill No. 5901 deals with fiscal matters concerning the trade and convention center. Amendment 774 again deals with personnel matters and personnel requirements. I find that your point is well taken; the amendment is outside the scope and object of the bill.

Representative L. Smith was excused.

The Clerk read the following amendment by Representatives Ferguson, Padden and Sanders to the amendment:

On page 1, following line 7 strike everything beginning with "NEW SECTION, Sec. 1." through "sports franchise." on page 2, line 5.

With consent of the House, Mr. Ferguson withdrew the amendment.

Mr. Ferguson moved adoption of the following amendment by Representatives Ferguson, Padden and Sanders to the amendment:

On page 15, beginning on line 21, strike all of sections 7 and 8 of the striking amendment and renumber the remaining sections consecutively.

Mr. Ferguson spoke in favor of the amendment to the amendment, and Representatives H. Sommers and Betzoff opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Ferguson and others to the amendment to Engrossed Substitute Senate Bill No. 5901, and the amendment to the amendment was not adopted by the following vote: Yeas, 16; nays, 70; excused, 12.

Voting yea: Representatives Ballard, Baugher, Crane, Ferguson, Fuhrman, Hargrove, Holland, Lewis, May, Padden, Patrick, Prince, Sanders, Smith C, Todd, Williams J - 16.

Voting nay: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Locke, Lux, Madsen, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 70.

Excused: Representatives Beck, Bumgarner, Chandler, Day, Doty, Hankins, King R, Miller, Silver, Smith L, Sommers D, Wang - 12.

Mr. Vekich moved adoption of the following amendment to the amendment:

On page 19 of the amendment, after line 31, insert the following:

"NEW SECTION, Sec. 17. Nothing in this act shall be construed to constitute legislative approval or exoneration of any of the past actions of the convention center corporation."

Renumber the remaining sections.

POINT OF ORDER

Mr. Locke: I would ask the Speaker to rule on the propriety of this amendment, because I believe it is beyond the scope and object of the underlying amendment.

SPEAKER'S RULING

The Speaker: Representative Locke, again the Speaker has examined Engrossed Substitute Senate Bill No. 5901 and finds that it still deals with fiscal matters concerning the trade and convention center. The amendment, Representative Vekich, deals with civil liability; nothing in the act deals with the civil liability of the trade and convention center members. I find, Representative Locke, your point is well taken, that the amendment is outside the scope and object of the original bill.

POINT OF PERSONAL PRIVILEGE

Mr. Vekich: Mr. Speaker, I have questions concerning the convention center, and I think that my amendments did deal with fiscal matters. I respect your rulings, as always though, but I wish this body had had a chance to make a very clear intent. Right now, with that ruling, intent is going to be cloudy on what we are intending to do with this bill.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson, Jacobsen, Sayan, Brekke, Cole, O'Brien, Niemi and Crane to the amendment:

On page 2, line 2, strike section 17 of the amendment.

Representatives Nelson, Crane, O'Brien, Hargrove, Brough, Niemi and May spoke in favor of the amendment, and Representatives Locke, Appelwick and Ebersole opposed it.

Representative Padden demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Nelson and others to the amendment to Engrossed Substitute Senate Bill No. 5901, and the amendment to the amendment was adopted by the following vote: Yeas, 47; nays, 39; excused, 12.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Betrozoff, Brekke, Brooks, Brough, Cole, Crane, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hargrove, Holland, Holm, Jacobsen, King P, Lewis, Lux, May, McLean, Meyers, Nealey, Nelson, Niemi, O'Brien, Padden, Prince, Pruitt, Rayburn, Sayan, Schoon, Scott, Smith C, Spanel, Sprenkle, Taylor, Todd, Valle, Walker, Williams B, Wineberry, Winsley - 47.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Bristow, Cantwell, Cooper, Dellwo, Ebersole, Fuhrman, Grant, Haugen, Heavey, Hine, Jesernig, Kremen, Leonard, Locke, Madsen, McMullen, Moyer, Nutley, Patrick, Peery, Rasmussen, Rust, Sanders, Schmidt, Sommers H, Sutherland, Unsoeld, Vekich, Walk, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 39.

Excused: Representatives Beck, Bumgarner, Chandler, Day, Doty, Hankins, King R, Miller, Silver, Smith L, Sommers D, Wang - 12.

The amendment by Representatives Locke and Grimm as amended was adopted.

The following amendment by Representatives Locke and Grimm to the title was adopted:

On page 1, line 1 of the title, after "fiscal matters," strike the remainder of the title and insert "amending RCW 67.40.020, 67.40.025, 67.40.040, 67.40.060, and 67.40.090; adding a new section to chapter 67.28 RCW; adding a new section to chapter 67.40 RCW; creating new sections: repealing section 317, chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Locke, Holland, O'Brien, Ferguson, Grimm and Sanders spoke in favor of passage of the bill, and Representatives Hargrove, Zellinsky, B. Williams and Lux opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5901 as amended by the House, and the bill passed the House by the following vote: Yeas, 51; nays, 35; excused, 12.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Betrozoff, Brekke, Bristow, Brough, Cantwell, Cole, Crane, Dellwo, Ferguson, Grimm, Heavey, Hine, Holland, Jesernig, King P, Leonard, Locke, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schoon, Scott, Sommers H, Sprenkle, Sutherland, Valle, Walk, Williams J, Wineberry, and Mr. Speaker - 51.

Voting nay: Representatives Amondson, Belcher, Braddock, Brooks, Cooper, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Holm, Jacobsen, Kremen, Lewis, Lux, Nutley, Padden, Patrick, Rayburn, Schmidt, Smith C, Spanel, Taylor, Todd, Unsoeld, Vekich, Walker, Williams B, Wilson K, Wilson S, Winsley, Zellinsky - 35.

Excused: Representatives Beck, Bumgarner, Chandler, Day, Doty, Hankins, King R, Miller, Silver, Smith L, Sommers D, Wang - 12.

Engrossed Substitute Senate Bill No. 5901 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Appelwick, Engrossed Substitute Senate Bill No. 5901 as amended by the House was ordered immediately transmitted to the Senate.

STATEMENT FOR THE JOURNAL

I was unable to attend the last days of the special session of the Legislature, because I was excused on state business to attend a conference sponsored by the Council of State Governments. The conference was on drug testing, a subject under active consideration by the House Commerce & Labor Committee, which I chair. I had confirmed my plans to attend the conference and received the approval of House leadership when it appeared that the Legislature was about to adjourn sine die on May 18. While out of state, I stayed in telephone contact with the Speaker's office to determine if it were necessary for me to return to vote on any issues.

Had I been present, on May 21, 1987, I would have voted "Yes" on the final passage of RE2SHB 455 as amended by the Senate and "No" on the final passage of ESSB 5901 as amended by the House.

ART WANG, 27th District.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND SUBSTITUTE HOUSE BILL NO. 455.

INTERIM COMMITTEE ASSIGNMENTS

The Speaker announced the following appointments and reappointments:

Joint Committee on Energy and Utilities: Representatives Barnes, Gallagher, Hankins, Nelson;

Sentencing Guidelines Commission: Representatives Armstrong, Padden;

Joint Committee on Pension Policy: Representatives Bristow, Hine, Holland, Patrick, Sayan, Silver, H. Sommers, B. Williams.

SPEAKER'S PRIVILEGE

The Speaker recognized, within the bar of the House, Governor Booth Gardner. The Governor briefly addressed the House and presented to the Speaker a picture signed by the Governor and the members of the House of Representatives.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

May 21, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5901 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

May 21, 1987

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 5901, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5901.

INTRODUCTIONS AND FIRST READING

SCR 8418 by Senators Bottiger, Fleming, Hayner and Sellar

Returning all bills to house of origin.

The resolution was read the first time. On motion of Mr. Appelwick, the rules were suspended and the resolution was placed on the calendar for second reading and read the second time in full.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8418 was adopted.

HCR 4421 by Representatives McMullen and Ballard

Notifying the governor that the legislature is adjourning.

The resolution was read the first time. On motion of Mr. Appelwick, the rules were suspended, and the resolution was placed on the calendar for second reading and read the second time in full.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

House Concurrent Resolution No. 4421 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Rasmussen, Brough, Fisch and Allen to notify the Governor that the Legislature was ready to adjourn sine die.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4700, by Representatives McMullen and Ballard

NOW, THEREFORE, BE IT RESOLVED, That a committee of three members be appointed by the Speaker to notify the Senate that the House of Representatives is ready to adjourn the First Special Session of the 1987 Legislature sine die.

On motion of Mr. Appelwick, the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Spanel, Rayburn, Ferguson and Barnes to notify the Senate that the House of Representatives was ready to adjourn sine die.

MOTION

On motion of Mr. Appelwick, Engrossed Substitute House Bill No. 404, Engrossed Substitute House Bill No. 427, and Engrossed Substitute House Bill No. 527 were rereferred to Committee on Rules 3.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4704, by Representatives Hine, Prince, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, All the members of the House of Representatives would like to thank our staffs; and

WHEREAS, The Code Reviser's staff and our professional nonpartisan committee staff have labored hours to research, draft and perfect the thousands of bills we consider; and

WHEREAS, The billroom staff and the workroom staff have worked tirelessly and at all hours of the day and night; and

WHEREAS, The cafeteria staff have kept us well nourished, maybe too well nourished; and

WHEREAS, The countless personal aides, clerks, committee staff and caucus staffs have given us the kind of dedicated service that helps us all carry out our duties and responsibilities as members of the House of Representatives;

NOW, THEREFORE, BE IT RESOLVED, That our sincere thanks be extended to all of those people who assist in carrying out the business of the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be distributed to staff offices in appreciation of a job well done.

Ms. Hine moved adoption of the resolution. Ms. Hine spoke in favor of the resolution, and it was adopted.

REPORT OF SPECIAL COMMITTEE FROM SENATE

A special committee from the Senate, consisting of Senators Bluechel, Fleming and Nelson, appeared at the bar of the House and notified the House that the Senate was ready to adjourn sine die.

The report was received and the committee returned to the Senate.

REPORT OF SPECIAL COMMITTEE

The Special Committee, appointed under the provisions of House Floor Resolution No. 4700, appeared at the bar of the House and reported that they had notified the Senate that the House of Representatives was ready to adjourn the First Special Session of the 1987 Legislature sine die.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE

The Special Committee, appointed under the provisions of House Concurrent Resolution No. 4421, appeared at the bar of the House and reported that they had notified the Governor that the Legislature was ready to adjourn the First Special Session of the 1987 Legislature sine die.

The report was received and the committee was discharged.

MESSAGES FROM THE SENATE

May 21, 1987

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4421,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

May 21, 1987

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8418,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4421,
SENATE CONCURRENT RESOLUTION NO. 8418.

POINT OF PERSONAL PRIVILEGE

Mr. Ballard: Mr. Speaker, before we adjourn tonight, I wanted to make a couple of remarks that have to do with how we have judged your performance. I'm sure that you're probably anxiously waiting to hear what's going to be said. I was a little concerned because the word got out, and I looked around a while ago and there were no members left in the chambers. That worried me, but I see we have a few members here now.

Personally, Mr. Speaker, I would like to say that I appreciate deeply the way that we've been able to work together this session. I appreciate the job you've done and the fairness that you've shown to the minority party. I think we've made a major step forward in representing the people of the state of Washington, and we wanted to tell you that, on behalf of myself and the Republican Caucus. In addition

to that, I'd like to say thank you very much to the majority party, to the leadership and to the members. I think it's going to be a session we're going to look back on with some excitement and some questions, but overall, we'll look back on a real success. On behalf of all of us, thank you for a job well done.

SPEAKER'S PRIVILEGE

The Speaker: Thank you, Representative Ballard. I've appreciated your support this session. Even when the Senate didn't want to go home, I know that you were there for a motion to sine die. We appreciated that. I do appreciate the contribution of the minority party. I hope we've set new standards in being able to work with one another, lower our voices, and that we've set new standards on the floor of civility and cooperation. For that, and to you, I'm very, very grateful. Thank you very much.

POINT OF PERSONAL PRIVILEGE

Ms. Hine: We also would like to express our thanks to our Speaker, although the last time we did that in Caucus, we didn't get out of here...so we were a little cautious about doing that in Caucus this evening. Mr. Speaker, we appreciate your leadership. We also would like to join you in saying thanks to the minority party, all of the leaders over there, and those who have worked on the committees. I think this has been less partisan than any session since I first came down, which was the 1981 session. We are here as legislators; we respect the institution. I certainly appreciate the way you and the members of both parties have made that their priority. Thanks to everyone.

MESSAGES FROM THE SENATE

May 21, 1987

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4423,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

May 21, 1987

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8418, the Senate herewith returns the following House bill:

SUBSTITUTE HOUSE BILL NO. 1225,

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4423.

MESSAGE FROM THE SENATE

May 21, 1987

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4421,

HOUSE CONCURRENT RESOLUTION NO. 4423,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Appelwick, reading of the Journal of the Twenty-Fifth Day of the 1987 Special Session of the Fiftieth Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Appelwick, the 1987 First Special Session of the Fiftieth Legislature was adjourned sine die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SECOND SPECIAL SESSION

FIRST DAY

MORNING SESSION

House Chamber, Olympia, Monday, August 10, 1987

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Allen, Belcher, R. King, O'Brien, Sanders and B. Williams. Representatives Allen, Belcher, R. King, O'Brien and B. Williams were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dan Kalich and Angie Bojarski. Prayer was offered by Representative Clyde Ballard.

MESSAGE FROM SECRETARY OF STATE

The Honorable,
Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

I have attached a full, true, and correct copy of Proclamation No. 87-04 of the Governor calling a special session of the Washington State Legislature to be convened at 9:00 a.m. on August 10, 1987.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington this tenth day of August, 1987.

(SEAL) RALPH MUNRO,
Secretary of State.

PROCLAMATION BY THE GOVERNOR

Whereas, the invalidation of the multiple activities exemption contained in RCW 82.04.440 by the United States Supreme Court now requires adjustments to the state's business and occupation tax to achieve constitutional equality between Washington taxpayers who have conducted and will continue to conduct business interstate and intrastate commerce; and

Whereas, it is necessary to clarify the requirement that nursing homes entering into contracts with the Department of Social and Health Services shall provide specific minimum wages for certain employees;

Now, Therefore, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the State Constitution, do hereby convene the Washington State Legislature in special session in the Capitol at Olympia at 9:00 a.m. on August 10, 1987, for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31st day of July, A.D. nineteen hundred and eighty-seven.

(SEAL) BOOTH GARDNER,
Governor.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4705, by Representatives McMullen and Brough

BE IT RESOLVED, That the Speaker appoint a committee of three members of the House to notify the Senate that the House of Representatives is organized and ready to conduct the business of the Second Special Session of the Legislature.

On motion of Mr. McMullen, the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Sprenkle, Holm, J. Williams and Silver to notify the Senate that the House was organized and ready to conduct business.

REPORT OF SPECIAL COMMITTEE FROM SENATE

A committee from the Senate, consisting of Senators Hanson, Lee, Newhouse and Stratton, appeared at the bar of the House and notified the House that the Senate was organized and ready for business.

The report was received and the committee returned to the Senate.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8419,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

SCR 8419 by Senators Vognild, Fleming, Hayner and Sellar

Notifying the Governor that the Legislature is organized and ready to conduct business.

On motion of Mr. McMullen, the rules were suspended, and the resolution was advanced to second reading and read the second time in full.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

The resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Crane, Scott, Chandler and Doty to notify the Governor that the Legislature was organized and ready to conduct business.

REPORTS OF SPECIAL COMMITTEES

The Special Committee appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready to conduct business.

The report was received and the committee was discharged.

The Special Committee appeared at the bar of the House and reported that they had notified the Governor that the Legislature was organized and ready to conduct business.

The report was received and the committee was discharged.

The Speaker declared the House to be at ease.

The House was called to order by the Speaker.

INTRODUCTIONS AND FIRST READING

HB 1257 by Representatives Grimm, Holland, J. King and Ballard; by request of Governor Gardner

AN ACT Relating to minimum wages for low wage earner nursing home employees; amending section 207, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

HB 1258 by Representatives Grimm, Holland, J. King, Ballard, Lewis, Fisch and P. King; by request of Governor Gardner and Department of Revenue

AN ACT Relating to business and occupation taxation of multiple activities; amending RCW 82.04.440; creating new sections; and declaring an emergency.

HB 1259 by Representatives Schoon and B. Williams

AN ACT Relating to economic development; amending RCW 43.240.020, 43.17.010, 43.17.020, 43.63A.075, 28C.04.040, 28C.04.410, 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.460, 28C.04.470, and 28C.04.480; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.63A RCW; creating new sections; recodifying RCW 28C.04.400, 28C.04.410, 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.450, 28C.04.460, 28C.04.470, and 28C.04.480; and repealing RCW 43.63A.030 and 43.63A.040.

HB 1260 by Representatives Grimm, Brough, Lewis, Beck, Walker, Betzoff, Ballard, McLean, Moyer, Fisch, Amondson, Miller, Doty, C. Smith, Silver, Chandler, D. Sommers, Fisher, P. King, Schoon, Brooks, Leonard, May and Ferguson; by request of Governor Gardner

AN ACT Relating to minimum wages for low wage earner nursing home employees; amending RCW 74.46.430; amending section 207, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

HB 1261 by Representatives Grimm, Brough, Beck, Walker, Betzoff, Ballard, McLean, Moyer, Fisch, Amondson, Miller, Doty, C. Smith, Silver, Chandler, D. Sommers, Fisher, P. King, Schoon, Brooks, Leonard, May and Ferguson; by request of Governor Gardner

AN ACT Relating to long term care; amending section 207, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

HJR 4221 by Representatives Patrick and B. Williams

Adopting provisions relating to fiscal responsibility.

MOTIONS

On motion of Mr. McMullen, House Bill No. 1257 and House Bill No. 1258 were referred to Committee on Rules.

On motion of Mr. McMullen, House Bill No. 1259 was referred to Committee on Trade & Economic Development.

On motion of Mr. McMullen, House Joint Resolution No. 4221 was referred to Committee on Ways & Means.

MOTION

On motion of Mr. McMullen, the rules were suspended, and House Bill No. 1260 was advanced to second reading and read the second time in full.

SECOND READING

HOUSE BILL NO. 1260, by Representatives Grimm, Brough, Lewis, Beck, Walker, Betzoff, Ballard, McLean, Moyer, Fisch, Amondson, Miller, Doty, C. Smith, Silver, Chandler, D. Sommers, Fisher, P. King, Schoon, Brooks, Leonard, May and Ferguson; by request of Governor Gardner

Providing minimum wages for low wage earner nursing home employees.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grimm, Brooks, Locke, Doty and Day spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1260, and the bill passed the House by the following vote: Yeas, 92; absent, 1; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representative Sanders - 1.

Excused: Representatives Allen, Belcher, King R., O'Brien, Williams B - 5.

House Bill No. 1260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, the rules were suspended, and House Bill No. 1261 was advanced to second reading and read the second time in full.

HOUSE BILL NO. 1261, by Representatives Grimm, Brough, Beck, Walker, Betzoff, Ballard, McLean, Moyer, Fisch, Amondson, Miller, Doty, C. Smith, Silver, Chandler, D. Sommers, Fisher, P. King, Schoon, Brooks, Leonard, May and Ferguson; by request of Governor Gardner

Authorizing funds to increase the number of persons served in the chore services program and the community options program entry system.

Mr. McMullen moved that the rules be suspended, the second reading considered the third, and the bill be placed on final passage. Ms. Brough spoke in favor of the motion, and it was carried.

Representatives Grimm, Winsley, Brekke and Wineberry spoke in favor of passage of the bill, and Mr. Braddock opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1261, and the bill passed the House by the following vote: Yeas, 91; nays, 1; absent, 1; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representative Braddock - 1.

Absent: Representative Sanders - 1.

Excused: Representatives Allen, Belcher, King R., O'Brien, Williams B - 5.

House Bill No. 1261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8419,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8419.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6078,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

SB 6078 by Senators Vognild, Hayner, Fleming and Sellar; by request of Governor and Department of Revenue

Modifying certain business and occupation tax credits.

MOTIONS

On motion of Mr. McMullen, the rules were suspended, and the bill was advanced to second reading and read the second time in full.

Mr. McMullen moved that the rules be suspended, the second reading considered the third, and the bill be placed on final passage.

Ms. Brough spoke in favor of the motion, and it was carried.

Representatives Grimm and Holland spoke in favor of passage of the bill.

On motion of Mr. McMullen, the following remarks were ordered inserted in the Journal.

Mr. Grimm: On June 23 the United State Supreme Court ruled that the multiple activities exemption contained in Washington's Business and Occupation tax was unconstitutional. The bill before you today repairs the B&O tax system and returns it to firm constitutional ground.

This bill is the result of a great deal of thought and study. After the United State Supreme Court ruling, a work group was formed to respond to the decision. The group was bipartisan, composed of two members of each caucus in the House and the Senate, as well as two representatives of Governor Gardner.

The group considered a number of solutions, such as the elimination of the multiple activities exemption, which would have doubled the tax on businesses that both manufacture and sell their products in Washington. The group also considered an apportioned gross receipts tax. In the end, the group unanimously recommended the double credit because it solves the constitutional problem identified by the United State Supreme Court with the least disruption to the present Business and Occupation tax system.

The U.S. Supreme Court struck down the multiple activities exemption because its benefits were limited exclusively to intrastate commerce. A business that both manufactured and sold in Washington was subject to only one tax, either the wholesale or retail B&O tax. The multiple activities exemption shielded the business from the manufacturing tax on the products sold within the state. The multiple activities exemption did not apply, however, to manufacturing businesses engaged in interstate commerce. If a business manufactured a product in Washington and sold it elsewhere, the business was potentially subject to two taxes--Washington's manufacturing tax and another state's selling tax. The U.S. Supreme Court concluded in June that this potential for double taxation of interstate commerce was discriminatory.

The double credit eliminates this problem by extending the benefits of the multiple activities exemption to interstate commerce. Under this bill, intrastate commerce and interstate commerce will be treated in an identical manner as required by the U.S. Supreme Court.

The idea of allowing a credit against Washington taxes for taxes paid to other states is not a new one. In 1985 the legislature enacted a Business and Occupation tax credit, in anticipation of a ruling by the U. S. Supreme Court invalidating the multiple activities exemption. This bill simply extends the scope of that 1985 credit.

Also, for many years Washington has allowed a credit against Washington use tax for sales taxes paid to other states. The analogy between the use tax credit and the double credit in this bill is especially apt. The U. S. Supreme Court supported its

conclusion that the multiple activities exemption was discriminatory by comparing it to Washington's sales and use tax which allows a use tax credit for sales taxes paid to other states. The court concluded that in order to have a valid multiple activities exemption, it is similarly necessary for Washington to allow a credit against Washington tax liability for taxes paid to other states. The double credit in this bill achieves that end.

In short, this bill responds to the United States Supreme Court decision and minimizes the state's fiscal and legal risk. It substantially improves the 1985 credit enacted by legislature and it does so in a way that does not adversely impact small manufacturers doing business in the state.

Specifically, the bill provides a credit against the wholesaling or retailing taxes for manufacturing taxes paid to Washington state and jurisdictions outside Washington. It also allows a credit against Washington manufacturing and extracting taxes for gross receipts' taxes on wholesaling or retailing paid outside the state.

I urge your support.

Mr. Holland: This bill has been criticized by some because it only allows credit for the payment of certain gross receipts' taxes in other jurisdictions. They argue that to be valid, a credit must be allowed against a wider variety of taxes, even including income taxes paid to other jurisdictions.

Their argument misconstrues the decision of the U.S. Supreme Court. In discussing the requirement for credits, the Supreme Court was clearly talking about credits for manufacturing and selling gross receipts' taxes paid to other states. Put another way, Washington must treat interstate businesses in the same manner as it treats intrastate businesses. Washington is not required to account for or allow a credit for completely different kinds of taxes paid in other jurisdictions.

Again, the analogy to Washington's sales and use tax is apt. Washington allows a credit against its use tax for sales taxes paid to other states. We do not allow a credit against our use tax for income or property taxes paid to any other state--nor are we required to. The same principle applies to the double credit in this bill.

In fact, other jurisdictions do have gross receipts' taxes which may be credited against Washington's taxes under this bill. For example, a number of states impose gross receipts' taxes, similar to Washington's extracting tax, on the severance of minerals, oil or gas. An oil company that pays a qualifying gross receipts' tax on the severance of oil will be entitled to a credit against Washington's selling tax on the sale of that oil in this state.

In conclusion, the work group and leadership have agreed to a proposal on a bipartisan basis. That proposal responds to the legal and fiscal concerns which were expressed upon receipt of the Supreme Court decision.

I want to compliment all four caucuses and the Governor and his staff for putting forth a workable solution to this complicated problem. I urge your support. Thank you.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6078, and the bill passed the House by the following vote: Yeas, 89; nays, 3; absent, 1; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Bristow, Ebersole, Lux - 3.

Absent: Representative Sanders - 1.

Excused: Representatives Allen, Belcher, King R, O'Brien, Williams B - 5.

Senate Bill No. 6078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

AFTERNOON SESSION

The House was called to order by the Speaker.

Representatives Hargrove, C. Smith and J. Williams were excused. Representative Sanders appeared at the bar of the House.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6084,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

SB 6084 by Senators Vognild, Hayner, Fleming and Sellar

Regulating corporate acquisitions.

On motion of Mr. McMullen, the rules were suspended, and Senate Bill No. 6084 was advanced to second reading and read the second time in full.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6078,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 6078.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1260,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1260.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1261,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1261.

SECOND READING

The House resumed consideration of Senate Bill No. 6084 on second reading.

Mr. Braddock moved adoption of the following amendments:

On page 1, line 8, strike "a large number of"

On page 2, line 16, strike "a large number of"

On page 2, line 21, strike "a large number of"

On page 2, line 31, strike "a large number of"

On page 7, line 17, strike subsection (12)(e) and renumber the remaining subsection

On page 7, line 22, after "residents" strike everything through "state" on line 23

On page 8, line 30, after "acquisition" insert "; or

(3) To a foreign or domestic corporation if:

(a) the original articles or bylaws contain a provision expressly electing not to be covered by this chapter;

(b) the board of directors of the corporation adopts, prior to thirty days after the effective date of this 1987 act, an amendment to the corporation's bylaws expressly electing not to be subject to the provisions of this chapter; or

(c) if an amendment to the articles or bylaws of the corporation is approved by the shareholders, other than interested shareholders and their affiliates and associates, holding a majority of the outstanding voting power of all shares entitled to vote, excluding the shares of interested shareholders and their affiliates and associates, expressly electing not to be subject to this chapter. An amendment adopted under (c) of this subsection is not effective until eighteen months after the vote of the shareholders and shall not apply to any significant business transaction with a target corporation by an acquiring party whose share acquisition date is prior to the effective date of the amendment"

Mr. Braddock spoke in favor of the amendments, and Representatives Wang and Ballard opposed them.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Braddock to Senate Bill No. 6084, and the amendments were not adopted by the following vote: Yeas, 22; nays, 67; absent, 1; excused, 8.

Voting yea: Representatives Appelwick, Baugher, Braddock, Brekke, Dellwo, Ebersole, Fisch, Fisher, Jacobsen, Kremen, Locke, Lux, Nelson, Niemi, Rust, Sayan, Spanel, Sprengle, Todd, Unsoeld, Vekich, Wineberry - 22.

Voting nay: Representatives Amondson, Armstrong, Ballard, Barnes, Basich, Beck, Betzoff, Bristol, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Doty, Ferguson, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jesernig, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Necley, Nutley, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Sutherland, Taylor, Valle, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 67.

Absent: Representative King P - 1.

Excused: Representatives Allen, Belcher, Hargrove, King R, O'Brien, Smith C, Williams B, Williams J - 8.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

Mr. Padden was excused.

Mr. Appelwick spoke against passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Mr. Holland: Rule 1 of the Joint Rules, Conflict of Interest; Joint Rule 1(a), Code of Ethics; and House Rule 20 address the issue of a legislator voting on measures in which he or she may have personal interest. The legislation we have before us in Senate Bill No. 6084 potentially uniquely affects the operation of my employer, the Boeing Company. The House and Joint Rules relating to members voting state that legislators, who have what is defined as a conflict of interest regarding a measure before the body, shall not vote on that measure. As both a Boeing employee and a stockholder in Boeing, I request that you rule, pursuant to the Rules of the House, the Joint Rules and Reed's Parliamentary Rule 235, regarding whether I should or should not be excused from voting on this bill.

SPEAKER'S RULING

The Speaker: Representative Holland, both Joint Rule 1 and House Rule 20(D) clearly state that a legislator does not have a personal interest which is in conflict with the proper discharge of legislative duties, if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation or group to a greater extent than any other member of such business, profession, occupation or group. You are part of a class of eighty thousand people, and I don't think you stand to benefit personally to a greater extent than the other members of that group. My ruling is that the rules clearly state that you do not have a conflict of interest.

POINT OF PARLIAMENTARY INQUIRY

Mr. Sanders: I'm also a Boeing employee. Does the previous ruling apply to me?

SPEAKER'S RULING

The Speaker: Yes, Representative Sanders. It would apply to all Boeing employees.

Representatives Taylor, Lux, Ebersole and Brough spoke in favor of passage of the bill, and Mr. Locke opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6084, and the bill passed the House by the following vote: Yeas, 77; nays, 12; excused, 9.

Voting yea: Representatives Armstrong, Bailard, Barnes, Basich, Beck, Betrozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Amondson, Appelwick, Baugher, Braddock, Chandler, Dellwo, Fuhrman, Holm, Locke, Rust, Sayan, Unsoeld - 12.

Excused: Representatives Allen, Belcher, Hargrove, King R, O'Brien, Padden, Smith C, Williams B, Williams J - 9.

Senate Bill No. 6084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1260,
HOUSE BILL NO. 1261,
SENATE BILL NO. 6084,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 6084.

The Speaker called on Mr. Appelwick to preside.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4706, by Representatives McMullen and Brough

NOW, THEREFORE, BE IT RESOLVED, That a committee of three members be appointed by the Speaker to notify the Senate that the House of Representatives is ready to adjourn the Second Special Session of the 1987 Legislature sine die.

On motion of Mr. Wang, the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Resolution No. 87-4706, the Speaker (Mr. Appelwick presiding) appointed Representatives Lux, Prince and Valle to notify the Senate that the House was ready to adjourn sine die.

REPORT OF SPECIAL COMMITTEE

The Special Committee appeared at the bar of the House and reported that they had notified the Senate that the House was about to adjourn sine die.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE FROM SENATE

A committee from the Senate, consisting of Senators Barr, Bender, Fleming and Nelson, appeared at the bar of the House and notified the House that the Senate was ready to adjourn sine die.

The report was received and the committee returned to the Senate.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8421,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

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

The Speaker resumed the Chair.

INTRODUCTION AND FIRST READING

SCR 8421 by Senators Vognild, Fleming, Hayner and Sellar

Notifying the governor of adjournment of the 1987 second special session.

MOTIONS

On motion of Mr. Wang, the rules were suspended and Senate Concurrent Resolution No. 8421 was advanced to second reading and read the second time in full.

On motion of Mr. Wang, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8421 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Brough, Hankins and Silver to notify the Governor that the Legislature was ready to adjourn sine die.

MESSAGE FROM THE SENATE

August 10, 1987

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8421,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8421.

REPORT OF SPECIAL COMMITTEE

The Special Committee appeared at the bar of the House and reported that they had notified the Governor that the Legislature was about to adjourn sine die.

The report was received and the special committee was discharged.

MOTION

On motion of Mr. Wang, reading of the Journal of the First Day of the 1987 Second Special Session of the Fiftieth Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Wang, the 1987 Second Special Session of the Fiftieth Legislature was adjourned sine die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRD SPECIAL SESSION

FIRST DAY

MORNING SESSION

House Hearing Room A
House Office Building, Olympia
Saturday, October 10, 1987

The House was called to order at 9:00 a.m. by the Speaker (Mr. Appelwick presiding). The Clerk called the roll and all members were present except Representatives Allen, Haugen, R. King, Schmidt, Silver, L. Smith, H. Sommers and S. Wilson who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrea Norquist and Eric Evans. Prayer was offered by The Reverend Richard Hart, Minister of the First Baptist Church of Olympia:

Heavenly Father, amidst all the beauty and the glory of this new day, we pause to give thanks to You for the gift of life and for the privilege of serving as leaders. It feels sort of strange for us to be crowded into this hearing room when we are accustomed to the spaciousness of the House Chambers. It feels sort of odd for us to be summoned back from family, jobs, vacations and various other responsibilities. But here we are, and so we are asking for a measure of Your Grace to deal with the issues at hand. We know all too well from experience that it is much easier to ask questions than to provide answers, to surface problems than to give workable solutions. But the reality is that answers do need to be shared and solutions do need to be put in motion. So we hold up to You these, our Representatives and leaders, and ask that You would draw from each of them the very best that they have to give. Focus their attention and bless them with a gentle, but purposeful spirit, which will lead to practical, workable solutions. And then, O Lord, as the day closes, may we experience the joy of knowing that we have labored together. Amen.

The Speaker assumed the Chair.

MESSAGE FROM SECRETARY OF STATE

The Honorable,
Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

I have attached a full, true, and correct copy of Proclamation No. 87-05 of the Governor calling a special session of the Washington State Legislature to be convened at 9:00 a.m. on October 10, 1987.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington this tenth day of October, 1987.

(SEAL) RALPH MUNRO,
Secretary of State.

PROCLAMATION BY THE GOVERNOR

Whereas, consideration by the Legislature of the issues of hazardous waste sites' cleanup and funding, and additional funding to ensure teachers are given the pay increases anticipated from earlier legislation which was effective for the 1987-88 school year, should not be delayed further;

Now, Therefore, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the State of Washington on Saturday, October 10, 1987, at 9:00 a.m. in Special Session in Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 2nd day of October, Nineteen Hundred and Eighty-Seven.

(SEAL) BOOTH GARDNER,
Governor.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4707, by Representatives Ebersole and Ballard

BE IT RESOLVED, That the Speaker appoint a committee of four members of the House to notify the Senate that the House of Representatives is organized and ready to conduct the business of the Third Special Session of the Legislature.

On motion of Mr. Ebersole, the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Appelwick, Leonard, Hankins and Barnes to notify the Senate that the House was organized and ready to conduct business.

REPORT OF SPECIAL COMMITTEE FROM SENATE

A committee from the Senate, consisting of Senators Zimmerman, Bailey, McMullen and Niemi, appeared at the bar of the House and notified the House that the Senate was organized and ready for business.

The report was received and the committee returned to the Senate.

MESSAGE FROM THE SENATE

October 10, 1987

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8422,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

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

INTRODUCTION AND FIRST READING

SCR 8422 by Senators Vognild, Fleming, Hayner and Sellar

Notifying the Governor that the Legislature is organized and ready to conduct business.

On motion of Mr. Ebersole, the rules were suspended, and the resolution was advanced to second reading and read the second time in full.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

The resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Grant, Rasmussen, Nealey and Chandler to notify the Governor that the Legislature was organized and ready to conduct business.

REPORT OF SPECIAL COMMITTEE

The Special Committee appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready to conduct business.

The report was received and the committee was discharged.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4708, by Representatives J. King, O'Brien, Ballard, Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, State Representative Dick Fisch, whose untimely demise was a deep shock to all of us, was a highly esteemed member of the Democratic Caucus of the House of Representatives; and

WHEREAS, State Representative Dick Fisch was honored and recognized by his election as Vice Chair of the Democratic Caucus, and his sense of interest and wisdom on pending critical issues were major contributions to our success; and

WHEREAS, State Representative Dick Fisch, since his election to the House of Representatives in 1982, served with distinction on the following very important committees: Rules; Transportation; Commerce and Labor; and Constitutions, Elections and Ethics; where he was noted for his competency, interest and dedication to the legislative process; and

WHEREAS, State Representative Dick Fisch was particularly interested in civic and community affairs and Democratic party activities, which he demonstrated by being active in the Boy Scouts and United Way and by serving on the Clallam County Shorelines Advisory Committee, the state Teachers' Retirement Board, and as Chairman of the Clallam County Democratic Central Committee; and

WHEREAS, State Representative Dick Fisch had a great interest in educational issues, election reform, our state's history, the rights of labor, the environment and economic development; and as a legislator with deep humanitarian concerns, he was a strong supporter of social justice for the elderly and needy; and

WHEREAS, State Representative Dick Fisch, as a friend, will be sorely missed by all of the members of the House of Representatives for his congeniality, friendship and good nature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington extends its deepest condolences on the recent demise of Dick Fisch to his wife, Janet, and his children, Lisa and Karl, and wishes to share with them that which must be a genuine feeling of personal happiness and joy that he lived a good life and made a life commitment so others could lead happier, fuller and more meaningful lives; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted to his wife, Janet Fisch, and children, Lisa and Karl Fisch, by the Chief Clerk of the House of Representatives.

Mr. O'Brien moved adoption of House Floor Resolution No. 87-4708. Representatives O'Brien, Taylor, Hargrove, Walker and Basich spoke in favor of the resolution, and it was adopted.

REPORT OF SPECIAL COMMITTEE

The Special Committee appeared at the bar of the House and reported that they had notified the Governor that the Legislature was organized and ready to conduct business.

The report was received and the committee was discharged.

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

INTRODUCTIONS AND FIRST READING

HB 1262 by Representatives Rust, Nelson, Barnes, Todd, May, Unsoeld, Grimm, Miller, Hankins, Lewis, Jacobsen and Lux

AN ACT Relating to environmental monitoring and radioactive waste management; amending section 211, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1263 by Representatives Hine, Ballard, Locke, Walker, Lewis and McLean; by request of Governor Gardner

AN ACT Relating to the environment; amending RCW 90.48.460 and 90.48.190; amending section 6, chapter 109, Laws of 1987 and RCW 43.21B.—; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 34.04 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding new sections to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; creating a new chapter in Title 70 RCW; creating a new chapter in Title 82 RCW; creating new sections; repealing RCW 70.105A.010, 70.105A.020, 70.105A.030, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.080, 70.105A.090, 70.105A.900, and 70.105A.905; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1264 by Representatives Ebersole, Betrozoff, Grimm, Holland, Lewis, Patrick, Padden, B. Williams, McLean, Walk, Jacobsen and Lux; by request of Governor Gardner

AN ACT Relating to salary increases for certificated instructional employees; amending RCW 28A.41.—; amending section 503, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 505, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

MOTION

On motion of Mr. Ebersole, the bills listed on today's introduction sheet, with the exception of House Bill No. 1264, were considered first reading under the fourth order of business and referred to the committees designated.

MOTION

Mr. Ebersole moved that the rules be suspended, and House Bill No. 1264 be advanced to second reading and read the second time in full. Representatives Ebersole and Brough spoke in favor of the motion and it was carried.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

SECOND READING

HOUSE BILL NO. 1264, by Representatives Ebersole, Betrozoff, Grimm, Holland, Lewis, Patrick, Padden, B. Williams, McLean, Walk, Jacobsen and Lux; by request of Governor Gardner

Clarifying the staff-mix factor in the allocation formulas for salaries for instructional certificated employees.

The bill was read the second time. On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole, Betrozoff, Taylor and K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1264, and the bill passed the House by the following vote: Yeas, 83; nays, 3; absent, 1; excused, 8.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sayan, Schoon, Scott, Smith C, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Baugher, Hargrove, Rayburn - 3.

Absent: Representative Sanders - 1.

Excused: Representatives Allen, Haugen, King R, Schmidt, Silver, Smith L, Sommers H, Wilson S - 8.

House Bill No. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

It was my intent to vote in favor of HB 1264.

PAUL SANDERS, 48th District.

The Speaker declared the House to be at ease until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by the Speaker at 2:00 p.m.

MESSAGE FROM THE SENATE

October 10, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6085.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

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

INTRODUCTION AND FIRST READING

ESB 6085 by Senators Kreidler, Newhouse, Gaspard, Owen and Vognild; by request of Governor

Providing procedures to protect the public from hazardous substances.

MOTION

On motion of Mr. Ebersole, the rules were suspended, and the bill was advanced to second reading and read the second time in full.

Mr. Nelson moved adoption of the following amendment by Representatives Lux and Nelson:

On page 3, line 25, after "purpose" strike all material through "facility" on line 32.

Representatives Nelson and Lux spoke in favor of the amendment, and Representatives Walker and Locke opposed it. The amendment was not adopted.

Ms. Unsoeld moved adoption of the following amendments:

On page 9, line 36, after "(2) of this section" insert "(and provisions referenced in subsection (2) of this section)"

On page 10, line 10, after "caused by" strike all material through "damages" on line 10 and insert "such spills, leaks, or discharges and the persons liable therefore are strictly liable, jointly and severally. Section 4 of this act shall apply for purposes of determining liable persons under this subsection. The definitions in section 2 of this act shall apply for words used in sections 4 and 11(2) of this act"

Ms. Unsoeld spoke in favor of the amendments, and Mr. Locke opposed them. Ms. Unsoeld spoke again in favor of the amendments.

The amendments were not adopted.

Ms. Unsoeld moved adoption of the following amendment:

On page 14, line 28, after "person" insert "to comply with laws, rules or regulations, or standards that did not exist at the time of issuance of the covenant and that, if applied to the person, would require the person."

Ms. Unsoeld spoke in favor of the amendment, and Representative Locke spoke against it. Ms. Unsoeld spoke again in favor of the amendment, and Ms. Walker opposed it.

The amendment was not adopted.

Mr. Locke moved adoption of the following amendment:

On page 10, line 10, after "from" strike everything through "discharges" on line 11 and insert "any person owning or controlling the material released, or from any person otherwise responsible for the releases"

Representatives Locke and Walker spoke in favor of the amendment, and it was adopted.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, Baugher, C. Smith, Padden and Amondson:

On page 23, line 29, after "ACTIONS. (1)" strike all material through "substances." on page 24, line 25 and insert the following:

"Any person may commence a civil action to compel the department to perform any non-discretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(2) Civil actions under this section may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists."

Representatives Hargrove and Padden spoke in favor of the amendment, and Mr. Locke spoke against it. Mr. Hargrove spoke again in favor of the amendment, and Ms. Walker opposed it.

A division was called, and the amendment was not adopted by a standing vote.

Ms. Unsoeld moved adoption of the following amendment by Representatives Unsoeld and Valle:

On page 12, line 20, after "would" strike all material through "hardship," on line 25 and insert "both: (a) Substantially expedite or enhance cleanup operations; and (b) prevent or mitigate unfair economic hardship."

Representatives Unsoeld and Pruitt spoke in favor of the amendment, and Representatives Hine and Walker opposed it. The amendment was not adopted.

Ms. Unsoeld moved adoption of the following amendments by Representatives Unsoeld and Valle:

On page 40, line 6, strike "eight-tenths" and insert "seven-tenths"

On page 40, line 33, after "coke," insert "or"

On page 40, line 33, after "processing" strike all material through "fuel" on line 15

Ms. Unsoeld spoke in favor of the amendments, and Ms. Hine opposed them. Ms. Unsoeld again spoke in favor of the amendments.

The amendments were not adopted.

Mr. Jacobsen moved adoption of the following amendments:

On page 12, after line 34, insert the following:

"(8) The department may adopt rules allowing the department to condition approval of a settlement agreement on payment by the potentially liable persons into the toxic control reserve account created by section 22 of this act. The rules shall specify the percentage or the amount of payment required."

On page 31, line 23, after "(2)" strike all material through "year." on line 14 and insert the following:

"The following moneys shall be deposited into the toxics control reserve account:

(a) Moneys from potentially liable persons pursuant to section 7(8) of this act; and

(b) Any moneys transferred from the state toxics control account for remedial action."

Representatives Jacobsen and Pruitt spoke in favor of the amendments, and Mr. Locke opposed them.

The amendments were not adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

October 10, 1987

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8422,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8422.

MESSAGE FROM THE SENATE

October 10, 1987

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1264,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1264.

The House resumed consideration of Engrossed Senate Bill No. 6085 on second reading.

Mr. Grimm moved adoption of the following amendments:

On page 42, on line 34, strike "nine hundred sixty-six" and insert "six hundred eighty-one"

On page 43, beginning on line 9, strike all material through "grants." on line 24 and insert:

"(3) \$340,000, or so much thereof as may be necessary, shall be used to provide technical assistance to local governments in accordance with RCW 70.105.170 and 70.105.255, and for local planning grants as provided in RCW 70.105.220 and 70.105.235(1) (a), (b), and (c);

(4) \$311,000, or so much thereof as may be necessary, shall be used for solid waste management activities including, but not limited to: (a) State and local solid waste enforcement; (b) development and dissemination of technical assistance information for local governments regarding proper management and disposal of solid waste in accordance with RCW 70.95.100 and 70.95.263(2); and (c) local planning grants as provided in RCW 70.95.130."

On page 44, line 12, strike "four hundred" and insert "six hundred eighty-five"

On page 44, beginning on line 15, strike all material through page 44, line 26 and insert:

"(1) \$936,000, or so much thereof as may be necessary, shall be expended for local solid waste enforcement grants."

Re-number the remaining subsection.

Representatives Grimm and Walker spoke in favor of the amendments, and they were adopted.

Ms. Unsoeld moved adoption of the following amendment:

On page 46, after line 32, strike the remainder of the bill and insert the following:

NEW SECTION. Sec. 65. DECLARATION OF POLICY. (1) Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.

(2) A healthful environment is now threatened by the irresponsible use and disposal of hazardous substances. There are hundreds of hazardous waste sites in this state, and more will be created if current waste practices continue. Hazardous waste sites threaten the state's water resources, including those used for public drinking water. Many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and

environment. The costs of eliminating these threats in many cases are beyond the financial means of our local governments and ratepayers. The main purpose of sections 65 through 87 of this act is to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters.

(3) Many farmers and small business owners who have followed the law with respect to their uses of pesticides and other chemicals nonetheless may face devastating economic consequences because their uses have contaminated the environment or the water supplies of their neighbors. With a source of funds, the state may assist these farmers and business owners, as well as those persons who sustain damages, such as the loss of their drinking water supplies, as a result of the contamination.

(4) Because it is often difficult or impossible to allocate responsibility among persons liable for hazardous waste sites and because it is essential that sites be cleaned up well and expeditiously, each responsible person should be liable jointly and severally.

NEW SECTION, Sec. 66. DEFINITIONS. (1) 'Department' means the department of ecology.

(2) 'Director' means the director of ecology or the director's designee.

(3) 'Facility' means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(4) 'Federal cleanup law' means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

(5) 'Hazardous substance' means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010(5) and (6), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(6) 'Owner or operator' means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility.

(7) 'Person' means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(8) 'Potentially liable person' means any person whom the department finds, based on credible evidence, to be liable under section 68 of this act. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.

(9) 'Public notice' means, at a minimum, adequate notice mailed to all persons who have made timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

(10) 'Release' means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

(1) 'Remedy' or 'remedial action' means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

NEW SECTION. Sec. 67. DEPARTMENT'S POWERS AND DUTIES. (1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

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

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

(e) Classify substances as hazardous substances for purposes of section 66(5) of this act and classify substances and products as hazardous substances for purposes of section 73(1) of this act; and

(f) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.04 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department, within nine months after the effective date of this section, shall adopt, and thereafter enforce, rules under chapter 34.04 RCW to:

(a) Provide for public participation, including at least (i) the establishment of regional citizen's advisory committees, (ii) public notice of the development of investigative plans or remedial plans for releases or threatened releases, and (iii) concurrent public notice of all compliance orders, enforcement orders, or notices of violation;

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

(c) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site; and

(d) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law.

(3) Before November 1st of each even-numbered year, the department shall develop, with public notice and hearing, and submit to the ways and means and appropriate standing environmental committees of the senate and house of representatives a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state toxics control account, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its top two management priorities under RCW 70.105.150, and all funds expended under this chapter.

(4) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of section 66(5) of this act and the classification of substances or products as hazardous substances for purposes of section 73(1) of this act. The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

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

NEW SECTION. Sec. 68. STANDARD OF LIABILITY. (1) Except as provided in subsection (3) of this section, the following persons are liable with respect to a facility:

(a) The owner or operator of the facility;

(b) Any person who owned or operated the facility at the time of disposal or release of the hazardous substances;

(c) Any person who owned or possessed a hazardous substance and who by contract, agreement, or otherwise arranged for disposal or treatment of the hazardous substance at the facility, or arranged with a transporter for transport for disposal or treatment of the hazardous substances at the facility, or otherwise generated hazardous wastes disposed of or treated at the facility;

(d) Any person (i) who accepts or accepted any hazardous substance for transport to a disposal, treatment, or other facility selected by such person from which there is a release or a threatened release for which remedial action is required, unless such facility, at the time of disposal or treatment, could legally receive such substance; or (ii) who accepts a hazardous substance for transport to such a facility and has reasonable grounds to believe that such facility is not operated in accordance with chapter 70.105 RCW; and

(e) Any person who both sells a hazardous substance and is responsible for written instructions for its use if (i) the substance is used according to the instructions and (ii) the use constitutes a release for which remedial action is required at the facility.

(2) Each person who is liable under this section is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the releases or threatened releases of hazardous substances. The attorney general, at the request of the department, is empowered to recover all costs and damages from persons liable therefor.

(3) The following persons are not liable under this section:

(a) Any person who can establish that the release or threatened release of a hazardous substance for which the person would be otherwise responsible was caused solely by:

(i) An act of God;

(ii) An act of war; or

(iii) An act or omission of a third party (including but not limited to a trespasser) other than (A) an employee or agent of the person asserting the defense, or (B) any person whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the person asserting this defense to liability. This defense only applies where the person asserting the defense has exercised the utmost care with respect to the hazardous substance, the foreseeable acts or omissions of the third party, and the foreseeable consequences of those acts or omissions;

(b) Any person who is an owner, past owner, or purchaser of a facility and who can establish by a preponderance of the evidence that at the time the facility was acquired by the person, the person had no knowledge or reason to know that any hazardous substance, the release or threatened release of which has resulted in or contributed to the need for the remedial action, was released or disposed of on, in, or at the facility. This subsection (b) is limited as follows:

(i) To establish that a person had no reason to know, the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice in an effort to minimize liability. Any court interpreting this subsection (b) shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection;

(ii) The defense contained in this subsection (b) is not available to any person who had actual knowledge of the release or threatened release of a hazardous substance when the person owned the real property and who subsequently transferred ownership of the property without first disclosing such knowledge to the transferee;

(iii) The defense contained in this subsection (b) is not available to any person who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance at the facility;

(c) Any natural person who uses a hazardous substance lawfully and without negligence for any personal or domestic purpose in or near a dwelling or accessory structure when that person is: (i) A resident of the dwelling; (ii) a person who, without compensation, assists the resident in the use of the substance; or (iii) a person who is employed by the resident, but who is not an independent contractor;

(d) Any person who, for the purpose of growing food crops, applies pesticides or fertilizers without negligence and in accordance with all applicable laws and regulations.

(4) There may be no settlement by the state with any person potentially liable under this chapter except in accordance with this subsection.

(a) The attorney general may agree to a settlement with any potentially liable person only if the department finds, after public notice and hearing, that the proposed settlement would lead to a more expeditious cleanup of hazardous substances in compliance with cleanup standards under section 67(2)(d) of this act and with any remedial orders issued by the department. Whenever practicable and in the public interest, the attorney general may expedite such a settlement with persons whose contribution is insignificant in amount and toxicity.

(b) A settlement agreement under this subsection shall be entered as a consent decree issued by a court of competent jurisdiction.

(c) A settlement agreement may contain a covenant not to sue only of a scope commensurate with the settlement agreement in favor of any person with whom the attorney general has settled under this section. Any covenant not to sue shall contain a reopener clause which requires the court to amend the covenant not to sue if factors not known at the time of entry of the settlement agreement are discovered and present a previously unknown threat to human health or the environment.

(d) A party who has resolved its liability to the state under this subsection shall not be liable for claims for contribution regarding matters addressed in the settlement. The settlement does not discharge any of the other liable parties but it reduces the total potential liability of the others to the state by the amount of the settlement.

(5) Nothing in this chapter affects or modifies in any way any person's right to seek or obtain relief under other statutes or under common law, including but not limited to damages for injury or loss resulting from a release or threatened release of a hazardous substance. No settlement by the department or remedial action ordered by a court or the department affects any person's right to obtain a remedy under common law or other statutes.

NEW SECTION, Sec. 69. ENFORCEMENT. (1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders requiring potentially liable persons to provide the remedial action. Any liable person who refuses, without sufficient cause, to comply with an order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply.

The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after the effective date of this section.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty days thereafter file suit and recover costs by proving that he or she was not a liable person under section 68 of this act and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for investigative and remedial actions and orders, including amounts spent prior to the effective date of this section.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5) (a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and section 70 of this act may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

NEW SECTION, Sec. 70. TIMING OF REVIEW. The department's investigative and remedial decisions under sections 67 and 69 of this act and its decisions regarding liable persons under sections 66(8) and 68 of this act shall be reviewable exclusively in superior court and only at the following times: (1) In a cost recovery suit under section 69(3) of this act; (2) in a suit by the department to enforce an order or seek a civil penalty under this chapter; (3) in a suit for reimbursement under section 69(2) of this act; (4) in a suit by the department to compel investigative or remedial action; and (5) in a citizen's suit under section 69(5) of this act. The court shall uphold the department's actions unless they were arbitrary and capricious.

NEW SECTION, Sec. 71. TOXICS CONTROL ACCOUNTS. (1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under section 74 of this act and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW after the effective date of this section; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the

account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

- (i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;
- (ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;
- (iii) The hazardous waste cleanup program required under this chapter;
- (iv) State matching funds required under the federal cleanup law;
- (v) Financial assistance for local programs in accordance with RCW 70.95.130, 70.95.140, 70.95.220, 70.95.230, 70.95.530, 70.105.220, 70.105.225, 70.105.235, and 70.105.260;
- (vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;
- (vii) Hazardous materials emergency response training;
- (viii) Water and environmental health protection and monitoring programs;
- (ix) Programs authorized under chapter 70.146 RCW;
- (x) A public participation program, including regional citizen advisory committees;
- (xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under section 67(2)(d) of this act but only when the amount and terms of such funding are established under a settlement agreement under section 68(4) of this act and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and
- (xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under section 74 of this act and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent. Moneys deposited in the local toxics control account shall be used by the department for grants to local governments for the following purposes in descending order of priority: (a) Remedial actions; (b) hazardous waste plans and programs under RCW 70.105.220, 70.105.225, 70.105.235, and 70.105.260; and (c) solid waste plans and programs under RCW 70.95.130, 70.95.140, 70.95.220, and 70.95.230. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105 and 70.95 RCW.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute. All earnings from investment of balances in the accounts, except as provided in RCW 43.84.090, shall be credited to the accounts.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant issuance and performance.

NEW SECTION. Sec. 72. INTENT OF POLLUTION TAX. It is the intent of this chapter to impose a tax only once for each hazardous substance possessed in this state and to tax the first possession of all hazardous substances, including substances and products that the department of ecology determines to present a threat to human health or the environment. However, it is not intended to impose a tax on the first possession of small amounts of any hazardous substance (other than petroleum and pesticide products) that is first possessed by a retailer for the purpose of sale to ultimate consumers. This chapter is not intended to exempt any person from tax liability under any other law.

NEW SECTION. Sec. 73. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Hazardous substance' means:

(a) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601(14), as amended by Public Law 99-499;

(b) Petroleum products;

(c) Any pesticide product required to be registered under the federal insecticide, fungicide and rodenticide act; and

(d) Any other substance, category of substance, and any product or category of product determined by the director of ecology by rule to present a threat to human health or the environment if released into the environment. The director of ecology shall not add or delete substances from this definition more often than twice during each calendar year. For tax purposes, changes in this definition shall take effect on the first day of the next month that is at least thirty days after the effective date of the rule. The word 'product' or 'products' as used in this paragraph (d) means an item or items containing both: (i) One or more substances that are hazardous substances under (a), (b), or (c) of this subsection or that are substances or categories of substances determined under this paragraph (d) to present a threat to human health or the environment if released into the environment; and (ii) one or more substances that are not hazardous substances.

(2) 'Petroleum product' means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, liquefied or liquefiable gases such as butane, ethane, and propane, and every other product derived from the refining of crude oil, but the term does not include crude oil.

(3) 'Possession' means the control of a hazardous substance located within this state and includes both actual and constructive possession. 'Actual possession' occurs when the person with control has physical possession. 'Constructive possession' occurs when the person with control does not have physical possession. 'Control' means the power to sell or use a hazardous substance or to authorize the sale or use by another.

(4) 'Previously taxed hazardous substance' means a hazardous substance in respect to which a tax has been paid under this chapter and which has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(5) 'Wholesale value' means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar substances of like quality and character, in accordance with rules of the department.

(6) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION. Sec. 74. POLLUTION TAX. (1) A tax is imposed on the privilege of possession of hazardous substances in this state. The rate of the tax shall be seven-tenths of one percent multiplied by the wholesale value of the substance.

(2) Moneys collected under this chapter shall be deposited in the toxics control accounts under section 71 of this act.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION. Sec. 75. EXEMPTIONS. The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed hazardous substance. If tax due under this chapter has not been paid with respect to a hazardous substance, the department may collect the tax from any person who has had possession of the hazardous substance. If the tax is paid by any person other than the first person having taxable possession of a hazardous substance, the amount of tax paid shall constitute a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any possession of a hazardous substance by a natural person under circumstances where the substance is used, or is to be used, for a personal or domestic purpose (and not for any business purpose) by that person or a relative of, or person residing in the same dwelling as, that person.

(3) Any possession of a hazardous substance amount which is determined as minimal by the department of ecology and which is possessed by a retailer for the purpose of making sales to ultimate consumers. This exemption does not apply to pesticide or petroleum products.

(4) Any possession of alumina or natural gas.

(5) Persons or activities which the state is prohibited from taxing under the United States Constitution.

(6) Any persons possessing a hazardous substance where such possession first occurred before the effective date of this section.

NEW SECTION. Sec. 76. CREDITS. (1) Credit shall be allowed in accordance with rules of the department of revenue for taxes paid under this chapter with respect to fuel carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle.

(2) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any hazardous substance tax paid to another state with respect to the same hazardous substance. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that hazardous substance. For the purpose of this subsection:

(a) 'Hazardous substance tax' means a tax:

(i) Which is imposed on the act or privilege of possessing hazardous substances, and which is not generally imposed on other activities or privileges; and

(ii) Which is measured by the value of the hazardous substance, in terms of wholesale value or other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax.

(b) 'State' means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

NEW SECTION. Sec. 77. WATER DISCHARGE FEES. A new section is added to chapter 90.48 RCW to read as follows:

(1) The department shall establish annual fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule within one year of the effective date of this section, and thereafter the fee schedule shall be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of five cents per month per residence or residential equivalent contributing to the municipality's wastewater system. The department shall adopt by rule a schedule of credits for any municipality engaging in a comprehensive monitoring program beyond the requirements imposed by the department, with the credits available for five years from the effective date of this section and with the total amount of all credits not to exceed fifty thousand dollars in the five-year period.

(3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

(4) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for storm water runoff and shall provide appropriate adjustments.

(5) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

(6) The department shall submit an annual report to the legislature showing detailed information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

(7) The legislative budget committee in 1993 shall review the fees established under this section and report its findings to the legislature in January 1994.

Sec. 78. Section 6, chapter 109, Laws of 1987 and RCW 43.21B.—are each amended to read as follows:

(1) Any order issued by the department or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.—RCW (sections 65 through 71 of this 1987 act.) this is the exclusive means of appeal of such an order.

(2) The department or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.—(section 7, chapter 109, Laws of 1987) to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

(a) The appellant's name and address;

(b) The date and docket number of the order, permit, or license appealed;

(c) A description of the substance of the order, permit, or license that is the subject of the appeal;

(d) A clear, separate, and concise statement of every error alleged to have been committed;

(e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

(f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department, the attorney general, on request of the department, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt.

NEW SECTION. Sec. 79. A new section is added to chapter 70.105 RCW to read as follows:

Any person who knowingly transports, treats, stores, handles, disposes of, or exports a hazardous substance in violation of this chapter is guilty of: (1) A class B felony if the person knows at the time that the conduct constituting the violation places another person in imminent danger of death or serious bodily injury; or (2) a class C felony if the person knows that the conduct constituting the violation places any property of another person or any natural resources owned by the state of Washington or any of its local governments in imminent danger of harm. As used in this section, 'imminent danger' means that there is a substantial likelihood that harm will be experienced within a reasonable period of time should the danger not be eliminated. As used in this section, 'knowingly' refers to an awareness of facts, not awareness of law. Violators shall be punished as provided under RCW 9A.20.021.

NEW SECTION. Sec. 80. A new section is added to chapter 70.105A RCW to read as follows:

The legislature is encouraged to revise the hazardous waste fees prescribed in RCW 70.105A.030 in a manner which provides an incentive for waste reduction and recycling. If prior to the effective date of this section, RCW 70.105A.030 as it existed on August 1, 1987, has not been amended in a manner which specifically provides an incentive for hazardous waste reduction and recycling, then (1) the requirement to pay the fees prescribed in that section is eliminated solely for fees due and payable on June 30, 1989; and (2) the department of ecology shall prepare, and submit to the legislature by January 1, 1990, a proposed revision designed to provide an incentive for hazardous waste reduction and recycling.

NEW SECTION. Sec. 81. REPEALER. Section 4, chapter 249, Laws of 1985 and RCW 90.48.460 are each repealed.

This section shall take effect on the date the rule establishing the initial fee schedule under section 77 of this act takes effect.

NEW SECTION. Sec. 82. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 83. CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

NEW SECTION. Sec. 84. EXISTING AGREEMENTS. The consent orders and decrees in effect on the effective date of this section shall remain valid and binding.

NEW SECTION. Sec. 85. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 86. SHORT TITLE. This act shall be known as 'the model toxics control act.'

NEW SECTION. Sec. 87. LEGISLATIVE DIRECTIVE. Sections 65 through 71 of this act shall constitute a new chapter in Title 70 RCW. Sections 72 through 76 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 88. (1) Sections 1 through 64 and 89 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the November 1988 general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

(2) Sections 65 through 87 and 90 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the November 1988 general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

(3) The portion of this act submitted to a vote of the people under subsection (1) of this section shall be submitted separately from the portion of this act submitted to a vote of the people under subsection (2) of this section.

(4) If either the portion of this act submitted to a vote of the people under subsection (1) of this section or the portion of this act submitted to a vote of the people under subsection (2) of this section receives a majority of the votes cast thereon, then that portion shall become law as provided in Article II, section 1 of the state Constitution, as amended. If both the portion of this act submitted to a vote of the people under subsection (1) of this section and the portion of this act submitted to a vote of the people under subsection (2) of this section receive a majority of the votes cast thereon, then that portion receiving the greater number of 'yes' votes shall become law as provided in Article II, section 1 of the state Constitution, as amended, and the portion receiving the smaller number of 'yes' votes shall be null and void and of no force or effect.

(5) Neither section 89 or section 91 of this act may be construed to modify or in any way alter the requirements of this section.

NEW SECTION. Sec. 89. This referendum (sections 1 through 64 of this act) became law immediately upon passage by the legislature but shall continue in effect only if it is (1) approved by a majority vote and (2) the number of 'yes' votes for this referendum is greater than the number of 'yes' votes for Referendum No. ____ (sections 65 through 87 of this act) if Referendum No. ____ (sections 65 through 87 of this act) is also approved by a majority vote. The majority vote required by this section shall be that number of 'yes' votes the state Constitution requires to pass a referendum.

NEW SECTION. Sec. 90. This referendum (sections 65 through 87 of this act) shall become law only if it is (1) approved by a majority vote and (2) the number of 'yes' votes for this referendum is greater than the number of 'yes' votes for Referendum No. ____ (sections 1 through 64 of this act) if Referendum No. ____ (sections 1 through 64 of this act) is also approved by a majority vote. The majority vote required by this section shall be that number of 'yes' votes the state Constitution requires to pass a referendum.

NEW SECTION. Sec. 91. Sections 1 through 64 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Sections 1 through 64 of this act shall continue in effect only if approved by the voters as provided in section 89 of this act."

Ms. Unsoeld spoke in favor of the amendment, and Ms. Hine spoke against it. Ms. Rust spoke in favor of the amendment.

Ms. Rust demanded an oral roll call vote, and the demand was sustained.

Representatives Walker, May and Brough opposed the amendment, and Representatives Braddock, Sayan, Taylor, Appelwick and Locke spoke in favor of it. Ms. Unsoeld spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 46, line 32, by Representative Unsoeld to Engrossed Senate Bill No. 6085, and the amendment was not adopted by the following vote: Yeas, 35; nays, 52; excused, 8.

Voting yea: Representatives Appelwick, Armstrong, Belcher, Braddock, Brekke, Cantwell, Cole, Crane, Dellwo, Fisher, Grimm, Heavey, Holm, Jacobsen, King P. Leonard, Locke, Lux, Nelson, Nutley, Pruitt, Rust, Sayan, Scott, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Walk, Wang, Wilson K. Wineberry, Winsley - 35.

Voting nay: Representatives Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Cooper, Day, Doty, Ebersole, Ferguson, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Hine, Holland, Jesernig, Kremen, Lewis, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Schoon, Smith C. Sommers D, Sutherland, Vekich, Walker, Williams B, Williams J, Zellinsky, and Mr. Speaker - 52.

Excused: Representatives Allen, Haugen, King R. Schmidt, Silver, Smith L. Sommers H. Wilson S - 8.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Braddock moved that all remarks on final passage of Engrossed Senate Bill No. 6085 as amended by the House be spread upon the Journal. The motion was carried.

Ms. Hine: Thank you, Mr. Speaker. I think today we all know more about hazardous waste, toxic waste, covenants not to sue, water permit fees and security interests than we ever thought we would know, and maybe didn't even want to know. This is really a significant occasion. We live on this thin crust of the planet earth, and sometimes through ignorance or negligence we have caused contamination and danger to the earth and subsequently to each other. We have been aware of this problem, and we're probably just beginning to be aware of how significant it is and what a tremendous impact we have had, not only on our generation, but as some of my colleagues in the previous debate pointed out, on future generations.

The bill before us and the initiative do many of the same things. Their mission is the same. What we are saying is it is time to clean up, or to begin cleaning up, our toxic wastes. And we are doing that through two means. A very significant part of this is dependent upon voluntary cleanup on the part of the industries who have

been polluting or are in a mode where they may pollute. This bill calls for voluntary cleanup; it gives the proverbial carrot, but it also carries the stick. It says, if you invest your money in cleanup, we will help you design a plan. We will help take care of your liability for the future so that you can, in fact, rehabilitate this property. It makes a partnership, a covenant, with those businesses to clean up individually. And sometimes, as we start talking about the rate of taxation, who's going to pay it, we forget that most of this cleanup is going to occur as a result of private industry voluntarily cleaning up. In the estimates from the Department of Ecology there is approximately \$203 million needed for toxic waste cleanup during the 1987-89 biennium. Of that amount \$143 million is paid by industry on a voluntary basis. About \$30 million of that \$203 million would come from our state fund and, potentially, another \$30 million from the federal government. And so, as we haggle over the amount of money raised in this bill, we must not overlook that the main thrust is to have voluntary cleanup on the part of industry. It is also our hope, our mission, and that of the task force, that the moneys we collect will indeed be spent on cleanup—that industry's money will be spent on cleanup rather than on litigation to try to figure out who ought to do what.

My friends, this is indeed a risky business. We have never done this before. We are putting more into this than any other state to date, as far as dollars expended and effort. We hope it's going to work. We have put into process a system that has lots of checks and balances. It has court review. It has plenty of opportunity for citizen participation. We hope that we have put into place a measure that will begin cleanup immediately. It's too important not to.

Those of us who live in areas where hazardous waste sites have truly been identified know the fear, the uneasiness, the concern on the part of citizens who live around it. I have the Midway landfill, as does Representative Barnes, in my district and the Kent Highland. People are worried about their health; they are worried about their homes. It is something that disrupts not just those people in the immediately vicinity, but all of those in the neighborhood. Nobody knows for sure the ramifications of some of these sites. Part of this bill—and I think a significant part and we really haven't talked about it today—is that almost half the money is to go to the local government. If you talk to your city and county representatives, you know that they are extremely concerned about the heavy burden they have—to clean up the toxic waste, the dumps and all of those things that have, without meaning to, caused a problem. About half of this money will go to assist them. They will have to put forward a lot of their own money, or a lot of the money of the taxpayers at the local level as well, to do this kind of cleanup.

I think the bill, as I mentioned earlier, represents many, many hours of work on the part of many individuals. I would like to say how much I appreciated having a chance to work on that task force and the good will of the members of both parties of both chambers in truly working in a legislative arena to come up with a solution. It was nothing but good will and some hard decisions. We all agreed to compromise in areas that we wouldn't personally have necessarily done. There are things in this bill that I would change. There are things in this bill that any one of you might like to change. But I believe it is in the same spirit as the initiative in that it begins cleanup now. It sets up a fund to help pay for that cleanup and it does put forward that invitation to private industry to clean up. We will work with them, and they will not have to worry about continual suits and continual liability.

I want also to say a great big thank you to all of those people who worked on the initiative. Some of you before me have pointed out it was the threat of or the excitement—let's put it a different way. It was that people became so excited about this subject, that we knew that we had to address it. They did a lot of work; they talked with us on the task force; we were able to make many changes in this bill as a result of some of their concerns. There are still some differences. I grant you that. Who knows who is right and who is wrong? But I think they are very close, certainly in their approach to the mission. I believe that today, my colleagues, we do this state, ourselves, and indeed this planet earth a real service by passing this bill and trying to clean up things that we have done in the past. I urge your support.

Mr. Taylor: Thank you, Mr. Speaker. I'm going to acknowledge the hard work of the task force. I realize it was a lot of work and they are to be complimented.

However, I'm voting no today, not because I'm against superfund, but because I think the legislative process has been violated. The standing committee has been by-passed. For ten years I've served in this body and have heard about the process and the institution—how it must be preserved. The standing committee was only brought in at the last minute. Think that over. Do we, from now on, appoint a task force? The chief executive of this state, and I love him dearly as a friend, has said, "We found a new way to pass legislation." He was so delighted with what occurred last time, he's said, "I'll work with eight people rather than 147." I think that's totally wrong. It violates everything that we talk about as far as this institution is concerned.

It's wrong to ask us to be here today. In three months we will be in session. The task force bill is good. They've done their jobs and let's wait. We didn't need to be here today. It costs the taxpayers of the state thousands of dollars. I tell you, myself, everybody here, we know why the rush occurred. And it just goes against every grain of principle I have, even though I want to see a superfund bill. It totally violates every principle that I have to see us act in this fashion. And once again I want to compliment the people with the initiative. I still say this would not have occurred had they not done the job. We wouldn't have moved. So I would say we're taking the credit away from them. We've jumped in. We could have waited until January and had all of us here to do some of the debating. We could have had the standing committee in place doing its job.

So I'm making this protest and voting no, hoping this is the end of this type of approach to legislation. Do we want a legislature of eight people and a governor? Then let's put that on the ballot, too, because there has not been participation. There has not been participation statewide. There was some window washing that went on around the state, but let's not kid ourselves. We know who was involved and they're honorable people, but they shouldn't have been asked to do this job. It was wrong to ask them to do it. It would have been correct to come back in January and say to the standing committee, "You do the job."

Once again, I compliment the committee; they have done a good job. But the process is wrong and the governor is wrong and it's wrong for us to be here today. I hope some of you will join me in voting no. Thank you.

Mr. Meyers: Thank you, Mr. Speaker and members of the House. The Governor called us here today to do a job, and we should do that job. The task force bill and the perfecting amendments that we passed today are the solutions to a critical problem that shouldn't wait. If the forces behind the initiative don't feel that this legislation goes far enough, then they have the opportunity to go forward with the initiative and let the people decide. And whether this bill passes today or not, that's going to be the case. If we don't pass this legislation and the initiative fails, then the public that entrusted us to do this job is no longer being represented by us and we failed them. So I'm asking you to pass the bill and get on with the job of hazardous and toxic waste management today. Thank you.

Ms. Valle: Thank you, Mr. Speaker. Members of the House, I'm going to vote no on this bill for some different reasons. Yesterday I had the pleasure of touring two hazardous waste sites, one in Renton and one near West Valley Highway somewhere in South King County in an industrial park. The first one was some oil barrels and some tires. It was actually in a residential area and there were people living on both sides of this hazardous waste site. That particular owner is cooperative and will work with the Department of Ecology once either this bill passes or the initiative passes. The second one was a different kind of site. It was an aluminum recycling business that is now bankrupt. We asked how much had been spent on this site right now to clean it up. Sixty thousand dollars had been spent by the Department of Ecology. They are now out of funds, so they can't do anything more with the site. As I said, the owner is bankrupt, and so we asked the question, "How much is it going to cost?" It's going to cost many millions of dollars to clean up that site.

The reason I am not supporting this bill is because it does not provide enough money. I'm not even sure that the initiative has enough money in it, but I'm looking at the long-range, the twenty-year income of the initiative and it provides at least \$207 million more. And we're going to need that amount of money.

Another reason I'm not going to support this bill is because it provides for capital expenditures for incinerators. The Department of Ecology has already expended \$75 million out of, I think, Referendum 37 and before they were to do that, they were to establish a good recycling program here in the State of Washington. It's hard to watch our bureaucracies and I must say as part of the Environmental Affairs Committee, I was very surprised at these expenditures, this \$75 million that is planned for incinerators. It's a hazardous waste site bill and not an incinerator bill and I don't like that position in it. We have heard about underground gasoline storage tanks, but the cost there is really phenomenal.

For these and many other substantive reasons, I am not supporting this bill. I also want to call upon the people that are the formulators of the initiative and I want to encourage them. I'll be working on that initiative because I want that process to go forth. I really think that the passage of this bill which I expect is going to pass—I think it has enough votes to pass—will spur the initiative people along. I want to be sure that it does, and I'm voting no today.

The Speaker called on Mr. O'Brien to preside.

Mr. Ballard: Thank you, Mr. Speaker. Ladies and gentlemen of the House, I rise to support this bill that is before us. It's been a long time in getting here; we've spent five years, give or take, in dealing with it. Yes, I would have preferred that we had done something with this the last session. That turned out not to be the case. Yes, it is very true that because of the people working on the initiative we were told clearly that it is time we accepted our responsibility and did our legislative duty. We presented to the people what we feel is our solution. I think we have done a good job in going through this subject and coming up with, what I feel is, an excellent solution.

I would have preferred to have spent my summer doing things that I'd planned on originally. In fact, it was almost like a plot, because every time we planned something, we ended up back with superfund. We've talked a lot about the process, and a lot of you who are friends have said we don't agree with this process and think that we should do it differently. I don't have any argument with that. However, I will say to you I don't think we would have dealt with it the next session, if we would have waited. I think only because of the push that we have had were we successful in getting this far. It is something that the people of the State of Washington wanted a clear message about. We've talked about it; we've debated it; we've dodged the bullet. I think it's time that we get on with this and let them know where we stand on it.

We talk about the process. I would simply say to you and suggest to you that, if we put as much effort into the major legislative issues that we're going to be looking at in this next session and in the years to come as we have put into this superfund bill, we will do the people of the State of Washington a lot better job than what we've done since I've been involved in the process. We've passed major pieces of legislation, quite frankly, without letting the people have good input into it and understand it. I've voted on some things that were major pieces of legislation that I've scratched my head and thought, "What was that all about?" So I would encourage us in the future to make sure that we do work together. I echo the comments by the Representative from the 33rd District that it was a delightful process, working together in a bipartisan manner with the other chamber in doing a job that needed to be done. I would heartily recommend this to you and would ask for your support. I think we can be proud of the job we've done here today for the people of the State of Washington. Thank you.

The Speaker resumed the Chair.

Ms. Nutley: Thank you, Mr. Speaker. My intention today is to vote against this measure for a couple of reasons. One, this will not be the end of this issue. I predict that we will spend a lot of hours on it next January, if the initiative is successful and we will be dealing with how we're going to dispose of the issue of the initiative and any alternatives. I submit to you that this will not be the end and this session here today is not the efficient solution that some of us think that it might be.

Second, I believe that this particular bill and its effort to reach compromise fell short and has not really reached the kind of compromise that we could all be at

ease with. I worked on this issue last year prior to this last session, and I know the complexities involved and I compliment the task force on its efforts in getting where they have gotten. But my own feeling is that it's just not quite there. As such, I was hopeful that we would be able to deal with this in January and really come up with a true compromise. I am disappointed that many of the amendments offered today were not adopted, because I think that they could have solved many of the problems I have with the bill before us. I can count, though, and I realize that this bill will probably be adopted today.

I did want to state that another reason that I will be protesting this particular bill is that it does not go far enough, especially when it comes to local government. Having served on the Local Government Committee for the last three years and having a very broad and varied and long background in local government in my previous life before coming to this body, I can assure you that local governments are certainly having difficulties in doing the kinds of things that we ask them to do every session that we are here. We very often—most often—don't provide adequate funds to the local governments to do the things that we ask them to do. I find in the task force measure that we have not gone far enough, we have not provided enough money to local governments to provide the kind of cleanup that they are going to have to do. And we have again put the burden back on constituents and rate payers, in many cases, to come up with the dollars that we are shorting them in this measure. I would urge those of you who are concerned about the burdens that we have placed on local governments and their inability to deal with those issues that we hand to them, to please vote with me. Please vote no. Thank you.

Mr. Locke: Thank you, Mr. Speaker. Members of the House, I did not favor being called into special session on this issue or any other issue which we've considered today. I do support the initiative, but I think that a lot of the criticisms that have been launched on this issue have been overstated. We have criticisms and fears about the initiative, and I think those fears and criticisms have been exaggerated. I do not believe that the initiative will wreak havoc on the business community, be it large or small. I certainly don't believe that the task force report is a rape of the environment as it has been portrayed.

We're here because of reality. The reality is that we didn't have the votes in the House and the Senate during the last session to pass the initiative proposal or any other strong superfund proposal. The so-called "Unsold One," or the first proposal by Representative Unsoeld, passed the House but was thoroughly changed in the Senate. Then there was the "Unsold Two," or the "King/Unsoeld" proposal, which was defeated by a gutting amendment in the House of Representatives. Due to the strong leadership that exists within our caucus, that measure was killed and forced the battle that we now have before us and encouraged the initiative forces to go forward and use that as a pressure for getting this legislature finally to deal with legislation. I think that a lot of concerns of the business community are exaggerated because once the initiative is enacted and once it gets down to the local level and to the businesses, many of the concerns that are theoretical will never really materialize.

Having said that, I think that it's important that we pass this piece of legislation because if we read it, if we really take an opportunity to study it, I think it is very much superior to many of the concepts that were proposed during the legislative session. I think it is in balance, a very fair and reasonable document. We have a window of opportunity that's been given to us, encouraged or pushed along by the initiative, but a window of opportunity nonetheless. Because if the initiative for whatever reason doesn't get the signatures, or if upon receiving the signatures does not pass at the ballot, we will have lost whatever hammer, force or leverage that we have to enact tough environmental legislation. And while the initiative is still collecting the signatures and the outcome is debatable, although I believe that it will get the signatures, but as long as it's debatable, we have that opportunity to pass tough legislation.

Sure it's not as strong as I would like it to be, but I think that when we really look at it, if it were to pass, I don't think I could go around saying that I'm ashamed of this piece of legislation. I'm not. I think I could turn around and tell the public that it's good legislation; it's fair; it's reasonable. Yes, it could be stronger, but it's

still good and fair and deserves support. I think it's a baseline. We enact what we can now and if the initiative is able to receive the signatures and is able to get on the ballot and if it passes, that just means stronger environmental legislation in the future. But if not, we will be left with the task force report that I think does a very good job and sets a good policy for the State of Washington. I urge your support.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6085 as amended by the House, and the bill passed the House by the following vote: Yeas, 65; nays, 22; excused, 8.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Day, Doty, Ebersole, Ferguson, Gallagher, Grant, Grimm, Hankins, Heavey, Hine, Holland, Holm, Jesernig, King P, Kremen, Lewis, Locke, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, O'Brien, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Sayan, Schoon, Scott, Smith C. Sommers D, Sprengle, Sutherland, Velich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Winsley, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Amondson, Brekke, Cole, Crane, Dellwo, Fisher, Fuhrman, Hargrove, Jacobsen, Leonard, Lux, Nelson, Nutley, Padden, Pruff, Rust, Spanel, Taylor, Todd, Unsoeld, Valle, Wineberry - 22.

Excused: Representatives Allen, Haugen, King R, Schmidt, Silver, Smith L, Sommers H, Wilson S - 8.

Engrossed Senate Bill No. 6085 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

October 10, 1987

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1264.

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

POINT OF PERSONAL PRIVILEGE

Mr. Appelwick: I rise to congratulate one of our members before the rest of the folks wander off in all of the excitement here. Today in this third special session we have nearly completed our first day under the helm of a new majority leader. He's gotten through his first suspend-and-bump motion with the appropriate protocol and sufficient poise to make even John L. O'Brien proud. The new majority leader has said to me at least a half a dozen times today that "he feels old"; "he feels old"; and the last one was that "he feels very old." Today is the fortieth birthday of Representative Ebersole. He now joins the ranks of the Jack Benny followers. He has had at least three parties, I believe to date, and promises to go at another one this evening which is probably why he feels so old. I would ask you to congratulate him again on his fortieth birthday and on his first day of service as majority leader of this house.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

October 10, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 6085, and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

October 10, 1987

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 6085.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:
 ENGROSSED SENATE BILL NO. 6085.

The Speaker called on Mr. O'Brien to preside.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4709, by Representatives Ebersole and Ballard

NOW, THEREFORE, BE IT RESOLVED, That a committee of four members be appointed by the Speaker to notify the Senate that the House of Representatives is ready to adjourn the Third Special Session of the 1987 Legislature sine die.

On motion of Mr. Ebersole, the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Floor Resolution No. 87-4709, the Speaker (Mr. O'Brien presiding) appointed Representatives Hargrove and Miller to notify the Senate that the House was ready to adjourn sine die.

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

INTRODUCTION AND FIRST READING

HCR 4424 by Representatives Ebersole and Ballard

Notifying the governor of adjournment of the 1987 third special session.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4424 was advanced to second reading and read the second time in full.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

House Concurrent Resolution No. 4424 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker (Mr. O'Brien presiding) appointed Representatives Rust, Heavey, Walker and May to notify the Governor that the Legislature was ready to adjourn sine die.

REPORT OF SPECIAL COMMITTEE

The Special Committee appeared at the bar of the House and reported that they had notified the Senate that the House was about to adjourn sine die.

The report was received and the special committee was discharged.

REPORT OF SPECIAL COMMITTEE FROM SENATE

A committee from the Senate, consisting of Senator Bauer and Secretary of the Senate Snyder, appeared at the bar of the House and notified the House that the Senate was ready to adjourn sine die.

The report was received and the committee returned to the Senate.

The Speaker resumed the Chair.

MESSAGE FROM THE SENATE

October 10, 1987

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4424,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4424.

MESSAGE FROM THE SENATE

October 10, 19887

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4424.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF SPECIAL COMMITTEE

The Special Committee appeared at the bar of the House and reported that they had notified the Governor that the Legislature was about to adjourn sine die.

The report was received and the special committee was discharged.

MOTION

On motion of Mr. Ebersole, reading of the Journal of the First Day of the 1987 Third Special Session of the Fiftieth Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Ebersole, the 1987 Third Special Session of the Fiftieth Legislature was adjourned sine die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

HOUSE LEGISLATIVE LEADERS

Fiftieth Legislature
 1987 Regular Session
 1987 First Special Session
 1987 Second Special Session
 1987 Third Special Session

DEMOCRATIC LEADERSHIP

Speaker	Joseph E. King
Speaker Pro Tempore	John L. O'Brien
Majority Leader (1/12/87-10/2/87)	Pat McMullen
Majority Leader (Elected 10/2/87)	Brian Ebersole
Democratic Caucus Chair	Lorraine A. Hine
Majority Floor Leader	Marlin Appelwick
Majority Whip	Dennis Dellwo
Assistant Majority Whip	Grace Cole
Assistant Majority Whip	Jim Jesernig
Assistant Majority Whip	Ron Meyers
Democratic Caucus Vice Chair/Secretary	Dick Fisch

REPUBLICAN LEADERSHIP

Minority Leader	Clyde Ballard
Republican Caucus Chair	Eugene Prince
Minority Floor Leader	Jean Marie Brough
Minority Whip	Louise Miller
Assistant Minority Floor Leader	Fred May
Assistant Minority Floor Leader	Jim Lewis
Republican Organization Leader	Bob Williams
Republican Organization Leader	Shirley Hankins
Republican Caucus Vice Chair	Sally Walker
Assistant Minority Whip	Dick Schoon
Assistant Minority Whip	Steve Fuhrman

**1987 — HOUSE ROSTER
FIFTIETH LEGISLATURE**

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Allen, Katherine	21	R	Snohomish, part	21712 85th Place West Edmonds 98020
Amondson, Neil	20	R	Lewis Thurston, part	1104 Fieldcrest Avenue Centralia 98531
Appelwick, Marlin J.	46	D	King, part	14025 - 26th Avenue NE Seattle 98125
Armstrong, Seth	36	D	King, part	1715 Bigelow N. Seattle 98109
Ballard, Clyde	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1790 N. Baker Street East Wenatchee 98801
Barnes, Richard O.	33	R	King, part	18118 - 6th Avenue SW Seattle 98166
Basich, Bob	19B	D	Pacific Wahkiakum, part Grays Harbor, part	510 Sumner Aberdeen 98520
Baughner, Forrest	15	D	Benton, part Yakima, part	Box 92 Parker 98939
Beck, John B.	21	R	Snohomish, part	405 5th Avenue South Edmonds 98020
Belcher, Jennifer	22	D	Thurston, part	6015 Hansen Road SE Olympia 98503
Betrozoff, John W.	45	R	King, part	11818 156th Avenue NE Redmond 98052
Braddock, Dennis	42	D	Whatcom, part	1800 Broadway Bellingham 98225
Brekke, Joanne	32	D	King, part	6525 Sycamore NW Seattle 98117
Bristow, Tom	7	D	Ferry Lincoln Pend Oreille Stevens Spokane, part Okanogan, part	P.O. Box 634 Colville 99114
Brooks, Peter T.	16	R	Walla Walla Benton, part Franklin, part	2491 Country Club Rd. Walla Walla 99362
Brough, Jean Marie	30	R	King, part Pierce, part	1118 S. 287th Place Federal Way 98003
Bumgarner, Gary D.	5	R	Spokane, part	N. 4014 Indian Bluff Road Spokane 99204

Age	Birthplace	Occupation	Previous Sessions Served
61	Colorado	Legislator/ Homemaker	1983-1986
32	Washington	Properties Manager	.....
33	Minnesota	Attorney	1983-1986
45	California	Attorney	1981-1986
50	Arkansas	Property Management	1983-1986
65	Iowa	Systems Analyst Boeing (Retired)	1974 Ex.-1986
59	Washington	Retired teacher	1985-1986
52	Washington	Electrician	1985-1986
42	Washington	Owner/President Funeral home corporation	.....
43	West Virginia	Management Consultant	1983-1986
52	Washington	Property Manager	1983-1986
43	Washington	Planning consultant	1983-1986
52	Washington	Legislator	1979-1986
40	California	Farmer	1985-1986
70	Maine	Retired	1985-1986
45	Washington, D.C.	Legislator	1983-1986
48	Washington	Optometrist	.....

JOURNAL OF THE HOUSE

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Cantwell, Maria	44	D	King, part Snohomish, part	23409 Lakeview Drive Mountlake Terrace 98043
Chandler, Glyn	13	R	Adams, part Grant, part Kittitas, part Yakima, part	1816 Dunn Street Moses Lake 98837
Cole, Grace	1	D	King, part Snohomish, part	3026 NE 163rd Street Seattle 98155
Cooper, David	18	D	Clark, part Cowlitz, part	P.O. Box 568 Battle Ground 98604
Crane, Ernest F.	31	D	King, part Pierce, part	220 1st Street NE Auburn 98002
Day, Bill	3	D	Spokane, part	P.O. Box 9161 Spokane 99205
Dellwo, Dennis A.	3	D	Spokane, part	424 Old National Bank Bldg. Spokane 99201
Doty, Shirley L.	14	R	Yakima, part	4902 Englewood Yakima 98908
Ebersole, Brian	29	D	Pierce, part	5716 Pacific Avenue Tacoma 98408
Ferguson, Roy A.	48	R	King, part	2955 - 162nd SE Bellevue 98008
Fisch, Richard E. (deceased 9/9/87)	24	D	Clallam Jefferson Grays Harbor, part	620 W. 9th Street Port Angeles 98362
Fisher, Ruth	27	D	Pierce, part	1922 N. Prospect #9 Tacoma 98406
Fuhrman, Steve	7	R	Ferry Lincoln Pend Oreille Stevens Okanogan, part Spokane, part	Route 1 Box 320 Kettle Falls 99141
Gallagher, P. J. (Jim)	29	D	Pierce, part	125 South 72nd Tacoma 98408
Grant, William A.	16	D	Walla Walla Benton, part Franklin, part	111 Merriam Walla Walla 99362
Grimm, Daniel K	25	D	Pierce, part	P.O. Box 1046 Puyallup 98371
Hankins, Shirley	8	R	Benton, part	2120 Duportail #8 Richland 99352
Hargrove, James E.	24	D	Clallam Jefferson Grays Harbor, part	Route 3, Box 896 Hoquiam 98550

1987 — HOUSE ROSTER—continued

Age	Birthplace	Occupation	Previous Sessions Served
28	Indiana	Consultant/ Public Affairs	.....
61	Arkansas	Farm Equipment Dealer (Retired)	1983-1986
60	Idaho	Home economist	Appt. 1982, 1985-1986
34		Construction business owner	.....
65	Iowa	Attorney	1983-1986
31	Washington	Business	1985-1986
41	Washington, D.C.	Attorney	1983-1986
57	Alaska	Teacher Rancher	1985-1986
39	Maryland	Education administrator	1983-1986
53	Michigan	Retired Oil Company	.....
52	Washington	Community College Instructor	1983-1986
61	Washington	Retired	1983-1986
41	Washington	Grain Elevator Farm Supply	1983-1986
71	Washington	Retired	1961-1986
49	Washington	Wheat Farmer	.....
38	Washington	Self-Employed, Housing Industry	1977-1986
55	Kansas	Communication Program Coordinator	1981-1986
33	Oregon	Forester	1985-1986

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Haugen, Mary Margaret	10	D	Island Skagit, part Snohomish, part	1268 W. Olsen Road Camano Island 98292
Heavey, Michael	34	D	King, part	5954 Beach Drive SW Seattle 98136
Hine, Lorraine A.	33	D	King, part	1834 South 229th Des Moines 98198
Holland, J. Bruce	47	R	King, part	16216 133rd Place SE Renton 98058
Holm, Barbara J.	20	D	Lewis Thurston, part	10937 Crockett SW Olympia 98502
Jacobsen, Ken	46	D	King, part	7307 40th NE Seattle 98115
Jesernig, Jim	8	D	Benton, part	425 Columbia Ctr Blvd D201 Kennewick 99336
King, Joseph E.	49	D	Clark, part	703 Broadway #700 Vancouver 98660
King, Paul H.	44	D	King, part Snohomish, part	22804 57th Avenue W. Mountlake Terrace 98043
King, Richard	38	D	Snohomish, part	309 77th Place SW Everett 98203
Kremen, Pete	42	D	Whatcom, part	3283 Northshore Road Bellingham 98226
Leonard, June	11	D	King, part	12444 Beacon Avenue S. Seattle 98178
Lewis, Jim	14	R	Yakima, part	P.O. Box 2869 Yakima 98907
Locke, Gary F.	37	D	King, part	5150 S. Wildwood Lane Seattle 98118
Lux, Eugene V.	11	D	King, part	10850 Dixon Drive South Seattle 98178
Madsen, Ken	2	D	Pierce, part Thurston, part	P.O. Box 370 Roy 98580
May, Fred O.	41	R	King, part	15 Brook Bay Lane Mercer Island 98040
McLean, Alex W.	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	P.O. Box 246 Mansfield 98830
McMullen, Patrick R. (resigned 10/2/87)	40	D	San Juan Skagit, part Whatcom, part	P.O. Box 152 Sedro Woolley 98284

1987 — HOUSE ROSTER—continued

Age	Birthplace	Occupation	Previous Sessions Served
46	Washington	Beauty Salon Owner/Operator	1983-1986
40	Washington	Attorney	.....
56	South Dakota	Legislator	1981-1986
43	Washington	Internal Auditor Boeing	1983-1986
39	Washington	Small Business Owner	.....
41	Nebraska	Property Manager	1983-1986
30	Washington	Attorney	.....
41	Texas	Partner, Insurance Agency	1981-1986
37	Washington	Attorney	1983-1986
52	Washington	College Teacher	1965-1986
35	New York	News Director	1985-1986
60	Washington	Legislator	1985-1986
44	California	Owner, Public Relations Agency	1981-1986
37	Washington	Attorney	1983-1986
60	Nebraska	Building Contractor	1975-1986
47	Idaho	Consultant	1985-1986
67	California	Retired	1985-1986
51	Washington	Farmer	Appt. 4/22/86-1986
42	Washington	Attorney	1983-1986

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Meyers, Ron	26	D	Kitsap, part Pierce, part	4621 34th Ave. Ct. NW Gig Harbor 98335
Miller, Louise	45	R	King, part	17005 - 191st Avenue NE Woodinville 98072
Moyer, John A.	6	R	Spokane, part	P.O. Box 8333 Spokane 99203
Nealey, Darwin R.	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	Box 365 LaCrosse 99143
Nelson, Dick	32	D	King, part	122 NW 50th St. Seattle 98107
Niemi, Janice (resigned 9/19/87)	43	D	King, part	226 Summit Avenue E. Seattle 98102
Nutley, Busse	49	D	Clark, part	409 West 37th Street Vancouver 98660
O'Brien, John L.	37	D	King, part	1305 Joseph Vance Bldg. Seattle 98101
Padden, Mike	4	R	Spokane, part	East 13021-9th Avenue Spokane 99216
Patrick, Michael E.	47	R	King, part	13232 SE 192nd Renton 98058
Peery, W. Kim	17	D	Klickitat Skamania Clark, part	1245 NE 6th Avenue Camas 98607
Prince, Eugene A.	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	P.O. Box 69 Thornion 99176
Pruitt, Wes	26	D	Kitsap, part Pierce, part	6215 55th Avenue Court Gig Harbor 98335
Rasmussen, Marilyn	2	D	Pierce, part Thurston, part	33419 Mountain Highway East Eatonville 98328
Rayburn, Margaret	15	D	Benton, part Yakima, part	Route 3, Box 3799 Grandview 98930
Rust, Nancy S.	1	D	King, part Snohomish, part	18747 Ridgetfield Road NW Seattle 98177
Sanders, Paul	48	R	King, part	2680-169th SE Bellevue 98008

1987 — HOUSE ROSTER—continued

Age	Birthplace	Occupation	Previous Sessions Served
37	Washington	Attorney	.....
50	California	Private Music Teacher	1983-1986
65	Montana	Obstetrician/ Gynecologist	.....
67	Washington	Farmer	1983-1986
50	Washington	Technical Consultant	1977-1986
58	Michigan	Attorney	1983-1986
38	Washington	Land Use Planning Consultant	1985-1986
75	Washington	C.P.A.	Appt. 10/39 1941-1945; 1949-1986
40	Oregon	Attorney	1981-1986
46	Washington	Seattle Police Officer (Retired)	1981-1986
37	Washington	Insurance Agency	Appt. 1985- 1986
56	Washington	Farmer	1981-1986
40	Vermont	Attorney	.....
48	Washington	Farmer School Board Member	.....
60	Oregon	Retired Teacher	1985-1986
58	Iowa	Legislator	1981-1986
59	Maine	Boeing Executive	1976 2nd Ex.- 1986

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Sayan, Doug	35	D	Mason Grays Harbor, part Kitsap, part Thurston, part	E. 211 Shore Drive Grapeview 98546
Schmidt, Karen	23	R	Kitsap, part	10805 Bill Point View Bainbridge Island 98110
Schoon, Dick	30	R	King, part Pierce, part	2669 S. 300th Street Federal Way 98003
Scott, Pat	38	D	Snohomish, part	7706 Rainier Drive Everett 98201
Silver, Jean	5	R	Spokane, part	N. 7102 Audubon Drive Spokane 99208
Smith, Curtis P.	13	R	Adams, part Grant, part Kittitas, part Yakima, part	Route 2 - 875 I NW Ephrata 98823
Smith, Linda A.	18	R	Clark, part Cowlitz, part	10009 Ridgecrest Ave. NW Vancouver 98685
Sommers, Duane	6	R	Spokane, part	South 2812 Wall Spokane 99203
Sommers, Helen	36	D	King, part	2832 West Elmore Place Seattle 98199
Spanel, Harriet	40	D	San Juan Skagit, part Whatcom, part	901 Liberty Street Bellingham 98225
Sprenkle, Arthur C.	39B	D	Snohomish, part	14330 Tester Road Snohomish 98290
Sutherland, Dean	17	D	Klickitat Skamania Clark, part	23503 NE 108th Street Vancouver 98682
Taylor, Ren	4	R	Spokane, part	North 4710 Ella Road Spokane 99212
Todd, Mike	31	D	King, part Pierce, part	P.O. Box 1776 Auburn 98071
Unsoeld, Jolene	22	D	Thurston, part	6110 Buckthorn NW Olympia 98502
Valle, Georgette	34	D	King, part	1434 SW 137th Street Seattle 98166
Vekich, Max	35	D	Mason Grays Harbor, part Kitsap, part Thurston, part	200 Holly Lane/P.O. Box E Cosmopolis 98537

1987 — HOUSE ROSTER—continued

Age	Birthplace	Occupation	Previous Sessions Served
58	Washington	Retired	1983-1986
41	California	Travel Agency, Owner	1981-1986
55	Indiana	Purchasing agent Weyerhaeuser	1983-1986
48	Minnesota	Admin. Secretary to Everett Police Chief	Appt. 1/4/84- 1986
60	Washington	C.P.A.	1983-1986
70	Nebraska	Farmer	1979-1986
36	Colorado	Tax Consultant	Appt. 11/8/83-1986
54	Washington	Health Care Consultant	.....
55	New Jersey	Economist	1973-1986
48	Iowa	Legislator	.....
41	Pennsylvania	Physician	.....
33	Minnesota	Electrician	1983-1986
63	Washington	Retired School District Superintendent	1979-1986
39	Oregon	President, Northwest Energy Resources	1983-1986
55	Oregon	Legislator	1985-1986
62	Minnesota	Occupational Therapist	1965-1967, 1972-1982, 1985-1986
32	Washington	Longshoreman	1983-1986

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Walk, George W.	25	D	Pierce, part	11607-98th Avenue East Puyallup 98373
Walker, Sally W.	28	R	Pierce, part	4617 Bellview St. West Tacoma 98466
Wang, Art	27	D	Pierce, part	3319 N. Union Tacoma 98407
Williams, Bob	19A	R	Cowlitz, part Wahkiakum, part	111 Victoria Street Longview 98632
Williams, Joseph L.	41	R	King, part	4 Lindley Road Mercer Island 98040
Wilson, Karla	39A	D	Snohomish, part	11406-17th Place NE Lake Stevens 98258
Wilson, Simeon R. "Sim"	10	R	Island Skagit, part Snohomish, part	P.O. Box 145 Marysville 98270
Wineberry, Jesse	43	D	King, part	1812 E. Madison Suite 10 Seattle 98122
Winsley, Shirley J.	28	R	Pierce, part	539 Buena Vista Avenue Tacoma 98466
Zellinsky, Sr., Paul	23	D	Kitsap, part	P.O. Box 2107 Bremerton 98310
Thompson, Alan	18	D	Chief Clerk	191 Nob Lane Kelso 98626
Case, Sharon		D	Assistant Chief Clerk	7225 Bayview Drive NE Olympia 98506
Young, Ross		D	Sergeant at Arms	1381 Linwood Ave. Tumwater 98502

1987 — HOUSE ROSTER—continued

Age	Birthplace	Occupation	Previous Sessions Served
37	Washington	Teacher	1977-1986
58	Illinois	Legislator	1985-1986
38	Massachusetts	Attorney	1981-1986
45	Pennsylvania	C.P.A.	1979-1986
55	California	Construction Consultant	1983-1986
52	Washington	Teacher	1985-1986
59	Oregon	Newspaper Publisher	1973-1986
32	Washington		1985-1986
52	Minnesota	Legislator	1974 ex., 1977-81, 1985-1986
54	Washington	Owner-Car Dealership	1983-1986
59	Iowa	Publisher	House: 1965-1982 Senate: Appt. 11/16/82 1983-1986
39	Washington	Assistant Chief Clerk	1983-1985
56	Washington	Retired USAF	1975-1980; 1983-1986

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fiftieth Legislature
1987 Regular Session
1987 First Special Session
1987 Second Special Session
1987 Third Special Session

House No.	Relating to:	Chapter No.	Effective Date
	1 Christmas trees excise tax	23	4/6/87
S	2 Water/sewer dist provisions	449 PV	7/26/87
	3 Retirement overpayment	490	7/26/87
S	4 Public records release	403	7/26/87
	6 Gambling statutes/recodified	4	3/16/87
S	9 Public util estab jt util	18	7/26/87
	10 Retirement systems transfers	417	7/26/87
S	11 Emergency service districts	17	4/3/87
2S	16 Wood stove emissions	405	7/26/87
	24 MV fuel tax penalties	294	7/26/87
S	25 State publications provsns	505 PV	7/26/87
S	26 Lottery provisions	511 PV	5/19/87
	31 Insurers/convention blank	132	7/26/87
	39 Special districts/provisions	298	7/26/87
S	42 Minors arrest/alcohol	154	7/26/87
	44 Property tax/mobile homes	155	7/26/87
S	47 Dir of pub safety/LEOFF ret	418	7/26/87
S	48 Parenting/revise provisions	460 PV	1/1/88
	49 Hazard waste mangmnt/award	115	7/26/87
	51 Prop Ins Inspec Plcmnt Prgrm	128	7/26/87
S	55 Sustainable harvest	159	7/26/87
S	56 Surface mining permits	258	7/26/87
S	60 Liens/commercial fishermen	148	7/26/87
S	63 Lake management districts	432	7/26/87
	66 B&O tax/barley	139	7/26/87
	67 B&O tax/seed conditioning	493	7/26/87
	68 Irrigatn ofcs/polling place	123	7/26/87
	75 Irrigation districts	124	7/26/87
S	80 Mortgage brokers/regs	391	7/26/87
S	83 Driver record/accidents	463	7/26/87
	86 Sewer/water improvnmnt notice	315	7/26/87
S	88 Personal service contracts	414 PV	7/26/87
	91 Incentives/state employees	387	7/1/87
	Section 10		5/15/87
	94 Fraudulent transfer act	444	7/1/88
S	95 Prevailing wage/new constructn	321	7/26/87
	96 Property taxes/appeal	156	7/26/87
S	98 Nat'l guard/state liability	26	4/6/87
S	99 WA health insurance pool	431	5/18/87
	110 Alcohol sales/minors	204	7/26/87
S	116 Plats/administrative approv'l	354	7/26/87
S	124 Ballot order rotation	110	7/26/87
S	129 Credentialing act/counselors	512 PV	7/26/87

House No.	Relating to:	Chapter No.	Effective Date	
S	130	Airport use fees/collectns	254	7/26/87
S	134	Radiological techs/certs	412 PV	10/1/87
	135	Western library network	389 PV	6/30/87
	136	Game cmsn/meeting dates	114	7/26/87
S	138	Voc excellence award/tuition	231	7/26/87
		Section 3		1/1/88
	142	Presuit investign powr/A.G.	152	7/26/87
	146	Credit unions/provisions	338 PV	7/26/87
S	147	Credit ins/provisions	130	7/26/87
	148	Business ID system/agencies	111	7/1/87
S	153	Developmntally disabld/abuse	206	7/26/87
S	154	Hazardous materials	238	7/26/87
	161	Motorcycle helmets required	454	7/26/87
2S	163	School dist brd of dir/pay	307	9/1/87
2S	164	WA housing trust fund	513 PV	1/1/88
S	168	Fire serv dist charges	325	7/26/87
S	170	Nat resource rules/violation	380	1/1/88
	171	Contractors/comm colleges	407 PV	7/26/87
S	186	Public contracts/bids	120	7/26/87
	187	L&I appeals of orders	151	7/26/87
S	188	Init-Ref/filing time	161	4/23/87
	194	Park district treasurers	203	7/26/87
2S	196	Driving w/o license	388 PV	7/26/87
		Sections 1-8		7/1/88
		Section 9		1/1/90
	197	Prop tax levy/adjust	168	7/26/87
S	198	Sales tax trust fund	245	5/1/87
	199	Timber excise tax	166	7/26/87
	200	Util tax/sewerage collection	207	7/26/87
	203	Tax notices/delinquent	208	7/26/87
	204	Tax/personal property	27	7/26/87
	205	MV transp company/assessment	153	7/26/87
	209	Cigarette taxes/enforcement	496	7/26/87
S	217	Superior courts/provsns	363	7/26/87
	220	Coll bargaining/UW printers	484	7/26/87
2S	221	Hearing impaired/telecomm	304	7/26/87
S	226	Collective bargaining/judges		Vetoed
S	231	Water well construction	394	7/26/87
S	232	Water rights/conservtn prgms	125	7/26/87
	235	Drugs/out-of-state physician	144	4/22/87
S	237	Emergency med services/provsns	214	7/26/87
S	238	Solid waste managmnt/provsns	239	7/26/87
S	244	Public disclosure exemptions	299	7/26/87
	248	WSP retirement/spouses	173	7/1/87
	250	UTC permits	209	7/26/87
	255	Veh ownership transfer	127	7/26/87
2S	257	Trust fund/grad students	147	7/26/87
S	258	Public health fees/provsns	223	7/26/87
S	259	Water recreation provisions	222	7/26/87
	261	License plate/centennial	178	4/23/87
S	263	Public loans w/o bonds	19	4/3/87
S	274	DSHS/overpayment recovery	283	7/26/87
	277	Financial respons proof/DOL	371	7/26/87
	279	Motr veh code/security depst	378	7/26/87
	282	Food coupons/tax exemption	28	10/1/87

House No.	Relating to:	Chapter No.	Effective Date	
S	283	Fishing gear/foreign vessels	262	7/26/87
S	289	Recreational activities/regs	250	7/26/87
S	291	Voter challenges/procedures	288	7/26/87
	295	Implied consent law/revsns	22	7/26/87
S	296	Local governance study cmsn	16	6/30/87
S	298	Loc govt dists/withdraw area	138	4/22/87
	310	Insurers/financing coverage	240	1/1/88
S	313	Park dist cmsnrs terms	53	7/26/87
	315	Citizens cmsn salaries/approp	1	2/20/87
2S	321	Tax deferrals/alum casting	497	5/19/87
S	324	Public disclosure exemptns	337	7/26/87
S	325	Ed programs/bilingual	398	7/26/87
	326	Water quality acct transfer	527	7/26/87
S	327	Capital budget	6 E1 PV	6/12/87
S	329	Conservation cmsn membership	180	7/26/87
	338	Transp cmsn/retain experts	364	7/26/87
2S	339	Profssorshp trust fund prgrm	8	7/26/87
S	341	Banks/corporate powers	498	7/26/87
S	347	MV fuel taxes/payment	174	6/1/87
	352	Highways/priority programming	179	7/26/87
S	353	Agriculture dept/provsns	393	7/26/87
		Sections 15 and 27		5/15/87
	358	Jt cmte on pension policy	25	7/26/87
S	364	Contractor registratrn/prvsns	419	7/26/87
S	373	Rural developmnt studies	293	7/26/87
	374	Veterinary biologics/sale	163	7/26/87
	377	Deferred comp fund/rename	121	7/26/87
	378	Ins board revolv fund/rename	122	7/26/87
	379	Risk retention groups	306	5/11/87
S	385	Radioactive waste/entry	86	4/20/87
S	388	Wastewater treatmnt facility	357	7/26/87
S	391	Deeds of trust	352	7/26/87
S	393	Limited partnerships provsns	55	7/26/87
	395	Highway improvmts/financing	261	7/26/87
	396	Transp benefit districts	327	7/26/87
	399	Industrial ins premiums	210	7/26/87
	403	Aircraft regis-tax/DOT	220	7/26/87
	406	Retirement service credits	146	4/22/87
	410	Ed info revolving fund	119	7/26/87
S	413	Child support modifications	430	7/26/87
S	415	Driving recrd/treatmnt agncy	181	7/26/87
S	418	Child support schedule cmsn	440	5/18/87
S	419	Paternity/admin determinn	441	7/26/87
S	420	WA state support registry	435	1/1/88
		Section 4		5/18/87
S	424	Service credits PERS	136	7/26/87
S	425	Heating systems/district	522 PV	7/26/87
2S	426	Columbia River Gorge Compact	499	5/19/87
S	430	Employee co-ops/creating	457	7/26/87
	431	Emergency veh restrictions	176	7/26/88
	432	Frat benefit societies/regs	366	1/1/88
	435	Real estate license/inactive	514 PV	7/26/87
S	440	Retirement/elected officials	379 PV	7/26/87
S	445	Unemployment comp/lock outs	2	2/20/87
2S	448	Family independence program	434 PV	7/26/87

House No.	Relating to:	Chapter No.	Effective Date
S	450 Cemetery board/reorganize	331	7/1/87
	452 Day care/school based	487	7/26/87
S	454 Boards & cmsns/revisions	330	7/26/87
2S	455 School finances/enhance	2 E1	9/1/87
2S	456 Learning enhancement prgrms	518 PV	7/26/87
S	458 Telecomm/measured service	333	6/1/87
	462 Indust ins paymnts/penalty	470 PV	7/1/87
S	465 Wage claims	172	7/26/87
S	476 Banking regulations	420	7/26/87
2S	477 Health care access act 1987	5 E1	8/20/87
2S	480 Indian children/protectons Sections 10 and 11	170	7/26/87 7/1/88
S	489 Probate provisions	157	4/22/87
S	492 Tuition/fees/installmnts	15	6/30/87
S	498 Collective barg/firemen/EMTs	521 PV	7/26/87
S	499 Wastewater permit/issuance	500	7/26/87
S	506 Childrens trust fund	351	7/26/87
S	508 Access devices/crimes	140	7/26/87
	520 Nonprofit corp/provsns	117	7/26/87
S	522 State land exchanges	113	7/26/87
S	523 Pollution control facilities	436	5/18/87
	541 Joint operating agencies	376	7/26/87
S	542 Traps on private property	372	7/26/87
	545 Correcting double amendment	145	7/26/87
	549 Centennial cmsn/exec sec	300	7/26/87
	551 Aquatic lands/sales	350	7/1/89
	559 Vanpool laws/extending Section 2	175	7/26/87 1/1/88
S	563 Uniform disciplinary act	150	7/26/87
2S	569 WA wine commission Section 10	452	7/1/87 7/1/89
S	571 Water treat plant/municipal	399	7/26/87
S	578 Taxing dist boundaries	358	7/26/87
S	585 Vehicle registration	142	7/26/87
2S	586 Child protective services	503 PV	7/1/87
	590 Govt official/civil liability	263	7/26/87
S	601 Public accomodtns/pay for	353	7/26/87
S	611 Navy home port Everett/funds	272	5/7/87
S	614 Absentee voter/revisions	346 PV	1/1/88
S	621 Bonds/capital projects	3 E1	8/20/87
	628 Tax/cmrcal fishng diesel fuel	494	7/26/87
	629 Pilot discipline board	392	7/26/87
S	630 Pilotage requirements	485 PV	7/26/87
	643 Bonds/special assessment use	169	7/26/87
S	644 DOE/certify testing labs	481	7/26/87
S	646 Drug treatmnt shelter prgrm	406	7/26/87
S	648 Noxious weed control/prvsns	438 PV	7/26/87
	654 Unemploy ins/contributns	213	4/29/87
S	656 Service for unemployed prgrm	171	7/26/87
	658 Precinct cmteman/filing form	133	7/26/87
	663 Breath alcohol testing	247	7/26/87
S	665 SSI referral program	177	7/1/87
S	669 Bicycles/unclaimed/charity	182	7/26/87
	671 Construction/new/assessment	134	4/21/87
S	677 Industrial ins administratn	316	7/26/87

House No.	Relating to:	Chapter No.	Effective Date
	678 Right-to-know advis council	24	7/26/87
2S	684 Criminal sentencing/provsns Sections 9-31	456 PV	7/26/87 1/1/87
S	695 Prop tax/seniors/disabled	301	7/26/87
S	697 Long-term care ombudsmen	158	4/22/87
	698 Local govt charges/collectn	355	7/26/87
	699 Medicine/limited licenses	129	7/26/87
	701 Aircraft/survival kits	273	7/26/87
S	706 Youth employmnt & conservtn	167	6/30/87
	707 WA conservation corps	367	5/14/87
	713 Debt-related securities Sections 1-8	421	7/26/87 1/1/87
S	732 Audit services revolving fund	165	7/26/87
S	734 Erotic material/minor access	396	7/26/87
S	738 Correctns standrds brd/elim Sections 16-21 Sections 1-11, 16, 17, 22 and 23	462	7/26/87 5/18/87 1/1/88
S	739 Bond ceiling/private activity	297	5/8/87
S	743 Econ revitalztn board/laws	422	5/18/87
S	746 Ferries/passngr only/purchas	183	7/26/87
	748 Urban arterial trust account	360	7/26/87
S	750 Farm contractr security bond	216	7/26/87
	753 Crimlnl mistreatmnt/classify	224	7/1/87
S	755 Community corrections	312	7/26/87
2S	758 Wildlife/dept of	506 PV	7/26/87
S	763 Health care/consent	162	7/26/87
S	767 Respiratory care practitnrs Section 4	415 PV	7/26/87 9/15/87
	770 School curriculum/envrironmnt	232	7/26/87
	772 Property tax provisions	319 PV	7/26/87
S	773 Voter registration/invalid	359	7/26/87
S	776 School employ/hearing officers	375	7/26/87
S	782 Lobbyist/reportng requirmnts	423	7/26/87
S	783 Milk agreements/cooperatives	164	7/26/87
S	786 School dist/innovative prgrm	401	7/26/87
S	790 Timeshares/laws	370	7/26/87
	795 Marriage/authorized persons	291	7/26/87
S	805 School plant constructn/fund	112	7/26/87
2S	813 Children/Governors cmsn	473 PV	7/1/87
	815 Storm water control	241	7/26/87
	816 Civil service systm/sheriff	251	7/26/87
	825 Motor vehicle fund uses	234	7/26/87
	827 Pupil transportatn/bids	141	7/26/87
	831 Horse racing cmsn/revsns	453	7/26/87
S	833 WA efficiency study cmsn	480	7/26/87
	843 Radiation maintenance fund	184	7/26/87
S	844 Dependnt care prgrm/st empty	475	7/26/87
	856 Bed & brkfst industry/study	276	7/26/87
S	857 Teachers scholarship prgrm	437	7/26/87
	865 Duty disabilty/service credit	118	7/26/87
S	876 Methadone treatment programs	410	5/18/87
S	902 Civil service exemptions	339	7/1/87
S	920 Insurance rates/anti-theft	320 PV	1/1/88
S	927 Judgments/enforcement	442 PV	7/26/87
S	928 Subtidal clams/land leasing	374	5/12/87

House No.	Relating to:	Chapter No.	Effective Date	
S	931	Legend drug samples/dispense	411	7/26/87
S	937	Self-insurers/claim forwrng	290	7/26/87
S	942	Medical examiners brd/member	116	7/26/87
	947	MV excise tax/collection	260	7/26/87
	954	Election laws/genderless	295	7/26/87
	959	Init/referendum/cities		Vetoed
S	970	Mental institution/reimburse		Vetoed
S	978	Yakima river basin enhancmnt	517	PV 7/26/87
S	982	Teacher certification	464	7/26/87
S	984	Parimutuel wagers/satellite	347	7/26/87
	985	MV ins reduction/ed courses	377	7/26/87
	992	Utility service termination	356	7/26/87
S	995	Mobile home park purchase	482	PV 7/26/87
S	1004	Chiropractic discipline brd	160	6/30/87
2S	1006	Nursing homes/provisions	476	PV 7/26/87
S	1012	PUD annexation areas	292	7/26/87
	1014	Local improvmts/public corp	242	7/26/87
	1016	County fees reduction	381	7/26/87
	1021	Higher ed opportunity progrm	305	5/11/87
	1027	Timber sale/trust lands	126	4/21/87
	1034	Rail development account	428	7/1/87
S	1035	Rail development commission	429	6/25/87
	1049	Alcohol tests/breath/blood	373	7/26/87
S	1065	Fingerprint I.D. system	450	7/26/87
	1067	Public retirement/options	143	7/26/87
S	1069	Worker comp/obsolete refrnce	185	7/26/87
	1087	Prop tax/arts organizations	468	7/26/87
	1090	Tax exmption/student loan	433	7/26/87
S	1097	Tuition-fee progrm/reciprocl	446	7/30/87
S	1098	Tidelands/fed govt agreement	274	7/26/87
	1123	Grade crossing fund/MV fund	257	7/26/87
S	1128	Retiremnt/part-time teachers	265	7/26/87
S	1132	Tri-Cities/economy	501	5/19/87
	1137	Tax/low-income housing	282	7/26/87
S	1156	Distressed area requirements	461	5/18/87
S	1158	Liquor license/exporters	386	5/15/87
S	1160	Road/maintenance costs/study	424	7/26/87
	1180	Residency/to college in 6 mo	137	7/26/87
	1185	Levy rates/junior tax dists	255	7/26/87
S	1197	School capital projects	413	7/26/87
	1199	Service of process/designee	361	7/26/87
	1204	Sexul abuse/sentencing	131	7/26/87
	1205	Water quality acct/distrib	516	PV 7/26/87
S	1221	Appropriations act/87-89	7	E1 PV 7/1/87
	1228	Alcohol & substance abuse	458	PV 7/26/87
		Sections 13-20		1/1/88
	1239	Fiscal matters		Vetoed
	1260	Nursng home employes/min wage	1	E2 8/11/87
	1261	Chore services/funds	2	E2 8/11/87
	1264	Teachers/salary increases	1	E3 10/16/87

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Fiftieth Legislature
1987 Regular Session
1987 First Special Session
1987 Second Special Session
1987 Third Special Session

No. Subject:

HOUSE JOINT MEMORIALS

4000	Surface transportation assistance act
S 4023	Radioactive wastes; Hanford
4028	Federal fuel taxes increase act

HOUSE JOINT RESOLUTIONS

4212	Legislative terms; lengthen
4220	School construction funds

HOUSE CONCURRENT RESOLUTIONS

4400	Joint Session; State of the State message
4401	Joint Select Committee on Telecommunications
4404	Senator Al Henry Bridge
4406	Joint Session; Memorial Service
S 4407	Joint Select Committee on Marine and Ocean Resources
4415	Joint Session; Medal of Merit Presentation Ceremony
4418	Joint Select Committee on Employment and the Family
4419	Sine die; 1987 Regular Session; notify Governor
4420	Legislature organized; 1987 First Special Session
4421	Sine die; 1987 First Special Session; notify Governor
4422	Special Session; procedures
4423	Adjourning Sine Die; 1987 First Special Session
4424	Sine die; 1987 Third Special Session; notify Governor

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fiftieth Legislature
1987 Regular Session
1987 First Special Session
1987 Second Special Session
1987 Third Special Session

Senate No.	Relating to:	Chapter No.	Effective Date	
S	5001	Judicial council revised	322	7/26/87
	5002	Judicial conduct commission	186	4/25/87
	5008	Property tax by check	211	1/1/88
	5009	Dialysis property tax	31	7/26/87
	5010	Legislative terms	13	7/26/87
	5013	Street vacation/abut water	228	7/26/87
S	5014	Weatherization low-income	36	4/13/87
	5015	Municipal ct terminology	3	7/26/87
	5017	District court terminology	202 PV	7/26/87
	5019	Sewer water levies	33	7/26/87
S	5022	Public works appropriation	5	3/18/87
S	5024	Contractor reg # advertising	362	7/26/87
	5032	Antique slot machine	191	7/26/87
	5034	Model traffic ordinance	30	4/7/87
	5035	IAC outdoor rec extend	425	5/18/87
S	5045	Vote canvass recount	54	7/26/87
S	5046	Health/disabl insur riders	37	7/26/87
S	5047	POW license plates	98	7/26/87
	5051	Environmental excellence	67	7/26/87
S	5058	Failure to adopt rules	451	7/26/87
	5060	Intoxicated pedestrians	11	7/26/87
S	5061	Traffic laws misdemeanor	345	7/26/87
	5062	Probable cause to stop MV	66	7/26/87
2S	5063	Child abuse info employees	486	7/26/87
	5067	Domestic violence orders	71	7/26/87
	5069	Public utility budgets	38	7/26/87
S	5071	Dangerous wastes	488	7/26/87
2S	5074	Involuntary commitment	439 PV	7/26/87
	5080	Exempt pension money	64	7/26/87
S	5081	Winter recreation	526	5/19/87
	5085	Warehousemen's liens	395	7/26/87
S	5088	Visitation custody interfere		Vetoed
S	5089	Child abuse homicide	187	7/26/87
S	5094	Spec builders labor tax	285	7/26/87
	5097	Utility regulation	229	7/26/87
S	5104	Parks improvement account	225	7/26/87
	5105	Poisons - licenses	34	7/26/87
S	5106	Organized crime	65	7/26/87
S	5107	MV excise tax levy period	235	7/26/87
	5110	Wash scholar award	465	7/26/87
S	5113	Seat belt insurance	310 PV	7/26/87
	5120	County auditors	302	7/26/87
		Section 3		5/8/87

Senate No.	Relating to:	Chapter No.	Effective Date
S 5123	Highway advertising	469 PV	7/26/87
S 5124	Junk vehicles	311 PV	7/26/87
S 5129	1st Ave South bridge	510	7/26/87
S 5130	Liquor by the bottle	196	7/26/87
S 5136	Pearl Harbor	44	7/26/87
5138	Tax deferral/credit info	49	7/26/87
5139	Cigarette tax	80	7/26/87
S 5142	Harassment	280	7/26/87
S 5143	Public employment records	404 PV	7/26/87
S 5144	Fertilizers pesticides	45	7/26/87
5146	Port commission life insur	50	7/26/87
5148	Dept Blind/serv continued	60	7/26/87
5149	Ct of appeals sessions	43	7/26/87
S 5150	Pension portability	192	7/1/88
	Section 5		7/1/87
S 5155	School dist annex	100	7/26/87
5159	Puget Island ferry	368	7/1/87
5160	Poisons/haz substances	236	7/26/87
5161	Mental hosp/purch authority	70	7/26/87
S 5163	Midwives	467	7/26/87
5164	Radioactive materials	90	7/26/87
S 5170	Agri fees assessments	35	7/26/87
5172	Victims/witnesses/crimes	281	6/30/87
S 5174	Land bank	29	7/26/87
5178	Commodity brokers	243	7/26/87
S 5179	Private printing	72	7/26/87
S 5180	St purchasing	81	7/26/87
S 5181	Charity donation receptacles	385	7/26/87
S 5191	Comm on Hispanic Affairs	249	7/26/87
S 5193	Mining public lands	20	7/26/87
5194	UCC fees	189	7/26/87
S 5196	Insurance/immunity	51	7/26/87
5197	Community college exchange	12	7/26/87
S 5199	Port district boundary	82	7/26/87
5201	Conflict of interest	426	7/26/87
5204	Hospital superintendent	58	7/26/87
5205	Judges pro tempore	73	1/1/88
	(Pending approval of constitutional amendment by voters)		
S 5206	Superior ct judge additional	323 PV	7/26/87
S 5212	Temporary retail liquor lic	217	7/26/87
5217	Wellness program	248	7/26/87
S 5219	Naturopathic physicians	447	7/26/87
	Section 24		6/30/87
S 5225	Community coll collect barg	314	7/26/87
5227	DSHS finance recovery	75	7/26/87
S 5232	Unemploy comp base years	278	7/26/87
5245	Reflectorized warnings	226	7/26/87
5247	School program approval	39	7/26/87
5248	Vocational curriculum	197	7/26/87
S 5249	Ct filing fees	382	7/26/87
2S 5252	Child abuse prevention	489	7/26/87
S 5253	Displaced homemakers	230	7/1/87
S 5254	Minors/liquor sales	101	7/26/87
5265	Beer retailers	205	7/26/87
S 5274	In-service training	519	7/26/87

Senate No.	Relating to:	Chapter No.	Effective Date	
	5277	ReflectORIZED licenses	52	7/26/87
S	5285	Public broadcasting	308	7/26/87
S	5288	Veteran affairs assault	102	7/26/87
S	5293	Social welfare/B&O tax	4 E1	6/9/87
S	5299	Massage therapy	443 PV	7/26/87
		Section 12		6/1/88
S	5301	Vicious dogs	94	7/26/87
S	5312	St patrol/collective barg	135	7/26/87
S	5318	Burning permits	21	7/26/87
S	5326	Disability training	369	7/26/87
	5327	Special attn disabled	76	7/26/87
S	5329	Disincentives to work	91	7/26/87
S	5330	Disabil accommodation fund	9	7/26/87
	5331	Disabled/data	10	7/26/87
	5335	Boundary review boards	477	7/26/87
	5348	Hulk haulers/ownership	62	7/26/87
S	5351	Supplemental budget	7	3/31/87
S	5371	Discriminatory covenants	56	7/26/87
	5380	Retirement cost-of-living	455	7/1/87
	5381	Slaughtering	77	7/26/87
S	5389	Noise control	103	7/26/87
S	5392	Unemployment comp/benefit yr	256	7/26/87
S	5393	Older/long-term unemployed	284	7/26/87
	5402	PERS restoration	88	4/20/87
	5403	Veterans affairs committee	59	7/26/87
S	5405	Right to know	365	7/26/87
	5408	Asbestos	219	7/26/87
	5410	Employment security appeals	61	7/26/87
	5412	Nurse/patient privilege	198	7/26/87
	5413	St highway update	199	7/26/87
	5415	WSDOT rights of way	68	7/26/87
	5416	WSDOT limited acces	200	7/26/87
S	5417	Ferry system leases	69	7/26/87
	5418	St patrol memorial fund	63	7/26/87
S	5423	Consular license plates	237	7/26/87
	5427	Ecology procedure simplify	109 PV	7/26/87
	5428	Cities/competitive bid	400	7/26/87
	5433	Teacher certification	40	7/26/87
S	5439	Surveys & maps	466	7/26/87
	5442	Forest fire priority		Vetoed
	5444	Money making challenge	246	7/26/87
2S	5453	Respite care	409	5/18/87
S	5456	Supplemental trans budget	270	5/7/87
	5463	K-12 international ed	349	7/26/87
S	5464	Dist ct credit cards	266	7/26/87
S	5466	HMO fees	83	7/26/87
	5469	DTED obsolete references	195	7/26/87
S	5479	School/teacher improve	525 PV	7/26/87
		Section 303		6/15/87
	5483	Higher ed retire leaves	448	7/26/87
S	5495	Food fish/personal use	87	1/1/88
2S	5501	Aquatic land dredge acct	259	7/1/87
S	5502	MV warranty enforce	344	7/26/87
		Sections 2-8, 10-12, 14-16		1/1/88
		Section 9		6/1/87

Senate No.	Relating to:	Chapter No.	Effective Date	
S	5510	Real estate licenses	332	7/26/87
S	5511	Retirement/mandatory assign	326	7/1/87
S	5512	PERS/service credit	384	
		Section 1		7/1/87
		Section 2		7/1/88
	5513	State Patrol/retirement	215	7/1/87
S	5514	Water/sewer competitive bids	309	7/26/87
2S	5515	Vessel dealer registration	149	7/1/87
S	5519	Vesting of rights	104	7/26/87
S	5520	Improvement dist 200%	340	7/26/87
	5522	Public works contracts	218	7/26/87
	5523	Credit cards/st agencies	47	7/26/87
	5529	MWBE certification	328	5/12/87
S	5530	Office of small business	348	7/26/87
S	5533	Ocean resources assessment	408	7/26/87
	5536	Scenic rivers	57	7/26/87
	5541	Liquor bd audit	74	7/26/87
	5546	Assault	324	7/1/88
		Section 3		5/12/87
	5549	Execution dates	286	7/26/87
	5550	Sexual offenders	402	7/1/87
2S	5555	Information technology	504 PV	7/1/87
	5556	Floodplain management	523 PV	7/26/87
S	5561	Auction companies	336	7/26/87
	5564	Housing authorities	275	7/26/87
S	5565	Gas delivery meters	42	7/26/87
S	5570	Incinerator residues	528 PV	5/19/87
	5571	Grain idemnity fund	509	5/19/87
S	5581	Beer samples	46	7/26/87
S	5584	L&I claim misrepresentation	221	7/26/87
S	5594	Water rights claims	93	4/20/87
	5597	Cosmetology	445	7/26/87
S	5598	Community mental services	105	7/1/87
S	5604	Navy conveyances	271	5/7/87
	5605	Proportional vehicle regis	244	7/26/87
		Sections 9,10, 15-58		1/1/88
		Section 1		1/1/90
S	5606	Budget & accounting	502 PV	7/26/87
S	5608	Animal cruelty	335 PV	7/26/87
S	5622	Beginning teachers asst	507	6/15/87
S	5632	Learning asst program	478	7/26/87
	5642	SPI food services	193	7/26/87
S	5650	Pilot qualifications	264	7/26/87
2S	5659	Protection of children	524 PV	7/26/87
	5666	SR 161/Enchanted Pkwy	520	7/26/87
	5668	Securities/pub serv comp	106	7/26/87
	5678	Deaf students/comm coll fee	390	7/26/87
S	5679	UTC/confidential information	107	4/20/87
	5685	Apple advertis comm/bonds	6	3/26/87
S	5688	Higher ed/commercial activ	97	7/26/87
	5693	Voting time/employees	296	7/26/87
	5712	Nonresident student/defined	96	7/26/87
S	5717	Nonprofit corp/finance activ	190	6/1/87
	5732	Right-of-way donations	267	7/26/87
	5735	Approach rds/st hwy/standard	227	7/26/87

Senate No.	Relating to:	Chapter No.	Effective Date	
	5739	Escrow agents/bonds/errors	471 PV	7/1/87
	5740	Ferry employees' compensa	78	7/1/87
	5747	Nonprofit historic preserv	341	7/26/87
S	5761	Electrical install/rules	79	7/26/87
S	5763	Surplus salmon eggs/sale	48	7/26/87
	5764	Washington sunrise act	342	7/26/87
	5774	ID on dentures	252	7/26/87
S	5779	Vehicle mech breakdown insur	99	7/26/87
	5780	Campaign funds/investment	268	7/26/87
S	5801	LEOFF/medical/presumption	515 PV	7/26/87
S	5814	Mobile homes	313	7/26/87
	5822	Short plat regulations	92	7/26/87
S	5824	Assault institution	188	7/1/87
S	5825	Horizontal property	383	7/26/87
S	5830	UCC/organ transplants	84	7/26/87
S	5838	Health studios mem/sales	317	7/26/87
2S	5845	Forest practices	95	4/20/87
S	5846	Boating safety	427 PV	7/26/87
S	5849	Insurance cancellation	14	7/26/87
S	5850	Traffic infractions	397 PV	7/26/87
S	5857	Impaired physicians	416 PV	7/1/87
S	5858	Mobile homes/sales tax	89	4/20/87
	5861	Small passenger vessels	194	4/25/87
	5863	Mobile homes age/parks	253	7/26/87
2S	5871	Day care/community coll	287	7/26/87
S	5880	Tuition recovery/private voc	459	5/18/87
	5882	Contractors/insur requiremnt	303	7/26/87
S	5892	Land subdiv/site plan exempt	108	7/26/87
S	5901	Convention center/finance	8 E1 PV	6/12/87
S	5911	DNR purchase properties	472 PV	5/18/87
	5936	Contingent-fee lobbying	201	7/26/87
S	5944	CPA/continuing education		Vetoed
	5948	MV retail contracts/interest	318	1/1/88
	5955	Muni ownership/prof sports	32	4/10/87
	5956	Idaho workers in Washington		Vetoed
	5972	Peer review/liability	269	7/26/87
	5976	Livestock liens	233	7/26/87
S	5977	Ed telecommunications netwtk	279	7/26/87
S	5978	Tributyltin in paints	334	4/1/88
2S	5986	Oil spill damage assessment	479	7/26/87
2S	5993	DOE/public waters	343	5/12/87
	5996	Wash voc tech center	492	5/19/87
	6003	Water rts/nonrelinquishment	491	7/26/87
S	6010	Pesticides disposal		Vetoed
	6012	Indecent exposure	277	7/26/87
S	6013	Off of child care resources	329	7/26/87
S	6016	Trans revenue & tax	9 E1 PV	7/1/87
S	6023	Port dists/mortgage facil	289	7/26/87
S	6033	Hops/B&O tax	495	5/19/87
	6038	Dialysis centers/drugs	41	7/26/87
S	6048	Civil actions/liabilities	212 PV	7/26/87
		Sections 401, 402, 701-710, 901, 1001, 1101, 1201, 1401, 1501, 1601, 1602		4/29/87
		Sections 101, 102		7/1/88
	6053	ESD/board powers	508 PV	7/26/87

Senate No.	Relating to:	Chapter No.	Effective Date
S 6061	Community docks	474	7/26/87
S 6064	Lodgings/local excise tax	483	7/26/87
6065	Collection agencies/records	85	7/26/87
S 6076	Transportation approp	10 E1 PV	6/12/87
6078	B&O tax modified	3 E2	8/11/87
6084	Corporate acquisitions	4 E2	8/11/87
6085	Hazardous sub/public protect	2 E3	10/16/87

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**

Fiftieth Legislature
1987 Regular Session
1987 First Special Session
1987 Second Special Session
1987 Third Special Session

No. Subject:

SENATE JOINT MEMORIALS

8000	Spotted owl review
8005	Sale of BPA
8006	Motor carrier safety
8008	Oil spill program
8016	Farm Credit System/Wash farm
8017	Veteran Center/Walla Walla

SENATE JOINT RESOLUTIONS

8207	Judges pro tempore
8212	Public land \$\$ invest

SENATE CONCURRENT RESOLUTIONS

8400	Leg. organized/Gov. notified
8401	Joint Rules
8402	Cutoff dates
8404	Jt select comm disability
8408	Trucking duplication
8413	Jt sel comm/labor-mgmt
8414	Transmit bills/Hse of origin
8415	Adjourn Sine Die
8416	Reintro all measures
8418	Return bills/Hse of origin
8419	Leg organized/Gov notified
8421	Sine Die/Gov notified
8422	Leg. organized/Gov notified

**GOVERNOR'S MESSAGES ON HOUSE BILLS
VETOED AND PARTIALLY VETOED**

Fiftieth Legislature
1987 Regular Session
1987 First Special Session
1987 Second Special Session
1987 Third Special Session

May 18, 1987

To the Honorable, House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6 and 15, Substitute House Bill No. 2, entitled:

"AN ACT Relating to special purpose districts."

Sections 6 and 15, if signed, would result in an identical double amendment of sections 1 and 2 of House Bill No. 643, which I have already signed into law. For this reason, I have vetoed sections 6 and 15.

With the exceptions of sections 6 and 15, Substitute House Bill No. 2 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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, 20, 23, 75 and 86, Engrossed Substitute House Bill No. 25, entitled:

"AN ACT Relating to state government."

Section 1 requires the Office of Financial Management to suggest a system to control the purchases of furniture by state agencies. While the existing system is not perfect, it does provide for some flexibility so that agencies may operate efficiently while at the same time allowing executive and legislative control through the budget process. The system envisioned by this section would add an additional layer of bureaucracy to a single part of the state purchasing system and would be costly to administer.

Improvements are possible in many areas of state government, and purchasing is one of these areas. I think that any changes in furniture purchasing should be considered in the context of improvements of the overall system. Therefore, I have vetoed section 1.

Three sections of Engrossed Substitute House Bill No. 25 contain amendments that conflict with other bills receiving my signature. Section 20 amends RCW 39.19.030(8), which is also amended by Engrossed Senate Bill 5529, section 3. Section 23 amends RCW 39.86.070, which is repealed by Substitute House Bill 739, section 13(8). Section 75 amends RCW 77.04.110, which is repealed by Engrossed Second Substitute House Bill 758, section 98. These amendments are incompatible, so I have vetoed these sections to avoid confusion.

Section 86 requires all state publications which are to be sent to legislators to be routed through the State Library. I fully agree that state agencies should limit publications to the Legislature to what is necessary. However, the language in section 86 is overly broad and could result in delays of critical information to the Legislature. To keep with the intent of this section, I will direct the Office of Financial

Management to work with agencies to devise a system that will distribute their publications more efficiently and effectively.

With the exception of sections 1, 20, 23, 75 and 86, Engrossed Substitute House Bill 25 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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(1)(k), 5, 10 and 12, Engrossed Substitute House Bill No. 26, entitled:

"AN ACT Relating to the lottery."

Section 2(1)(k) and portions of section 10 would require the Lottery to pay out exactly 45% of revenue as prizes. This requirement is technically impractical, since it is not possible to predict when Lotto prizes will be won. The present language requiring prize payments "not be less than forty-five percent" is preferable.

Section 5 requires the Lottery to notify local governments prior to the licensing of a business to sell lottery tickets, and provides for the denial of a license if the business is a non-conforming use. The Lottery currently has 3,900 retail outlets and issues approximately 600 new licenses per year. Notification of the appropriate executive bodies would place an unreasonable administrative burden on the agency. To address the needs of local governments, the Lottery has developed procedures that require prospective licensees to obtain permission from the local executive body if they are non-conforming uses.

Sections 10 and 12 require that costs of advertising and game-related services be appropriated. The current system under which these costs are budgeted and allotted, but not appropriated, has been satisfactory. The restriction would deny the Lottery the flexibility it needs to carry out its program and respond to changing conditions.

With the exception of Sections 2(1)(k), 5, 10 and 12, Engrossed Substitute House Bill No. 26 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

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 32, 33, 34, 37, 52, 53 and 54, Substitute House Bill No. 48, entitled:

"AN ACT Relating to parenting."

This legislation is part of a comprehensive approach by the Legislature to respond to pressing children's issues. As a result, several bills overlap each other. Sections 32, 33 and 34 of Substitute House Bill No. 48 affect how child support payments are made. Substitute House Bill No. 420, an act creating the child support registry, also affects the child support payments process. If both bills were signed into law, there would be conflicting interpretations of the law on support orders, wage assignments, and directions to the court. To eliminate this ambiguity, I believe Substitute House Bill No. 420, which is more thorough, should take precedence. Therefore, I have vetoed sections 32, 33 and 34 of Substitute House Bill No. 48.

Section 37 of Substitute House Bill No. 48 concerns modification of support orders and merely re-codifies RCW 26.09.170. Substitute House Bill No. 413 amends this section of law. The amended language is preferable and a veto of section 37 will eliminate ambiguity.

Sections 52, 53 and 54 amend statutes having to do with custodial interference. These sections are very similar to Substitute Senate Bill No. 5088, which I have vetoed. While I agree that non-custodial parents deserve fair treatment when their visitation rights are abused, I am concerned that involving the police in settling non-violent visitation disputes where harm to the child is not evident is an improper approach.

I have been asked to veto section 3(3)(f) because of concerns that it would give an unfair advantage to those more financially well-off in parenting/custodial decisions. However, as this is only one factor in a non-exclusive list of factors describing parenting functions, I am confident that the courts will not use this to discriminate against less well-off parents, usually women, in custody cases. However, if after experience it appears that discrimination is occurring, I will support a change to the law.

With the exceptions of sections 32, 33, 34, 37, 52, 53 and 54, Substitute House Bill No. 48 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 12, Engrossed Substitute House Bill No. 88, entitled:

"AN ACT Relating to personal service contracts."

This bill establishes a policy of open competition for all personal service contracts and directs the Office of Financial Management to establish procedures for competitive solicitation, record-keeping, reporting and filing of contracts to implement this bill.

Section 12 declares an emergency and directs that the bill take effect immediately. The Office of Financial Management must have time to establish the required procedures and communicate these new procedures to all state agencies, institutions, boards and commissions. Allowing this bill to become effective upon signing, with no procedures established, would result in confusion for state agencies attempting to carry on their contracting activities and comply with new requirements which have not been fully developed. A normal ninety day effective date will allow the program to be fully developed and give agencies the opportunity to understand the new procedures which should assist compliance.

With the exception of section 12, Engrossed Substitute House Bill No. 88 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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 23(1), Substitute House Bill No. 129, entitled:

"AN ACT Relating to counselors, social workers, mental health counselors and marriage and family therapists."

Section 23(1) adds those persons who will come under registration or certification by Substitute House Bill No. 129 to the list of persons mandated to report incidents of child or adult dependent person abuse or neglect in RCW 26.44.030.

Section 10 of Engrossed Second Substitute Senate Bill No. 5659 adds licensed or certified child care providers or their employees and juvenile probation officers to the list of mandated reporters in RCW 26.44.030. This section is an appropriate addition to the mandated reporting law.

While some counselors have direct contact with children, all licensed or certified child care providers and their employees and juvenile probation officers have direct contact with children and should be a higher priority to be added as mandated reporters of child and adult dependent person abuse and neglect. Therefore, I have vetoed section 23(1) of Substitute House Bill No. 129.

With the exception of section 23(1), Substitute House Bill No. 129 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

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, Engrossed Substitute House Bill No. 134, entitled:

"AN ACT relating to certifying radiological technologists and nuclear medicine technologists."

This bill provides that "no person may represent himself or herself to the public as a certified radiological technologist without holding a valid certificate to practice" from the state. It authorizes the Department of Licensing to set and collect fees and to designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate. It also authorizes the department to determine whether alternative methods of training are equivalent to formal education, and to allow proof of alternative training to determine the applicant's eligibility to receive a certificate. The bill does not provide for the state to establish any testing or competency test in order for applicants to receive certification.

Section 4 establishes certain exemptions from certification. These exemptions are unnecessary because certification is voluntary and is only required by people who want to represent themselves as certified radiological technologists. The lack of certification does not prohibit someone from practicing in the field of radiological technology. This section further confuses the meaning of the bill by referring to people who are unlicensed in section 4 even though this bill does not provide for a licensing (inability to practice without a certificate) approach.

With the exception of section 4, Engrossed Substitute House Bill No. 134 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 15, 1987

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, House Bill No. 135, entitled:

"AN ACT Relating to the western library network."

Section 1 of House Bill No. 135 amends RCW 27.26.020. Section 13 of Second Substitute Senate Bill No. 5555 contains identical language. Therefore, I have vetoed section 1 in order to avoid confusion.

Section 5 amends RCW 43.105.130. Identical language is contained in section 12 which also contains additional language in Second Substitute Senate Bill No. 5555. Hence, I have vetoed section 5.

With the exception of sections 1 and 5, House Bill No. 135 is approved.

Respectfully submitted,
Booth Gardner, Governor

For Veto Message on HOUSE BILL NO. 146, see page 2292.

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 5, and 14, Engrossed Second Substitute House Bill No. 164, entitled:

"AN Act Relating to funding the Washington housing trust fund."

Engrossed Second Substitute House Bill No. 164 provides funding from interest earnings on nominal deposits of real estate earned money. A low income housing assistance advisory committee is established to advise the director of the Department of Community Development. A brokers' trust account board is created with final authority over the award of housing grant funds from this financing source. Twenty-five percent of the aggregated interest on brokers' trust accounts is directed to the real estate commission account for licensee education activities.

Sections 4 and 5 of the bill delete language related to social services that was included in the original enabling legislation. This language includes special support services directly related to housing as an eligible activity for the award of housing trust grant funds. Although the majority of these funds are intended for housing activities related to construction and rehabilitation, it is also important to retain the trust funds' flexibility to meet unique housing services needs as these arise.

Removal of these sections results in the elimination of new language to explicitly include the homeless as a target group for trust fund grants. This does not represent a substantive change, however, because shelters and other services for the homeless are already designated as eligible activities for receipt of funds in section 6 of the enabling statute.

Section 14 was inadvertently left in the bill after interest earnings on tenant security deposits was removed as a potential trust funding source. I am removing this section to avoid confusion.

With the exception of sections 4, 5, and 14, Engrossed Second Substitute House Bill No. 164 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

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, House Bill No. 171, entitled:

"AN ACT Relating to community colleges."

Section 2 amends RCW 28B.50.100, which is also amended by duplicate language in section 1001 of Engrossed Substitute House Bill No. 454, which I have already signed. Therefore, I have vetoed section 2 to avoid duplication.

With the exception of section 2, House Bill No. 171 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 15, 1987

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 12, Engrossed Second Substitute House Bill No. 196, entitled:

"AN ACT Relating to driving without a license."

Section 12 of this bill repeals RCW 46.20.416 which prohibits driving while in a suspended or revoked status. Section 1 of the bill incorporates the provisions of that statute into RCW 46.20.342.

The repeal affected by section 12 occurs ninety days after the end of the regular legislative session just completed. However, new statutory language to replace that provision does not take effect until July 1, 1988, as provided in section 13. Without a veto of section 12, this prohibition would lapse for approximately one year which would be an undesirable and unintended lapse in our suspension of driver license law.

With the exception of section 12, Engrossed Second Substitute House Bill No. 196 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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. 226, entitled:

"AN ACT Relating to public employers."

This bill would invalidate the 1975 Supreme Court case, Zylstra v. Piva, 85 Wn. 2d 743, which insured collective bargaining for Superior Court employees whose wages are set by the county for all matters under the control of the county, "specifically matters relating to wages, including benefits relating directly to wages such as medical insurance". However, the decision held that for purposes of hiring, firing and working conditions, and other matters necessarily within the statutory responsibility of the court (Judicial Branch) collective bargaining did not apply. The court indicated, "Our solution seeks to preserve for these employees as large a sphere of collective bargaining as possible, in accord with the stated purpose of the bargaining act."

This bill would change perceptions of independence that the courts have with the public. To require the judiciary to be involved in the collective bargaining process will impact the public's view of its impartiality on similar labor issues.

The bill would be more acceptable if the application and scope were limited to court employees who are under the control and supervision of a court administrator hired by the court to handle personnel and administrative matters. This approach would not involve the judges directly in the bargaining process and exclude the judge's personal staff which works with them in the courtroom every day.

Given the unique operation of the judicial system and the fact that each elected judge has separate control over individual employees, I do not believe the extension of collective bargaining to the matters within the direct control of the judges is appropriate.

For the above reasons, I have vetoed Substitute House Bill No. 226.

Respectfully submitted,
Booth Gardner, Governor

June 12, 1987

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 408(1) and 412, ReEngrossed Substitute House Bill No. 327, entitled:

"AN ACT Adopting the capital budget."

Section 408(1), Page 42, State Board of Education

This subsection eliminates the "super match" for school projects related to desegregation or vocational technical assistance. There are several jurisdictions

around the state which have approved bond issues based on the premise that they would qualify for this funding. To change the rules now would mean these projects could not go forward. I do not believe this is appropriate.

However, I am concerned about the policy of providing "super match" for specific types of projects. During the interim, I intend to review this policy and determine whether legislation affecting future projects should be offered.

Section 412, Page 43, Superintendent of Public Instruction

This section provides funds for capital planning and interim transportation costs for Nine Mile Falls School District. From discussions with representatives of the district, it appears that the purpose is incorrectly stated. It is supposed to be used for costs related to the transition of the district from a non-high to a high school district. However, the citizens of the district have already provided sufficient levy money to cover all these costs, which include the cost of bonds for the new high school and payments to other school districts for taking Nine Mile Falls high school students while the new school is being constructed. There is no justification for appropriating these funds.

With the exception of sections 408(1) and 412, ReEngrossed Substitute House Bill No. 327 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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 3(1) and 3(3), Substitute House Bill No. 425, entitled:

"AN ACT Relating to district heating systems."

The intent of the legislation, as stated in section 1, is "to provide a streamlined permitting system which will encourage development and efficient utilization and distribution of heat while continuing to provide reasonable consumer protections." Section 3(1) and 3(3) contradict this intent.

Section 3(1) states that the intent of the legislation is to minimize "any long-term rate impacts on customers of existing utilities." While harmful impacts should be minimized, I do not believe that beneficial impacts should be limited. Further, limiting consumer benefits contradicts the legislative intent of consumer protection.

Section 3(3) requires that public hearings be used to determine the effects district heating have on long-term utility rates. State law currently provides consumer protection by (1) requiring the establishment of district heating only by municipal legislative ordinance and (2) requiring the legislative authority to estimate consumer costs of such a system (RCW 35.97.050-060). Instead of streamlining the permitting system, section 3(3) retards the advancement of district heating while not furthering consumer protection.

With the exception of sections 3(1) and 3(3), Substitute House Bill No. 425 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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, Engrossed House Bill No. 435 entitled:

"AN ACT Relating to real estate brokers and salesmen."

Section 8 would exempt from the real estate excise tax assumed mortgages on real property which are refinanced.

Refinancing assumed mortgages is simply one means of financing the purchase of real property; no public goal or objective is served by this selective exemption. Washington cannot afford the loss of several million dollars caused by such an exemption.

With the exception of section 8, Engrossed House Bill No. 435 is approved.

Respectfully submitted,
Booth Gardner, Governor

For Veto Message on SUBSTITUTE HOUSE BILL NO. 440, see page 2291.

May 18, 1987

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 3(6), 3(16), 20(7) and 20(8), Engrossed Second Substitute House Bill No. 448, entitled:

"AN ACT Relating to the family independence program."

This bill is the beginning of a new opportunity for the needy of our state to achieve independence, to free themselves from reliance on government assistance and to achieve a better standard of living. I appreciate the efforts of those in the Legislature who have worked with me to make this opportunity possible, and I want to thank them for their support. The final version of the bill, however, contains some flaws, and I find it necessary to veto several items to ensure a smooth start for the program. These problems are surprisingly few for a measure of this scope.

Section 3(6) contains a definition of "Family Opportunity Councils" that conflicts with the description of these councils found elsewhere in the bill. The description in section 6 provides clearer direction to the councils and should stand alone.

Section 3(16) adopts a definition of placement which describes full-time employment as "thirty hours or more per week." Using this definition could have a significant fiscal impact by increasing the number of enrollees who would receive the maximum benefit level. In order to make sure that the program can be accomplished with existing resources, this definition should be deleted.

Section 20(7) would prevent the implementation of the Family Independence Program in any county in which the average unemployment rate is more than twice the state-wide average. This means that we would not be able to offer critically needed services to enrollees in economically distressed counties, even though it is these counties that could benefit the most from the creation of jobs through the job subsidy mechanism.

Section 20(8) would require the implementation of mandatory monthly reporting in at least one region. Data on both the state and national level has shown that mandatory monthly reporting is not cost effective. This provision would lead to increased administrative costs and complexity without compensating savings.

With the exception of sections 3(6), 3(16), 20(7) and 20(8), Engrossed Second Substitute House Bill No. 448 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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 111 through 115, 201 through 204, 221, 225 through 232, 306, 307, 308, 309, and 410, Second Substitute House Bill No. 456 entitled:

"AN ACT Relating to education."

This measure was introduced at my request. Its provisions deal with a wide range of problems encountered by children who are at risk of failure in school.

A number of amendments which created new programs were added to this bill during the legislative process. While I believe most of these programs are meritorious, I am vetoing those for which the Legislature provided no funding. Adding unfunded programs to substantive law gives false hope to those who would benefit from them. For this reason, I have vetoed sections which would have created a parents as first teachers program (sections 111 through 115), a grants-based program to provide elementary counselors (sections 201 through 204), and a multi-purpose block grant program (sections 225 through 232). I hope the Legislature will reconsider these programs, particularly the elementary counselors provisions, at some future time when funding may be available.

In addition, I am vetoing Section 221 which creates a mandatory increase in funding for gifted students but which was not funded in the budget.

Sections 306 through 308 permit state employees to use sick leave to participate in school activities. Similar provisions in the bill I requested were tied to approved parent participation programs developed by school districts. The lack of provisions to ensure that leave is used for meaningful participation fundamentally alters the concept and could lead to abuse.

Section 309 was likewise in the original bill. I included this provision anticipating that the Legislature would provide increased revenues for education and provide me with a budget with a decent reserve and a reasonable amount of management flexibility. With the budget which was actually approved by the Legislature, I have reluctantly concluded that the tax exemption for donated equipment might lead to an unacceptable loss of revenue.

Section 410 is standard null and void language which is unnecessary since the balance of Second Substitute House Bill No. 456 was funded in the budget.

With the exception of sections 111 through 115, 201 through 204, 221, 225 through 232, 306, 307, 308, 309, and 410 which I have vetoed, Second Substitute House Bill No. 456 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, House Bill No. 462, entitled:

"AN ACT Relating to industrial insurance payments and penalties."

Section 3 of this bill would limit the workers' compensation benefits that can be paid to offenders injured or killed while performing community service. Those who are performing court-ordered community service would be able to receive medical treatment for their injuries, but would be excluded from receiving compensation for lost wages.

This provision is reasonable if applied to those who are incarcerated or who have no actual loss of wages because they are not employed, but it would also affect some who have regular employment. This section would prevent those who suffer an economic loss because of an accident while performing community service from collecting compensatory benefits under industrial insurance. Further, it may open the state to liability for time loss resulting from such an accident.

Coverage of community service workers under the industrial insurance system is at the option of the government or non-profit agency for which the service is performed. Those agencies that would like to provide for the possible needs of these workers and at the same time protect themselves from unknown financial liability should have this opportunity.

In order to address the question of payment of time loss benefits to those who have no regular income, I am asking the Department of Labor and Industries to work with the proponents of this proposal to develop a solution that will be equitable to all concerned.

With the exception of section 3, House Bill No. 462 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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, Engrossed Substitute House Bill No. 498, entitled:

"AN ACT Relating to collective bargaining for firefighters and emergency medical personnel."

Section 1 expands for the first time the definition of "uniform personnel" beyond law enforcement officers and firefighters as defined under RCW 41.26.030, which is the LEOFF Retirement Act. This bill would add employees regularly employed on a full-time basis in a public fire department with duties related to fire, investigation, inspection and dispatch.

There are public policy reasons for binding interest arbitration as the ultimate collective bargaining dispute resolution for "essential public safety employees" (i.e. police officers and firefighters). The employees who would be added under this bill are different in terms of how essential they are to the maintenance of public safety. At this point we have a strong and clearly defined line in the law between what is "essential" to public safety and what is not. If this bill becomes law, that line becomes blurred.

I do feel that employees engaged in fire investigation, fire inspection and fire dispatching provide needed and important services similar to those provided by a number of other public employees in other occupations, including dispatchers employed in joint communication centers which dispatch fire, police and emergency vehicle responses. If this bill were signed into law, many other groups would ask for inclusion under what would be an uncertain and an expanded use of the term "essential services". All of these employees have full collective bargaining rights now, and I do not feel the expansion is necessary to protect public safety.

Section 3 is vetoed to reinstate the law to its present status, since the change in section 1 is vetoed.

With the exception of sections 1 and 3, Engrossed Substitute House Bill No 498 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of section 4(1), sections 5, 6, 7, 10, 15, 16 and 17, Second Substitute House Bill No. 586, entitled:

"AN ACT Relating to child abuse and neglect."

This legislation is a direct response to the need for improved and coordinated services to protect our children from abuse and neglect. I heartily support the thrust of this bill and want to ensure its component parts do not duplicate other bills.

Section 6 establishes a joint select committee on children and family services to provide oversight over a comprehensive children's services pilot project and to develop a long-term children's services strategy for the state. This is similar to the objectives required in Substitute House Bill No. 813, which establishes the Governor's Commission on Children. Therefore, this section is duplicative and unnecessary.

Since I have vetoed section 6, which would create the joint select committee on children and family services, I have vetoed a portion of section 4(1) and section 5 since these references to the joint select committee on children and family services have become unnecessary. The bill still instructs the Department of Social and

Health Services to provide a detailed implementation plan for the pilot projects to the Legislature.

Section 7 requires the pilot projects to expire on December 31, 1989. This duplicates the termination date in section 4. Therefore, I have vetoed section 7.

Sections 10, 15, 16 and 17 designate specific expenditures for child protective services. I am supportive of the ideas behind these improvement measures but the hiring of specific numbers of attorneys and caseworkers, for example, would be more appropriately found in a budget bill. In addition, with the final passage of the 1987-89 biennium budget having occurred, there will be funds for some of these enhancements. Therefore, I have vetoed sections 10, 15, 16 and 17.

With the exceptions of a portion of section 4(1), sections 5, 6, 7, 10, 15, 16 and 17, Second Substitute House Bill No. 586 is approved.

Respectfully submitted,
Booth Gardner, Governor

For Veto Message on SUBSTITUTE HOUSE BILL NO. 614, see page 2291.

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to part of section 1, Substitute House Bill No. 630 entitled:

"AN ACT Relating to pilotage."

A portion of section 1 of this bill amends the requirements for public members appointed to the board of pilotage commissioners. The amendment prohibits such members from being licensed pilots or employees of a vessel operator for ten years preceding appointment and from having a direct financial interest in pilot-related business.

While I support the Legislature's intention to provide a balance among representatives to boards and commissions, I cannot support altering requirements that would affect the terms of existing members. Unfortunately, the Attorney General's office believes this amendment would necessitate the removal of a current board member. Should the Legislature pass similar legislation clearly affecting only future appointments and terms, I would give it more favorable consideration.

With the exception of part of section 1, Substitute House Bill No. 630 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

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 29, Engrossed Substitute House Bill No. 648, entitled:

"AN ACT Relating to noxious weed control."

Section 29 of this bill would require courts to distribute revenue received as a result of infractions issued by a noxious weed board in a different way than is currently prescribed by statute. As part of the Court Improvement Act of 1984, all court revenue is distributed according to a 68/32% formula between local and state government. The Court Improvement Act did away with an administratively expensive and cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is vastly superior to its predecessor. The change mandated by this section would be a step backward toward the old system.

With the exception of section 29, Engrossed Substitute House Bill No. 648 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to part of section 5, Second Substitute House Bill No. 684 entitled:

"AN ACT Relating to criminal sentencing"

Section 5 of this bill is intended to clarify legislative intent to prohibit multiple sentences for persons committing crimes that encompass the same criminal conduct. Such sentences are served concurrently but are counted separately for the purposes of determining offenders' sentencing scores for subsequent criminal acts.

During the legislative process, section 5 was amended twice to accomplish the same end. The language of the two amendments is incompatible and signing the bill in this form would have the unintended consequence of lowering offender scores for certain cases.

With the exception of part of section 5, Second Substitute House Bill No. 684 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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 57, and 74(2), Engrossed Second Substitute House Bill No. 758, entitled:

"AN ACT Relating to the department of wildlife."

Engrossed Second Substitute House Bill No. 758 reorganizes the Department of Game into the Department of Wildlife. As part of this reorganization, greater authority is vested in the Director of Wildlife, the chief executive officer of the Department.

Section 57 requires the Director to employ a minimum of 85 field wildlife enforcement agents. As with other Departmental staffing decisions, a determination of the actual number of wildlife enforcement agents to be employed by the Department is more appropriately left to the Director's discretion. Enforcement is an important responsibility of the Department, and the Director is instructed to employ an adequate number of wildlife agents to ensure enforcement coverage throughout the state.

Section 74(2) would direct to the Wildlife Conservation Reward Fund, rather than to the Public Safety and Education Fund, certain reimbursements to the state for the value of game animals taken illegally. Section 74(2) would require courts to distribute revenue received from these reimbursements in a different way than is currently prescribed by statute. Currently, as part of the Court Improvement Act of 1984, all court revenue is distributed according to a 68/32% formula between local and state government. The state's 32% share goes into the Public Safety and Education Account and is used to support a variety of state programs, including some sponsored by the Department of Wildlife.

The Court Improvement Act did away with a very cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is superior to its predecessor. The change mandated by section 74(2) would be a step backward toward the old system.

With the exception of section 57, and 74(2), Engrossed Second Substitute House Bill No. 758 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

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. 767, entitled:

"AN ACT Relating to respiratory care."

This bill provides for a certification system for respiratory care practitioners under the Department of Licensing. The Director may issue a certificate to any applicant who has graduated from an approved school or successfully completed alternative training which meets the criteria established, and may give an examination, and require completion of experience requirements.

This bill appears to be a certification-only regulation, i.e. limiting who can use a title, except for language contained in section 3 which makes the bill operate like a licensing regulation. This section says "An entity or person shall not employ or contract with persons engaging in respiratory care as respiratory care practitioners that have not received a certificate to practice. . ." This is not consistent with the other sections of the bill which provide for certification. Also, it is not appropriate to take a group such as this which has not previously been regulated and impose on them the most rigorous regulating standard, i.e. licensing.

I would also note that section 3 becomes effective 90 days after the adjournment of the legislature while section 4, which adopts the certification approach and requires certification for anyone who "uses any title" involving respiratory care, is not effective until September 15, 1987.

By vetoing section 3 of this bill, I am leaving intact a certification approach for respiratory care practitioners. However, I am rejecting the licensing approach for the reasons set forth above.

With the exception of section 3, Substitute House Bill No. 767 is approved.

Respectfully submitted,
Booth Gardner, Governor

For Veto Message on ENGROSSED HOUSE BILL NO. 772, see page 2292.

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of section 1(1), Second Substitute House Bill No. 813, entitled:

"AN ACT Relating to the governor's commission on children;"

I heartily support the establishment of a Governor's Commission on Children to develop a long-term strategy for an effective, comprehensive children's services delivery system. The bill, however, requires the commission to be composed of more legislators than citizens and requires that a legislator serve as chair of the commission. When commissions are established in the Office of the Governor, their composition is made up predominantly of citizens because the executive office should reflect the views of the public.

Therefore, it is my intention to appoint a commission whose composition is similar to what was outlined in the original version of House Bill 813. For this reason, I have vetoed the portion of section 1(1) that describes the commission's membership.

With the exception of a portion of section 1(1), Second Substitute House Bill No. 813 is approved.

Respectfully submitted,
Booth Gardner, Governor

For Veto Message on SUBSTITUTE HOUSE BILL NO. 920, see page 2292.

May 18, 1987

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 1112, Engrossed Substitute House Bill No. 927, entitled:

"AN ACT Relating to the enforcement of judgments."

Section 1112 is identical to section 118 of Senate Bill No. 5017. Since I have already signed Senate Bill No. 5017, section 1112 of this bill is duplicative. I have also noted that several sections of Engrossed Substitute House Bill No. 927 contain additional amendments to sections amended by Senate Bill No. 5017 and that Engrossed Substitute House Bill No. 927 repeals a section which was amended in Senate Bill No. 5017. I assume that the amendments made in Engrossed Substitute House Bill No. 927 reflect the intent of the legislature to make further changes to these sections.

With the exception of section 1112, Engrossed Substitute House Bill No. 927 is approved.

Respectfully submitted,
Booth Gardner, Governor

For Veto Message on HOUSE BILL NO. 954, see page 2282.

May 19, 1987

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. 959, entitled:

"AN ACT Relating to the powers of initiative and referendum in cities and towns."

This bill would automatically extend the powers of initiative and referendum on city or town ordinances to voters of any municipality with a population in excess of 500. Currently, voters may gain these powers on local matters through city charters, by resolution of the local government legislative authority, or by petition with subsequent approval of a ballot proposition.

I feel that these existing routes to referendum and initiative powers promote broader participation in the process of government while providing reasonable safeguards against a second-guess in difficult local government decisions. No case has been made that the lack of a general initiative and referendum power has led to abuses. In the absence of such evidence, I see no reason to burden local governments with provisions which make their work more difficult.

For this reason, Engrossed House Bill No. 959 is vetoed in its entirety.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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. 970, entitled:

"AN ACT Relating to reimbursement of institutions for the mentally retarded."

This legislation would increase the compensation for the property and return-on-investment portion of the reimbursement formula of nursing homes that provide care to developmentally disabled persons. Currently, this portion of the reimbursement formula for nursing homes that care for elderly persons is different from those that care for developmentally disabled persons.

While I recognize the need for adequate and equitable reimbursement for proprietary operators of these nursing homes, there was no appropriation included with the bill. With no funding provided, enactment of this legislation would force the Department of Social and Health Services to absorb this cost through cuts of direct services to developmentally disabled persons. This is not feasible for a program with a client waiting list.

Therefore, I have vetoed Substitute House Bill No. 970.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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), 1(4) and 1(5), Substitute House Bill No. 978, entitled:

"AN ACT Relating to water projects in the Yakima river basin."

Since the passage of Substitute House Bill No. 978, I have been contacted by many having interests in the waters of the Yakima River system. Through review of letters, by personal contacts at all levels of government, and based upon information provided by my agency directors, I am well aware of the circumstances which prompted this legislation, the divisiveness which has resulted and the significance of my action in a partial veto.

I support and endorse the policy of water neutrality contained in this legislation. Simply stated, any water project in the Yakima Basin that creates a new demand for water must provide a source of supply or an operating agreement to meet that demand. Unfortunately, I believe the bill is flawed and does not achieve the intended result of promoting water neutrality. The provisions of these subsections are ambiguous and may not achieve the protection of existing rights.

Sections 1(3), 1(4) and 1(5) are intended to create a state process for assuring water neutrality. To date, issues related to new water projects, including fish passage facilities within the Yakima River basin, have been cooperatively resolved. I encourage this approach. I have directed the Departments of Ecology, Agriculture and Fisheries to seek negotiated construction and operation agreements for facilities that may require additional water. If such agreements are not reached in a reasonable time, I have instructed the Department of Ecology to utilize the water rights permit process for resolving these issues.

In approving sections 1(1) and 1(2), I affirm my continued support for the Yakima Enhancement Project. Within these sections is the message that the state wishes to see early Congressional action on the next phase of the project and that a final and successful conclusion of the project is an absolute necessity. The momentum to achieve these goals was present before the disputes that arose surrounding Substitute House Bill No. 978 became an issue. I encourage all parties to now cooperatively direct their efforts toward regaining that momentum. Should such cooperation not exist and similar legislation come to me at the conclusion of the next session, I may take a different action.

With the exception of sections 1(3), 1(4) and 1(5) Substitute House Bill No. 978 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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 3, 5, 6, 7, 8, 9 and 10, Engrossed Substitute House Bill No. 995, entitled:

"AN ACT Relating to the mobile home park purchase fund and providing technical assistance."

Engrossed Substitute House Bill No. 995 establishes a mobile home park purchase fund and requires the Department of Community Development to establish an office of mobile home affairs, provide ombudsman services and technical assistance, and staff a new advisory committee on mobile home and manufactured housing affairs.

Although I concur that manufactured housing and mobile homes provide an important source of low-income housing in Washington State, this bill would establish an extensive new program and subsidies in an area in which state government has no experience. Further, the Legislature did not appropriate funding for this ambitious and costly new program.

Sections 3, 5, 6, 7 and 8 set up the internal policies and procedures of the mobile home park purchase fund. The Housing Committee of the House of Representatives will be looking at potential funding sources for a park purchase program over the interim to address next session. Therefore, it is premature to now outline specific internal fund policies and to mandate the development of regulations before having answered the more basic question of a financing source.

Section 9 includes several substantive but unfunded program activities for the Department of Community Development. Although I am vetoing this section, I have requested the department to establish an office of mobile home affairs and the provide technical assistance to mobile home tenants and park owners. By establishing this office, the department will be able to gain experience with mobile home and manufactured housing issues and will begin to collect information on additional program needs. The department's experience in providing this initial technical assistance may well demonstrate the need for other elements of this bill and warrant expansion of this program in future legislation.

Another difficulty with proposed language in section 9 is the requirement that the Department of Community Development "promote the development and utilization of mobile homes or manufactured housing." I have eliminated this paragraph because I feel it is inappropriate for the Department to advocate on behalf of a narrow segment of housing options (mobiles and manufactured units) when Department of Community Development's overall agency mission is to help develop low-income housing and involves working on a broader range of housing supply types.

Subsection 3 of section 9 would establish a narrowly-focused advisory committee in statute. Boards, commissions, committees, task forces and similar entities have proliferated in this state, and now number over 400. The director of Community Development has authority to create ad hoc advisory groups as the need arises. This authority makes it unnecessary to create advisory committees in statute.

Section 10 requires the department to evaluate programs established in the bill. With no programs being established, such an evaluation would be irrelevant.

Although several sections have been vetoed, I have retained sections related to the mobile home park purchase fund framework and have requested the department to undertake technical assistance activities. This will allow the state to pursue the worthy goal of protecting mobile home parks as an important source of low-income housing consistent with our current level of knowledge and fiscal capacity. I am also asking the Department to ensure that it coordinates implementation of this legislation with its work on the Housing Trust Fund, which might be utilized in conjunction with the mobile home park purchase fund established by this legislation.

With the exception of sections 3, 5, 6, 7, 8, 9, and section 10, Engrossed Substitute House Bill No. 995 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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 29, Engrossed Second Substitute House Bill No. 1006, entitled:

"AN ACT Relating to quality of care in nursing homes."

Section 29 of this bill would require additional legislative review of determinations of need for nursing home beds. This determination is already a long and complex process that involves participants from a variety of organizations, including the Legislature, with support and technical expertise provided by the State Health Coordinating Council.

This interim, the executive branch will be looking at a number of issues in the area of long-term care, including factors related to growth in the nursing home budget. The process of determining need for nursing home beds is an integral aspect of the nursing home budget, as well as the state's overall long-term care policy. It should be considered in the context of this broader review.

In the meantime, the Legislature is represented on the State Health Coordinating Council, which provides an opportunity for input and review.

With the exception of section 29, Engrossed Second Substitute House Bill No. 1006 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

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(4), House Bill No. 1205 entitled:

"AN ACT Relating to authorizing the department of ecology to distribute funds from the water quality account for water pollution facilities, using extended grant payments."

House Bill No. 1205 authorizes the Department of Ecology to enter into contracts with local jurisdictions allowing the state to pay its share of project costs over an extended period up to a maximum of twenty years. The purpose of this authorization is to reduce the state's initial assistance to a local jurisdiction constructing a major water pollution control facility, thereby maintaining adequate funds in the water quality account to assist other local jurisdictions.

Section 1(4) was added as a Senate floor amendment. It requires the state share for one category of water pollution control, sole source aquifer protection, to be in the form of a fifty percent matching grant. The designation of a sole source aquifer is determined by the federal Environmental Protection Agency under the Safe Drinking Water Act. Currently, three such aquifers have been designated in our state and several more are under federal review.

The Department of Ecology is developing by rule a comprehensive and consistent program for use of funds from the water quality account, including the appropriate level of cost sharing with local jurisdictions for eligible water pollution control facilities and activities in accordance with Chapter 70.146 RCW.

I concur that the protection of sole source aquifers is of high priority, and projects for such protection should receive a fair level of state aid. However, the appropriate level of state assistance for any project funded by the water quality

account should be made in the context of overall state priorities for water pollution control assistance.

With the exception of section 1(4), which I have vetoed, House Bill No. 1205 is approved.

Respectfully submitted,
Booth Gardner, Governor

June 12, 1987

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, 107(2), 121(2), 121(3), 201(1)(a), 201(1)(d), 201(3)(c), 202(4), 202(8), 205(2)(a), 207(3), 209(4), 213(3), 303(2), 313(6), 317, 401(3), 402(3), 506(4)(c), (6), (7), and (9), 515(2), 601(5), and 606(2), Engrossed Substitute House Bill No. 1221, entitled:

"AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989."

My reasons for vetoing these sections are as follows:

Section 2, Page 2, Limits on New Services

This subsection prohibits new services not expressly authorized in this budget, unless the services were provided on March 1, 1987. In the 1987-89 biennium, I intend to continue to manage state services to keep their growth at a minimal level. I am concerned, however, that the absolute prohibition in this subsection may be too broad and may unnecessarily restrict state government's ability to respond to emergent needs.

This section also requires replacement of state funds when unanticipated federal funds are received. Although acceptable in concept, the language used is too restrictive and could result in the inability to use federal fund sources as available.

Section 3, Page 2, \$18 Million Savings

Section 3 requires \$18 million in General Fund-state savings through limitations on agency expenditures for personal services contracts, goods and services, travel, and equipment. Although I intend to reduce agency expenditures to achieve the expected savings, agency managers should be given the flexibility to make budget reductions in ways that are least disruptive to agency program objectives. The savings can be achieved through means other than the four items cited in this section. I would hope, too, that higher education institutions and elected officials, over whom I have no direct management control, will join with other executive agencies in finding savings.

Section 107(2), page 4, Public Defender Task Force.

This subsection designates \$110,000 in the Supreme Court's budget for creation of a task force to study the creation of a statewide program for delivery of indigent defense services. It also creates a task force director position. The responsibility for providing indigent defense currently rests with the state for appellate cases and with local governments for the trial court level. I do not favor consideration of shifting such substantial costs to the state for the total program without significant involvement and representation of state officials in the review.

Section 121(2), Page 10, Draft Reports.

This language requires agencies to submit required reports to the Legislature by the date specified, notwithstanding time for the Office of Financial Management to grant approval. This language is unnecessary. Sections of law requiring such reports have specific due dates and the Office of Financial Management has the necessary authority to require the reports due in advance so it can review them prior to the date set by the Legislature.

Section 121(3), Page 10, Furniture Management.

This subsection requires the Office of Financial Management to report to the Legislature on a system to control the purchases of furniture by state agencies. I

vetoed this requirement from House Bill No. 25 and I am vetoing it again for the same reason.

The system envisioned would add an additional layer of bureaucracy to a single part of the state purchasing system and would be costly to administer. Any changes in furniture purchasing should be considered in the context of improvements to the overall purchasing system.

Section 201(1)(a), Page 17, Work Training Release and Substance Abuse Contracts.

This section would restrict the Department of Corrections from using its own more cost-effective resources when appropriate and require the Department to contract solely with non-profit corporations for the amount specified for work-training release for convicted felons. This restriction is not appropriate and is inconsistent with other efforts to restrict uses of personal service contracts.

Section 201(1)(d), Page 17, Sexual Offender Treatment Program

This subsection provides for the implementation of the Sex Offender Treatment Program within the provisions of Second Substitute House Bill No. 1251. This bill was not enacted by the Legislature. The Department of Corrections will, however, implement a sex offender treatment program consistent with current law and legislative intent.

Section 201(3)(c), Page 18, Drug and Alcohol Treatment Programs

Under this language the Department of Corrections is required to expend its drug and alcohol treatment funds solely through contract service providers. Since the Department currently utilizes both state employees and contract service providers for its drug and alcohol treatment programs, this proviso would have the effect of mandating the supplanting of state employees with contract providers. This proviso limits the ability of the Department to pursue the most efficient provision of drug and alcohol treatment to offenders in institutions and work release facilities. The Department of Corrections will continue to provide drug and alcohol treatment through the use of both state employees and contracted services.

Section 202(4), Page 19, Legislative Review of Eligibility Criterion, Department of Social and Health Services.

This subsection prohibits the Department of Social and Health Services from revising eligibility criteria in a manner that would increase the number of eligible persons or increase General Fund-State expenditures. The subsection also stipulates that required revisions to eligibility criteria be reviewed by the appropriate committees of the Legislature prior to implementation. While it is not my intention to voluntarily change criteria in a manner which would increase the number of eligible persons, I believe that this provision eliminates the agency's ability to react expeditiously to changes by the courts and the federal government as well as to maximize efficiency. Should such mandatory changes become necessary, the Department of Social and Health Services will promptly inform the appropriate legislative committees.

Section 202(8), Page 20, Monthly Unit Cost Performance Data.

This subsection provides for monthly reporting of cost performance data from all the Department of Social and Health Services budget units and is overly restrictive. This requirement would result in excessive amounts of data being transmitted from the Department of Social and Health Services to the LEAP Committee. The Executive has responded and will continue to respond to legislative inquiries at the specific level of detail requested as well as provide regular reports on key budget drivers.

Section 205(2)(a), Page 27, Program for Adaptive Living Transition Plan.

This subsection requires the Department of Social and Health Services to develop a plan to move clients served by the Program for Adaptive Living into community residential facilities, and prohibits any other community residential programs from being established on the grounds of state mental institutions.

I share legislative concern for creating community alternatives for the mentally ill and will direct the Department to develop a transition plan for submittal to the Office of Financial Management by January 1, 1988. This plan will address the

transition of clients served by the Program for Adaptive Living into community residential facilities. No new community residential programs will be established on the grounds of state mental health institutions without consultation with the appropriate legislative committees and Office of Financial Management approval.

Section 207(3), Page 30, Contracted Chore Services

Section 207(3) deals with the low wage earner increase. The appropriation provided in the long term care budget does not adequately support the requirement as written. The result of this appropriation would be an unintended increase to some providers which could only be funded by reductions to the chore services caseload. Although I am vetoing this section, I am directing the Department of Social and Health Services to implement the low wage earner increase to provide rates of \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988, for full-time employees providing chore services on an hourly basis and to allow an equivalent percentage increase for services provided by individuals to clients for the attendant care program. By taking this action, we will be able to maintain chore service caseloads at the highest level possible while guaranteeing substantial wage increases for low paid direct service workers.

Section 209(4), Page 33, Shelter Services Under Substitute House Bill No. 646.

This section requires the Department of Social and Health Services to provide services to any individual who requests shelter, and who is determined to be eligible by criteria established in Substitute House Bill 646, the "Alcoholism and Drug Addiction Treatment and Shelter Act." Fiscal responsibility is clearly defined in Substitute House Bill 646: "the Department shall provide alcohol and drug treatment services within available funds." The demand for shelter related to treatment services may very well exceed the level assumed in the budget language and is inconsistent with the intent of Substitute House Bill 646, which is to provide shelter and treatment services only within available funds.

Section 213(3), Page 37, Transferring \$500,000 to the Department of Revenue.

This appropriation transfer is no longer applicable because of my veto of House Bill 1239, the bill which authorized the transfer of caseload forecasting functions to the Economic and Revenue Forecast Council.

Section 303(2), Page 50, Wetlands Restoration Project Planning.

This subsection reduces flexibility in the Department of Ecology's budget by requiring it to expend \$75,000 of the General Fund-State appropriation solely for wetlands restoration planning. Funding for this activity was not added to the Department's budget and must be absorbed in existing programs. This veto will allow the Department to carry out this planning activity more effectively within existing resources.

Section 313(6), Page 57, Hazardous Waste Disposal Program.

This subsection appropriates \$50,000 to the Department of Agriculture to implement a hazardous waste disposal program for pesticides. Earlier, I vetoed Senate Bill No. 6010, which directed the Department to develop the administrative structure necessary to implement a disposal program for pesticides because that activity would have caused the state to assume long-term liability. In recognition of the growing problem of pesticide disposal, I am directing the Department of Agriculture to use these funds to develop a proposal for disposal of these wastes.

Section 317, Page 60, State Convention and Trade Center, Duplication

This section is a duplication of section 12 of Engrossed Substitute Senate Bill No. 5901, which also contains the same appropriation but also creates a new account established for the Convention Center's operating expenses.

Section 401(3), Page 61, State Patrol.

This section establishes a major crimes investigation unit within the Washington State Patrol. The initiation of this unit, which expands the State Patrol's activities to include direct criminal investigation assistance to local law enforcement entities, is a major policy decision which should receive careful and thorough executive and legislative scrutiny. It should be noted that the Legislature did consider, but failed to enact, legislation adopting this policy in the 1987 session.

One of the purposes of this appropriation is to allow the Washington State Patrol to work with the Green River Task Force. The Task Force has accumulated

much valuable information which could be used by other law enforcement authorities both now and in the future. I believe that this is a worthwhile undertaking and am therefore directing the Chief of the Washington State Patrol to work with the Office of Financial Management to devise and fund a plan for drawing on the task force's knowledge and data.

Section 402(3), Page 62, Department of Licensing.

This subsection places portions of second-year appropriations for professional regulation into reserve pending reappropriation by the 1988 Legislature. It requires that a report describing the methods used to set fees be submitted to the Legislature by December 1, 1987. The withholding of appropriations is unduly restrictive, especially in view of new legislative requirements for professional licensing enacted this year. I have directed the Office of Financial Management to review the report and determine if the Department of Licensing has justified the methods used to set fees charged for professional regulation. The Department and the Office of Financial Management will work with the budget committees to resolve any outstanding issues.

Section 506(4)(c), (6), (7), and (9), Page 76, Local Education Program Enhancement Funds

Section 506 specifies both the funding level and use of monies appropriated for a new program, education block grants. I have consistently stated that I would not accept a budget with new programs that is not also financially responsible. This budget, combined with other legislation, provides a reserve of less than \$70 million. I am concerned that this is inadequate, given normal fluctuations in revenue and spending forecasts. One way to increase the reserve would be to veto this entire section. However, the needs of K-12 education are so great that I have decided to leave the program and the funds in the budget.

Grant funding to local school districts in addition to their basic education allocations includes adult/pupil ratio; dropout prevention and retrieval programs; drug and alcohol abuse programs; early childhood programs; in-service training programs; and programs to enhance reasoning and analytical skills. However, certain subsections are vetoed as follows:

Subsection 4(c) requires that a two-year plan be established by districts based on the needs identified by "the committee". There is no committee stipulated in section 506; it was only included in earlier drafts of the legislation. Therefore, this language is inappropriate. In addition, districts are charged in other subsections with assessing and evaluating their needs as they relate to expending the enhancement funds.

Subsection 6 restricts districts unnecessarily as to their process for determining how to spend the enhancement funds. Also, other controlling statutes would dictate if and when employee group involvement is required.

Subsection 7 unnecessarily stipulates that the enhancement funds may not be used for a salary increase beyond that which is specified in the budget. New statutory salary restrictions are now in place in ReEngrossed Second Substitute House Bill No. 455, which was passed after this budget bill, and this language is no longer needed.

Subsection 9 refers to a section of the code which has been repealed by ReEngrossed Second Substitute House Bill No. 455 and therefore must be removed to avoid confusion.

Section 515(2), Page 86, Educational Clinics

This subsection requires that \$635,000 of the total appropriation for educational clinics be spent in counties presently unserved by clinics. These clinics work with dropouts to encourage them to return to school or to prepare them to take the GED examination. There are currently no applications pending with the Superintendent of Public Instruction to establish clinics in unserved counties. Furthermore, existing clinics have the capacity to serve more students than the balance of the appropriation would permit. I encourage the Superintendent to use the funds available as a result of my action for distribution to the existing clinics.

Section 601(5), page 91, Vocational Education Planning.

This subsection duplicates sections 601(4) and is therefore unnecessary.

Section 606(2) page 97, Central Washington University Business School Accreditation.

The Legislature provided significant increases for higher education, equalized funding per pupil among the regional universities, and adopted a policy of flexibility allowing institutional self-determination. Within that context, the restriction of additional funds for a single programmatic option is inconsistent and detrimental to the overall legislative objectives for higher education funding.

With the exception of sections 2, 3, 107(2), 121(2), 121(3), 201(1)(a), 201(1)(d), 201(3)(c), 202(4), 202(8), 205(2)(a), 207(3), 209(4), 213(3), 303(2), 313(6), 317, 401(3), 402(3), 506(4)(c), (6), (7) and (9), 515(2), 601(5), and 606(2), Engrossed Substitute House Bill No. 1221 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

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 6 and 23, House Bill No. 1228 entitled:

"AN ACT Relating to criminal penalties for, criminal sentences for, education regarding, and treatment for alcohol and substance abuse."

Section 6 amends RCW 26.28.080 by striking language relating to providing alcohol to minors. The same amendment was effected in slightly different form by chapter 204, laws of 1987.

Section 23 provides an effective date of July 1, 1988, for section 10 which authorizes the distribution of certain beer retailer license fees. Section 10(4) provides funds to the superintendent of public instruction for an alcohol prevention program. However, the fee increase providing these funds does not take effect until July 19. Without a veto of section 23, the general fund will lose approximately \$150,000 which it can ill afford.

With the exception of sections 6 and 23, House Bill No. 1228 is approved.

Respectfully submitted,
Booth Gardner, Governor

June 9, 1987

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. 1239, entitled:

"AN ACT Relating to fiscal matters."

This bill would require the employment of a caseload forecast supervisor by the secretary of the Department of Social and Health Services to supervise the preparation of all state caseload forecasts. It would mandate the preparation of four caseload forecasts each year for a variety of services provided through the department. The forecast would be subject to the approval of what is now the economic and revenue forecast council.

Many of these forecasted caseloads provide the basis for projected program expenditures and as such, are important considerations in the development of the Governor's budget request. The development of the budget is an Executive responsibility. This bill would shift a portion of that responsibility to the Forecast Council.

The development of caseload estimates for some programs cannot be appropriately undertaken without the coincident development of program policy. The development of such caseload estimates, without policy development, would be unproductive.

The bill also creates an artificial time frame for the preparation of these forecasts and eliminates the flexibility to manage the forecasting process according to the needs and statutory responsibilities of the executive branch of government. In short, this legislation is an encroachment on the Executive's authority and capacity to plan and execute its responsibilities.

For these reasons, Engrossed House Bill No. 1239 is vetoed.

Respectfully submitted,
Booth Gardner, Governor

HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1.	27	286	345	345		1214 CH. 23
2.	27	100	123			
2. (Sub.)			123	123, 1420	1420	CH. 449
3.	27	190	234	234, 1421	1420	2536 CH. 490
4.	28	135	550			
4. (Sub.)			550	550, 1423	1421- 1423	2535 CH. 403
5.	28					
6.	28	59	102	103		616 CH. 4
7.	28	74,287	498			
7. (Sub.)			498	498		
8.	28					
9.	28	94	124			
9. (Sub.)			124	124		1128 CH. 18
10.	28	310	754	754	1853	2535 CH. 417
11.	28	85	103			
11. (Sub.)			103	103		1128 PV CH. 17
12.	28	74,310	478			
12. (Sub.)			478	478		
13.	28	135	162			
13. (Sub.)			162	215	163	
14.	28					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
15.	29	287	356			
15. (Sub.)			356	356		
16.	29	143,287	383			
16. (2nd Sub.)			383	384, 1657	1656	2535 CH. 405
17.	38					
18.	38					
19.	38					
20.	38	157	268			
20. (Sub.)			268	268		
21.	38					
22.	39	135	162			
22. (Sub.)			162	162		
23.	39	135	181			
23. (Sub.)			181	181		
24.	39	135	386	586, 1718	1718	2281 CH. 294
25.	39	157	234			
25. (Sub.)			234, 236	236, 1454	1423- 1454	PV CH. 505
26.	39	85	104			
26. (Sub.)			104	122, 1883	1879- 1883	PV CH. 511
27.	45					
28.	45					
29.	45					
30.	45					
31.	45	100	144	144		1715 CH. 132

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
32.	45					
33.	45					
34.	46					
35.	46					
36.	46	228				
37.	46					
38.	47					
39.	47	211	357	357, 1457	1456- 1457	2281 CH. 298
40.	47	391				
41.	48					
42.	48	259	321			
42. (Sub.)			321	321		1850 CH. 154
43.	48				77	
44.	48	301	357	357		1850 CH. 155
45.	48				87	
46.	48	277,440	701		294	
46. (Sub.)			701	701		
47.	48	440	754		87	
47. (Sub.)			754	754, 1853	1853	CH. 418
48.	48	418	551			
48. (Sub.)			551	551, 1540	1538	PV CH. 460
49.	48	157	268	268		1715 CH. 155
50.	49					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
51.	49	100	144	144		1715 CH. 128
52.	49					
53.	49	310	569		60	
53. (Sub.)			569	569		
54.	49					
55.	49	136	500			
55. (Sub.)			500	587		1850 CH. 159
56.	49	136	236			
56. (Sub.)			236	236, 1631	1629- 1631	2222 CH. 258
57.	49					
58.	50					
59.	50					
60.	50	190	357			
60. (Sub.)			358	358		1850 CH. 148
61.	50					
62.	50					
63.	50	301	358			
63. (Sub.)			358	358, 2127	1602-1603, 1989,2126- 2127	CH. 432
64.	50	212	358	358	1631-1632, 1842,1927- 1928	
65.	50					
66.	50	120, 440	601	601		1850 CH. 139

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
67.	50	120. 440	553	553		2536 CH. 493
68.	51	100	145	145		1715 CH. 123
69.	51					
70.	51				60	
71.	51				60	
72.	51					
73.	51					
74.	51	158				
75.	51	101	145	145		1715 CH. 124
76.	51	259	466		77	
76. (Sub.)			466	613		
77.	51					
78.	52					
79.	52					
80.	52	101	160			
80. (Sub.)			160	485. 1692	1692	2339 CH. 391
81.	55					
82.	55					
83.	55	178	237			
83. (Sub.)			237	237. 2073	1844-1886. 2073	CH. 463
84.	56					
85.	56					
86.	56	418	479	479. 1455	1454- 1455	2281 CH. 315

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
87.	56	101				
88.	56	259	477			
88. (Sub.)			477	478, 2198	1603-1606, 2061, 2198	PV CH. 414
89.	56	228, 454	601			
89. (2nd Sub.)			601		779	
90.	56	178				
91.	56	136	182	182, 1680	1677- 1680	2339 CH. 387
92.	56, 61,68				74	
93.	57					
94.	57	259	321	321, 1667	1667	CH. 444
95.	57	331	479			
95. (Sub.)			479	479, 1457	1457	2286 CH. 321
96.	57	301	359	359		1850 CH. 156
97.	57	391	702			
97. (Sub.)			702	702		
98.	57	259	322			
98. (Sub.)			322	322		1214 CH. 26
99.	57	248	384			
99. (Sub.)			384	384, 1639	1632- 1639	CH. 431
100.	57					
101.	57					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
102.	57					
103.	58					
104.	58					
105.	58					
106.	58					
107.	58					
108.	58					
109.	58					
110.	58	259	322	322		2209 CH. 204
111.	58	260				
112.	58	74	86	86		
113.	59					
114.	59	228	269			
114. (Sub.)			269	291		
115.	61	260	596			
115. (Sub.)			596- 601	647		
116.	61	372	515			
116. (Sub.)			515	515, 2049	1391,1978, 2047- 2049	2288 CH. 354
117.	61	332	601			
117. (Sub.)			601	601		
118.	61	372	552			
118. (Sub.)			552	552		
119.	61					
120.	62				87	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
121.	62					
122.	62					
123.	62	310				
124.	62	136	182			
124. (Sub.)			182	182		1715 CH. 110
125.	62	158	244	244		
126.	62					
127.	62					
128.	62	418				
129.	62	101, 277	467			
129. (Sub.)			467	587, 1458	1458	PV CH. 512
130.	63	179	244			
130. (Sub.)			244	244, 1460	1459- 1460	2220 CH. 254
131.	63					
132.	63					
133.	63					
134.	63	391	559			
134. (Sub.)			559	559, 1461	1461	PV CH. 412
135.	63	136	183	183, 2052	1393,1976, 2049- 2052	PV CH. 389
136.	63	74	85	85		1715 CH. 114
137.	63					
138.	63	158, 391	639		163	

NO.,	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
138. (Sub.)			639	639		2220 CH. 231
139.	63	120	146			
139. (Sub.)			146		250	
140.	64	191	359			
140. (Sub.)			359	359		
141.	64	310	468	588		
142.	64	260	360	360		1850 CH. 152
143.	64	418	702		148	
143. (Sub.)			702	702		
144.	64	143	183			
144. (Sub.)			183		387	
145.	64				77	
146.	64	143	184	184		2292 PV CH. 338
147.	64	143	193			
147. (Sub.)			193	193		1715 CH. 130
148.	65	85	123	123	77	1715 CH. 111
149.	65					
150.	65					
151.	65	94	146	146		
152.	65	120	146			
152. (Sub.)			146	146		
153.	65	121	147			
153. (Sub.)			147	147		2209 CH. 206

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
154.	65	260	385			
154. (Sub.)			385	385		2218 CH. 238
155.	65	352				
156.	66					
157.	66	352	515	515		
158.	66					
159.	66					
160.	66					
161.	66	287	415	473, 2173	1779-1780, 2157, 2172	CH. 454
162.	66					
163.	66	260, 440	640			
163. (2nd Sub.)			640	640, 1462	1462	2281 CH. 307
164.	66	332, 441	710			
164. (2nd Sub.)			710- 712	712,751, 1722	712,1718- 1721	PV CH. 513
165.	68					
166.	68	228				
167.	68	228				
168.	68	392	697			
168. (Sub.)			697- 700	700, 1677	1675- 1677	2286 CH. 325
169.	69					
170.	69	179	360			
					1639- 1640.	2290

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
170. (Sub.)			360	360	1841	CH. 380
171.	69	212	361	361, 1723	1722	PV CH. 407
172.	69					
173.	69	332	468	468		
174.	69					
175.	69	372		181		
176.	69					
177.	69	332	469			
177. (Sub.)			469	469		
178.	70	332				
179.	70					
180.	70					
181.	70					
182.	70					
183.	70					
184.	70					
185.	70					
186.	70	418	703			
186. (Sub.)			703- 706	706		1715 CH. 120
187.	70	228	323	323		1850 CH. 151
188.	70	137	216			
188. (Sub.)			216	216		1958 CH. 161
189.	71					
190.	71					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
191.	71					
192.	71					
193.	71					
194.	71	418	516	516		2209 CH. 203
195.	71					
196.	71	121, 288	480			
196 (2nd Sub.)			480	588, 1467	1463- 1467	PV CH. 388
197.	71	229	361	361		1958 CH. 168
198.	71	229	346			
198. (Sub.)			346	346, 1467	1467	2218 CH. 245
199.	72	229	362	362		1958 CH. 166
200.	72	261	362	362		2210 CH. 207
201.	72					
202.	72					
203.	72	229	362	362		2210 CH. 208
204.	72	261	363	363		1214 CH. 27
205.	72	229	363	363		1850 CH. 153
206.	72					
207.	72	261				
208.	72	230	364	364		
209.	73	230	364	364, 1468	1468	2536 CH. 496

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
210.	73	277. 311,441	760			
210. (2nd Sub.)			760- 766	766		
211.	73					
212.	73	158				
213.	73					
214.	73	137				
215.	78	311				
216.	78					
217.	78	212	461			
217. (Sub.)			461	461. 1658	1657- 1658	2288 CH. 363
218.	78					
219.	79					
220.	79	230	269	269		2536 CH. 484
221.	79	248. 441	602		94	
221. (2nd Sub.)			602	648. 1736	1734- 1736	2281 CH. 304
222.	79					
223.	79	392	602			
223. (Sub.)			602	602		
224.	79					
225.	79					
226.	79	372	516			
226. (Sub.)			516	516. 1724	1724	Vetoed

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
227.	79	101, 441			603	
228.	79					
229.	79					
230.	80					
231.	80	248	365			
231. (Sub.)			365	365		2339 CH. 394
232.	80	143	216			
232. (Sub.)			216	217		1715 CH. 125
233.	80					
234.	80	121				
235.	80	277	452	452		1850 CH. 144
236.	80					
237.	80	121	147			
237. (Sub.)			147	148, 1474	1468- 1474	2215 CH. 214
238.	81	288	470			
238. (Sub.)			470	486, 1475	1474- 1475	2218 CH. 239
239.	81					
240.	81	248	269			
240. (Sub.)			269	270		
241.	81					
242.	81					
243.	81	332	706			
243. (Sub.)			706	707		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Fincl Passage	Other Action	Action by Gov.
244.	81	288	517			
244. (Sub.)			517	517, 1648	1647- 1648	2281 CH. 299
245.	81					
246.	81					
247.	81				181	
248.	82	179	575	577	94	1958 CH. 173
249.	82	311	707			
249. (Sub.)			707	707		
250.	82	212	382	382		2210 CH. 209
251.	82					
252.	82					
253.	82					
254.	82	179	245	245		
255.	82	212	406	406		1715 CH. 127
256.	82					
257.	82	137, 455	662			
257. (2nd Sub.)			662	662		1850 CH. 147
258.	83	121	159			
258. (Sub.)			159, 161	162, 1476	1476	2215 CH. 223
259.	83	122	159			
259. (Sub.)			159	160, 1479	1477- 1479	2215 CH. 222
260.	83					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
261.	83	213	406	406		1958 CH. 178
262.	83					
263.	83	230	406			
263. (Sub.)			407	407		1128 CH. 19
264.	83	213	341			
264. (Sub.)			341	341		
265.	83					
266.	83					
267.	84					
268.	84					
269.	84					
270.	84					
271.	84					
272.	88					
273.	88					
274.	88	392	717			
274. (Sub.)			717	718, 1852	1852	2225 CH. 283
275.	88					
276.	88					
277.	88	180	245	245, 2199	1658,2043, 2131,2198, 2199	2290 CH. 371
278.	88					
279.	88	180	245	245, 2043	1662- 1663, 2043	2290 CH. 378
280.	89	180	245	245		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
281.	89	261	496			
281. (Sub.)			496	497		
282.	89	230	346	346		1214 CH. 28
283.	89	191	755			
283. (Sub.)			755	755		2223 CH. 262
284.	89					
285.	89					
286.	89					
287.	89					
288.	89					
289.	89	191	267			
289. (Sub.)			267	267		2222 CH. 250
290.	90					
291.	90	213	407			
291. (Sub.)			407	407, 1479	1479	2281 CH. 288
292.	90	180	270	270		
293.	90					
294.	90	311	517	517		
295.	90	261	407	407		1214 CH. 22
296.	90	180, 352	518			
296. (Sub.)			518	518		1128 CH. 16
297.	90					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
298.	90	230, 455	695			
298. (Sub.)			695	697		1851 CH. 138
299.	90					
300.	90					
301.	91					
302.	91					
303.	91					
304.	91					
305.	91					
306.	91					
307.	91					
308.	91	353	708	708		
309.	91					
310.	91	231	408	408, 1648	1648	2218 CH. 240
311.	91					
312.	91					
313.	92	191	270			
313. (Sub.)			271	271		CH. 53
314.	92	311	708	708		
315.	92	191	217	217		295 CH. 1
316.	92					
317.	92					
318.	92	311			387	
319.	92					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
320.	92					
321.	92	312. 442	745			
321. (2nd Sub.)			745	746		2536 CH. 497
322.	92					
323.	93	192			237	
324.	93	278	408			
324. (Sub.)			408	408, 1649	1649	2286 CH. 337
325.	93	333	640			
325. (Sub.)			640	640, 1683	1683	2339 CH. 398
326.	93	262	473	486		2536 CH. 527
327.	93	1842	1843		1842	
327. (Sub.)			1843- 1847, 2369- 2443	1847, 2369, 2443, 2483	2482	PV CH. 6 E1
328.	93					
329.	93	192	271			
329. (Sub.)			271	271		1958 CH. 180
330.	93	262				
331.	93					
332.	93	333	470			
332. (Sub.)			470	487		
333.	96					
334.	96					
335.	96					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
336.	96					
337.	96					
338.	97	181	709	709		2288 CH. 364
339.	97	137,442	663			
339. (2nd Sub.)			663	663		864 CH. 8
340.	97					
341.	97	419	500			
341. (Sub.)			500- 502	588, 1693	1693	2536 CH. 498
342.	97	312				
343.	97					
344.	97					
345.	97	373				
346.	97					
347.	97	373	518			
347. (Sub.)			518	519		1958 CH. 174
348.	98					
349.	98	392				
350.	98					
351.	98	231				
352.	98	213	271	271		1958 CH. 179
353.	98	248	317			
353. (Sub.)			317	317, 1981	1411-1419, 1840, 1981	2339. CH. 393
354.	98					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
355.	98					
356.	98					
357.	99					
358.	99	312	569	569		1214 CH. 25
359.	99	442	570			
359. (Sub.)			570	570	1606-1612	
360.	99	213				
361.	99	262				
362.	99	137				
363.	99					
364.	99	288	409			
364. (Sub.)			409	409, 2053	1612-1613, 1977, 2052	2535 CH. 419
365.	106					
366.	106	373	563			
366. (Sub.)			563	589		
367.	106					
368.	106					
369.	107					
370.	107					
371.	107					
372.	107					
373.	107	249,442	603			
373. (Sub.)			603	604, 1723	1723	2281 CH. 293
374.	107	231	342	342		1958 CH. 163

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
375.	107	288,442				
376.	107					
377.	107	262	343	343		1715 CH. 121
378.	108	262	343	343		1715 CH. 122
379.	108	214	317	317		2281 CH. 306
380.	108					
381.	108					
382.	108					
383.	108					
384.	108					
385.	108	419	557			
385. (Sub.)			557	590		CH. 86
386.	108	312			163	
387.	109					
388.	109	262	409			
388. (Sub.)			409	409, 1681	1681	2288 CH. 357
389.	109					
390.	109					
391.	109	312	519			
391. (Sub.)			519	519		2288 CH. 352
392.	109	443			324	
393.	109	313	605			
393. (Sub.)			605	605		
394.	109					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
395.	109	333	557	590		2223 CH. 261
396.	109	333	497	497, 1703	1702- 1703	2286 CH. 327
397.	110					
398.	110					
399.	110	231	318	318		2210 CH. 210
400.	110	353	470			
400. (Sub.)			470	487	1736- 1738,2038	
401.	110					
402.	110	144	267			
402. (Sub.)			267	292		
403.	110	289	410	410		2215 CH. 220
404.	110	1136	1320			
404. (Sub.)			1320- 1328	1328	1328, 2564	
405.	111					
406.	111	353	495	495		1851 CH. 146
407.	111					
408.	111					
409.	111	231				
410.	111	373	641	641		1715 CH. 119
411.	111					
412.	111	263				
413.	112	231	344			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
413. (Sub.)			344	344,413, 1669	1667- 1669	2535 CH. 430
414.	112	313	605		347	
414. (Sub.)			605	769		
415.	112	278	410			
415. (Sub.)			410	410		1958 CH. 181
416.	112					
417.	112					
418.	112	373	713			
418. (Sub.)			713	713, 1759	1758- 1759	2535 CH. 440
419.	112	232,419	714			
419. (Sub.)			714	714, 2130	1886-1887, 2111, 2130	2535 CH. 441
420.	112	373	714			
420. (Sub.)			714	714, 1772	1760- 1771	2535 CH. 435
421.	112	334	719	719		
422.	112					
423.	113					
424.	113	443	570			
424. (Sub.)			570	570		1851 CH. 136
425.	113	249	411			
425. (Sub.)			411	411, 1645	1644- 1645	PV CH. 522
426.	113	232, 263,443	480			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
426. (2nd Sub.)			480	480		2536 CH. 499
427.	113	1264	1597			
427. (Sub.)			1597- 1599	1599	2564	
428.	113					
429.	113					
430.	113	263	411			
430. (Sub.)			411	411, 1653	1649- 1653	2535 CH. 457
431.	113	249	318	318		1959 CH. 176
432.	114	214	453	454, 1772, 2057	1772, 1848, 2057	2290 CH. 366
433.	114					
434.	114	392,443	732			
434. (2nd Sub.)			732-735, 2458- 2481	735, 2458	2457	
435.	114	313	412	412, 2151	1686,1977, 2118, 2147- 2151	PV CH. 514
436.	114					
437.	114	393				
438.	114					
439.	114	278	412			
439. (Sub.)			412	412		
440.	114	313	571			
440. (Sub.)			571	571, 1856	1854- 1856	2291 PV CH. 379

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
441.	115					
442.	115					
443.	115					
444.	115	232				
445.	115	181	181,194			
445. (Sub.)			194-197	198- 202,283		295 CH. 2
446.	115					
447.	115	393,444	757			
447 (Sub.)			757-759	759-760		
448.	115	313,444	622			
448. (2nd Sub.)			622	623, 1975	1619- 1629,1975	PV CH. 434
449.	116	419	533			
449. (Sub.)			533	612	533	
450.	116	289	385			
450. (Sub.)			385	385		2286 CH. 331
451.	116	419	533			
451. (Sub.)			533-536	590	1960-1973	
452.	116	334, 455	641	641, 1684	644, 1684	2536 CH. 487
453.	117	214			237	
454.	117	289	462			
454. (Sub.)			462- 465	465, 2071	1896- 1916, 2071	2286 CH. 330
455.	117	313,444	651			
			651- 657, 2447-	657, 2447, 2457.	2457,2537- 2543, 2544-	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
455. (2nd Sub.)			2456	2552	2552	CH. 2 E1
456.	117	289,444	658			
456. (2nd Sub.)			658-660, 664-666	667, 2037	660,664, 2029- 2037	PV CH. 518
457.	117	263,445			779	
458.	117	263	499			
458. (Sub.)			499	499		2286 CH. 333
459.	117					
460.	118					
461.	118					
462.	118	232	344	344, 1884	1883- 1884	PV CH. 470
463.	118					
464.	118	232	319	319		
465.	118	263	508			
465. (Sub.)			508	509		1959 CH. 172
466.	118					
467.	118					
468.	118					
469.	118					
470.	119					
471.	119					
472.	126	353	571			
472. (Sub.)			571	571		
473.	126	420	510			
473. (Sub.)			510	510		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
474.	126	374	511	511		
475.	126					
476.	126	393	564			
476. (Sub.)			564	591, 1697	1694- 1697	2535 CH. 420
477.	126	334,445	568			
477. (2nd Sub.)			568	568, 2216, 2355	2064-2071, 2215,2229- 2236,2347- 2355	CH. 5 E1
478.	127					
479.	127					
480.	127	264,445	605			
480. (2nd Sub.)			605	645		1959 CH. 170
481.	127					
482.	127					
483.	128					
484.	128					
485.	128	314,445	649	650		
486.	128					
487.	128					
488.	128					
489.	128	264	386			
489. (Sub.)			386	386		1851 CH. 157
490.	128	264				
491.	128					
492.	128	233	413			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
492. (Sub.)			413	413		911 CH. 15
493.	128					
494.	128					
495.	129					
496.	129					
497.	129					
498.	129	264	470		294	
498. (Sub.)			470	488, 1725	1725	PV CH. 521
499.	129	278	755			
499. (Sub.)			755	756, 1739	1738	2536 CH. 500
500.	129					
501.	129					
502.	129					
503.	129					
504.	130					
505.	130					
506.	130	289	413			
506. (Sub.)			413	413		2288 CH. 351
507.	130					
508.	130	314	519			
508. (Sub.)			519	519		1851 CH. 140
509.	130	334	514			
509. (Sub.)			514	613		
510.	130					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
511.	130	334	511			
511. (Sub.)			511	591		
512.	130					
513.	131					
514.	131					
515.	131	335			163	
516.	131	214	434	434		
517.	131					
518.	131	290			324	
519.	131					
520.	131	264	474	474		1715 CH. 117
521.	131					
522.	131	249	520			
522. (Sub.)			520	520		1715 CH. 113
523.	131	265	435			
523. (Sub.)			435	435, 1741	1741	2535 CH. 436
524.	132	420	557		181	
524. (Sub.)			557	557		
525.	132	335				
526.	132	335	521			
527.	132	1137	1294			
527. (Sub.)			1294- 1319	1319	1329,1992- 2028,2564	
528.	132				294	
529.	132					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
530.	132	265				
531.	132					
532.	132	335			779	
533.	132					
534.	133	278			298	
535.	133					
536.	133					
537.	133	374	470			
537. (Sub.)			470	470		
538.	133					
539.	133	420				
540.	133					
541.	133	335	558	558		2290 CH. 376
542.	133	290	481			
542. (Sub.)			481	481, 2161	1973- 1974.2079, 2160- 2161	2290 CH. 372
543.	134	301	435		435	
543. (Sub.)			435,493	495		
544.	134					
545.	134	279	386	386		1851 CH. 145
546.	134				163	
547.	134					
548.	139					
549.	139	314	521	521, 1725	1725	2281 CH. 300

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
550.	139	249,420	605			
550. (Sub.)			605	605		
551.	139	233, 455	558	558, 1739	1739	2288 CH. 350
552.	139					
553.	140					
554.	140	214	606			
554. (Sub.)			606	606		
555.	140	314	521	521		
556.	140					
557.	140					
558.	140					
559.	140	265, 456	606	607		1959 CH. 175
560.	140					
561.	140					
562.	140					
563.	141	374	552			
563. (Sub.)			552	552		1851 CH. 150
564.	141					
565.	141	314,446	682			
565. (2nd Sub.)			682-687	687		
566.	141					
567.	141	315	435			
567. (Sub.)			435	435		
568.	141					
569.	141	250,456	607			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
569. (2nd Sub.)			607	607, 2168	1613-1618, 2040, 2168	2535 CH. 452
570.	142					
571.	142	315	500		163	
571. (Sub.)			500	592		2339 CH. 399
572.	142	393				
573.	142				163	
574.	142					
575.	142					
576.	142	394				
577.	142	315	511	511		
578.	142	278	756			
578. (Sub.)			756	757, 1671	1671	2288 CH. 358
579.	142					
580.	149					
581.	149					
582.	149					
583.	150					
584.	150					
585.	150	420	522			
585. (Sub.)			522	522		1851 CH. 142
586.	150	290,456	715			
586. (2nd Sub.)			715	716, 1860	1856- 1860	PV CH. 503
587.	150					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
588.	150					
589.	150					
590.	150	421	491	645, 1480	272,294, 1480	2223 CH. 263
591.	150					
592.	151					
593.	151					
594.	151					
595.	151					
596.	151					
597.	151					
598.	151	336				
599.	151					
600.	151					
601.	152	421	522			
601. (Sub.)			522	522, 1669	1669	2288 CH. 353
602.	152					
603.	152					
604.	152	279				
605.	152	336				
606.	152					
607.	152					
608.	152	421	720			
608 (Sub.)			720	720		
609.	152	336	628			
609. (Sub.)			628	628		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
610.	153					
611.	153	446	1642			
611. (Sub.)			1642	1642	1644	2225 CH. 272
612.	153					
613.	153					
614.	153	336	523			
614. (Sub.)			523	523, 1682	1681- 1682	2291 PV CH. 346
615.	153					
616.	153					
617.	153					
618.	153					
619.	154					
620.	154					
621.	154	1842	1848		1842	
621 (Sub.)			1848, 2444- 2447	1848, 2444- 2447	1848	CH. 3 E1
622.	154	394	523			
622. (Sub.)			523	523		
623.	154					
624.	154	337	524			
624. (Sub.)			524	524		
625.	154					
626.	154					
627.	154					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
628.	155	446	608	667		2536 CH. 494
629.	155	337	524	524, 1705	1704- 1705	2339 CH. 392
630.	155	337	525			
630. (Sub.)			525	525, 1707	1705- 1707	PV CH. 485
631.	155				294	
632.	155	337	608			
632. (Sub.)			608	668		
633.	155					
634.	155	394	720			
634. (Sub.)			720	720		
635.	155	394				
636.	155					
637.	155					
638.	155	1486	1711			
638. (Sub.)			1711	1711		
639.	156	374				
640.	156					
641.	156	337				
642.	156	421				
643.	156	290	436	436		1959 CH. 169
644.	156	394	767			
644. (Sub.)			767	767, 1740	1740	2536 CH. 481
645.	156	354	767			
645. (Sub.)			767	768		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
646.	164	374,421	721			
646. (Sub.)			721	721. 1921	1917- 1921	2535 CH. 406
647.	164					
648.	164	394	771			
648. (Sub.)			771	771		PV CH. 438
649.	165					
650.	165	338				
651.	165	315	558			
651. (Sub.)			558	559		
652.	165					
653.	165	422	525			
653. (Sub.)			525	525		
654.	165	250	320	320		2215 CH. 213
655.	165	233				
656.	165	250,354	526			
656. (Sub.)			526	526		1959 CH. 171
657.	165	395	526			
657. (Sub.)			526	526		
658.	166	338	527	527		1715 CH. 133
659.	166					
660.	166	375				
661.	166					
662.	166	279	436	436		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
663.	166	375	527	527, 1482	1480- 1482	2222 CH. 247
664.	166					
665.	166	315.395	608			
665. (Sub.)			608	609		1959 CH. 177
666.	166					
667.	167					
668.	167	279	475	475		
669.	167	395	527			
669. (Sub.)			528	528		1959 CH. 182
670.	167					
671.	167	422	528	528		1715 CH. 134
672.	167	279				
673.	167					
674.	167					
675.	167				181	
676.	167	375				
677.	168	233	437			
677. (Sub.)			437	437		2281 CH. 316
678.	168	265	345	345		1214 CH. 24
679.	168	338				
680.	168					
681.	168					
682.	168					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
683.	168					
684.	168	422,446	585			
684. (2nd Sub.)			586	770, 2197	1929-1954, 2077-2078, 2098-2099, 2132,2196- 2197	PV CH. 456
685.	169					
686.	169					
687.	169					
688.	169				417	
689.	169	422				
690.	169					
691.	169					
692.	169	375	610			
692. (Sub.)			610	610		
693.	169					
694.	169					
695.	169	456	610			
695. (Sub.)			610	610,1742	1741	2281 CH. 301
696.	170					
697.	170	375	528			
697. (Sub.)			528	528		1851 CH. 158
698.	170	376	529	529	1687-1688, 2111	2288 CH. 355
699.	170	338	529	529		1715 CH. 129
700.	170					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
701.	170	376	530	530, 1708	1708	2225 CH. 273
702.	170					
703.	170	422				
704.	171					
705.	171					
706.	171	280,446	611			
706. (Sub.)			611	611		1959 CH. 167
					1410-1411, 2041,	2290
707.	171	280	437	437, 2145	2145	CH. 367
708.	171					
709.	171	376				
710.	171	423				
711.	171					
712.	172					
					1887-1891, 2060- 2061	2535 CH. 421
713.	172	265	471	471, 2061		
714.	172					
715.	172					
716.	172					
717.	172					
718.	172	376				
719.	172	395				
720.	172	376				
721.	172					
722.	173	377				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
723.	173					
724.	173					
725.	173					
726.	173					
727.	173					
728.	173	339,447	650			
728. (2nd Sub.)			650	650		
729.	173					
730.	174	354				
731.	174					
732.	174	339	611			
732. (Sub.)			611	611		1959 CH. 165
733.	174	339			181	
734.	174	377	471			
734. (Sub.)			471	472, 1984	1618-1619, 1954- 1955, 1984	2339 CH. 396
735.	174					
736.	174					
737.	174	354				
738.	174	423	537		181	
738. (Sub.)			537-539	592, 2126	1688,2063, 2125	2535 CH. 462
739.	175	315,447	772			
739. (Sub.)			772	772, 1861	1861	2281 CH. 297
740.	175					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
741.	175	266,447				
742.	175					
743.	175	280	475			
743. (Sub.)			475	476, 1982	1411, 1982	2535 CH. 422
744.	175	339	512	593		
745.	175	395				
746.	175	316	721			
746. (Sub.)			721	721		1959 CH. 183
747.	176					
748.	176	377	472	472, 1709	1708- 1709	2288 CH. 360
749.	176					
750.	176	423	530			
750. (Sub.)			530	530		2215 CH. 216
751.	176					
752.	176	316	567	568		
753.	176	316	531	531		2215 CH. 224
754.	176	316				
755.	176	301,447	772			
755. (Sub.)			772	772, 1743	1742	2282 CH. 312
756.	176	354,448	773			
756. (2nd Sub.)			773	773		
757.	177	423				
758.	177	339, 377,456	730			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
758. (2nd Sub.)			730-732	732. 2195	2079-2098, 2132,2175- 2195	PV CH. 506
759.	177	423				
760.	185					
761.	185					
762.	185					
763.	185	290	722			
763. (Sub.)			722	722		1959 CH. 162
764.	185					
765.	186					
766.	186					
767.	186	396	612			
767. (Sub.)			612	612. 1748	1743- 1748	PV CH. 415
768.	186					
769.	186					
770.	186	291	660	660		2220 CH. 232
771.	186					
772.	186	302	476, 482	476, 483	477	2292 PV CH. 319
773.	186	423	531			
773. (Sub.)			531	531. 2112	1619, 2040,2112	2288 CH. 359
774.	186					
775.	187					
776.	187	377	660		660	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
776. (Sub.)			660,663	663, 1748	663,1748	2290 CH. 375
777.	187	340	532			
777. (Sub.)			532	532		
778.	187					
779.	187					
780.	187	424,448				
781.	187					
782.	187	396	624			
782. (Sub.)			624	624, 2045	1688- 1689,2045	2535 CH. 423
783.	187	302	438			
783. (Sub.)			438	438		1959 CH. 164
784.	187					
785.	187	396				
786.	188	396	661			
786. (Sub.)			661	661, 1924	1922- 1924	2339 CH. 401
787.	188					
788.	188					
789.	188					
790.	188	378	532			
790. (Sub.)			532	532, 1663	1663	2290 CH. 370
791.	188					
792.	188					
793.	188	378				
794.	188					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
795.	189	378	544	544, 1664	1663	2281 CH. 291
796.	189					
797.	189					
798.	189					
799.	189					
800.	189					
801.	189					
802.	189					
803.	189					
804.	189	340	545			
804. (Sub.)			545	545		
805.	189	378	489			
805. (Sub.)			489	490		1715 CH. 112
806.	203					
807.	203					
808.	203					
809.	204					
810.	204	396				
811.	204	354				
812.	204	397				
813.	204	397,457	717			
813. (2nd Sub.)			717	717, 1863	1862	PV CH. 473
814.	204	397	512	512		
815.	204	397	546	546		2218 CH. 241

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
816.	205	397	545	545	272	2222 CH. 251
817.	205					
818.	205					
819.	205					
820.	205					
821.	205					
822.	206					
823.	206	448	671-679	680		
824.	206					
825.	206	424	773	773		2220 CH. 234
826.	206					
827.	206	397	553	553		1851 CH. 141
828.	206					
829.	206	291	624	624		
830.	206					
831.	206	340, 1137	1710	1711	347	2536 CH. 453
832.	206	398	550			
832. (Sub.)			550	593		
833.	207	424	554			
833. (Sub.)			554	554, 1750	1749- 1750	2536 CH. 480
834.	207	424	554			
834. (Sub.)			554	554		
835.	207					
836.	207	424				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
837.	207					
838.	207					
839.	207					
840.	207	378			237,779	
841.	207				238	
842.	207					
843.	208	266	438	438		1959 CH. 184
844.	208	398,448	629			
844. (Sub.)			629	629, 1753	1750- 1753	2536 CH. 475
845.	208					
846.	208					
847.	208					
848.	208					
849.	208					
850.	208				238	
851.	208	425				
852.	208					
853.	209					
854.	209	340	555	555		
855.	209					
856.	209	355	625	625, 1754	1754	2225 CH. 276
857.	209	250,457	661			
857. (Sub.)			661	661, 1727	1726- 1727	2536 CH. 437
858.	209					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
859.	209	425	722			
859. (Sub.)			722	722		
860.	209					
861.	209				272	
862.	209					
863.	210					
864.	210					
865.	210	340	572	572		1715 CH. 118
866.	210					
867.	210	250				
868.	210	398	625			
868. (Sub.)			625	625		
869.	210					
870.	210					
871.	221					
872.	221					
873.	222	398	723			
873. (Sub.)			723	723		
874.	222					
875.	222	398			779	
876.	222	425	513			
876. (Sub.)			513	586, 1702	1702	2536 CH. 410
877.	222	425	626			
877. (Sub.)			626	626		
878.	222	425	680	681		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
879.	222	426				
880.	222	426				
881.	222					
882.	222	426				
883.	223	426	490	490		
884.	223					
885.	223	427				
886.	223					
887.	223					
888.	223					
889.	223	449				
890.	223					
891.	223					
892.	224					
893.	224					
894.	224					
895.	224					
896.	224					
897.	224					
898.	224					
899.	224					
900.	224					
901.	224	379				
902.	224	379	555			
902. (Sub.)			555	555, 1979	1407-1409, 1840-1841, 1978- 1979	2286 CH. 339

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
903.	225	379,449				
904.	225					
905.	225					
906.	225					
907.	225					
908.	225					
909.	225					
910.	225					
911.	225					
912.	225					
913.	226					
914.	226					
915.	226	379				
916.	226	266	439	439		
917.	226	266	346	594		
918.	226					
919.	226	427				
920.	226	316	439			
920. (Sub.)			439	439, 1698	1697- 1698	2292 PV CH. 320
921.	226				251	
922.	226					
923.	227					
924.	239					
925.	239					
926.	239					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
927.	240	380	585			
927. (Sub.)			585	585, 2074	1781-1836, 1928, 2074	PV CH. 442
928.	240	399	556			
928. (Sub.)			556	556, 1699	1698-1699	2290 CH. 374
929.	240	427	556			
929. (Sub.)			556	556		
930.	240					
931.	240	427	513			
931. (Sub.)			513	513, 2062	1892-1893, 2062	2536 CH. 411
932.	240	399	560			
932. (Sub.)			560	560		
933.	240					
934.	241					
935.	241	355	566			
935. (Sub.)			566	566		
936.	241					
937.	241	355	566			
937. (Sub.)			566	566		2281 CH. 290
938.	241					
939.	241					
940.	241					
941.	241					
942.	241	380	567			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
942. (Sub.)			567	567		1715 CH. 116
943.	241					
944.	242					
945.	242					
946.	242					
947.	242	399	582	582		2223 CH. 260
948.	242					
949.	242					
950.	242					
951.	242					
952.	242					
953.	242					
954.	243	399	582	582		2284 PV CH. 295
955.	243,252					
956.	243					
957.	243					
958.	252					
959.	252	399	596	668, 1656	294,1653- 1656	Vetoed
960.	252					
961.	253					
962.	253					
963.	253					
964.	253					
965.	253					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
966.	253					
967.	253				-294	
968.	253	400				
969.	254	400				
970.	254	457	627			
970. (Sub.)			627	627		Vetoed
971.	254					
972.	254					
973.	254	380				
974.	254					
975.	254					
976.	254					
977.	254					
978.	254	340	583			
978. (Sub.)			583	583, 1773	1773	PV CH. 517
979.	254					
980.	255	400	583			
980. (Sub.)			583	583		
981.	255					
982.	255	355	662			
982. (Sub.)			662	662, 1686	1684- 1686	2536 CH. 464
983.	255					
984.	255	341	560			
984. (Sub.)			560	560, 2042	2041- 2042	2288 CH. 347

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
985.	255	380	561	561		2290 CH. 377
986.	255				294	
987.	255					
988.	255					
989.	255					
990.	256					
991.	256					
992.	256	380	584	584	1754, 1928	2288 CH. 356
993.	256				324	
994.	256	400				
995.	256	400	630			
995. (Sub.)			630- 633	633, 1731	1728- 1731	PV CH. 482
996.	256					
997.	256					
998.	256					
999.	256					
1000.	257	400				
1001.	257	401				
1002.	257					
1003.	257					
1004.	257	401	546			
1004. (Sub.)			546- 550	594		1850 CH. 160
1005.	257	341			347	
1006.	257	380,449	561			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1006. (2nd Sub.)			561	562, 1877	1863- 1877	PV CH. 476
1007.	257					
1008.	258					
1009.	274					
1010.	274					
1011.	274					
1012.	274	427	490			
1012. (Sub.)			490	490, 1673	1671- 1673	2281 CH. 292
1013.	275					
1014.	275	428	563	563		2218 CH. 242
1015.	275	401	622			
1015. (Sub.)			622	622		
1016.	275	428	638	638, 1674	1674	2290 CH. 381
1017.	275					
1018.	275					
1019.	275					
1020.	275	401				
1021.	275	428,449	712,778	778	713	2282 CH. 305
1022.	275					
1023.	276					
1024.	276	449				
1025.	276					
1026.	276	401				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1027.	283	402	491	595		1716 CH. 126
1028.	284					
1029.	284					
1030.	284					
1031.	284	402	491	491		
1032.	284					
1033.	284					
1034.	284	381	723- 727	727, 2130	1690,2077, 2127- 2129	2536 CH. 428
1035.	284	381	727			
1035. (Sub.)			727	728, 2146	1690-1691, 2063-2064, 2077, 2146	2536 CH. 429
1036.	285					
1037.	285	1137	1380			
1037. (Sub.)			1380, 1491	1383, 1492, 1596	1384,1491, 1535, 1596	
1038.	285					
1039.	285					
1040.	285					
1041.	285					
1042.	285					
1043.	285	402	728			
1043. (Sub.)			728, 747,753	753	728,747	
1044.	285	402,450				
1045.	286					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1046.	286					
1047.	286					
1048.	286					
1049.	296	428	639	639, 1980	1387-1389, 1841,1980	2290 CH. 373
1050.	296					
1051.	296					
1052.	296				347	
1053.	296	428	492			
1053. (Sub.)			492	492		
1054.	296					
1055.	296					
1056.	296					
1057.	296					
1058.	296					
1059.	297					
1060.	297					
1061.	297	429				
1062.	297					
1063.	297	429			728,779	
1064.	297					
1065.	297	450	728		324	
1065. (Sub.)			728	729, 1701	1700	2536 CH. 450
1066.	297	403	777			
1066. (Sub.)			777	777		
1067.	297	356	572	572		1851 CH. 143

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1068.	298					
1069.	298	341	642			
1069. (Sub.)			642	642		1959 CH. 185
1070.	298	450	573			
1070. (Sub.)			573	574		
1071.	298					
1072.	298	381				
1073.	304					
1074.	304					
1075.	304					
1076.	304					
1077.	305					
1078.	305					
1079.	305					
1080.	305					
1081.	305					
1082.	305					
1083.	305					
1084.	305					
1085.	305					
1086.	305					
1087.	306	457	729	729		2536 CH. 468
1088.	306					
1089.	306					
1090.	306	458	669	669		2536 CH. 433

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1091.	306					
1092.	306	381	642	642		
1093.	306	403	729	730		
1094.	306					
1095.	306					
1096.	306					
1097.	307	403,450	669			
1097. (Sub.)			669	670, 1701	1701	2536 CH. 446
1098.	307	403	643			
1098. (Sub.)			643	643		2225 CH. 274
1099.	307	429	643	643		
1100.	307					
1101.	307					
1102.	307	429				
1103.	307	429				
1104.	307					
1105.	307					
1106.	308	403				
1107.	308					
1108.	308					
1109.	308	381	473	473		
1110.	308					
1111.	308					
1112.	308					
1113.	326					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1114.	326					
1115.	326					
1116.	326					
1117.	326	430	671			
1117. (Sub.)			671	671		
1118.	326					
1119.	326					
1120.	326					
1121.	326					
1122.	326					
1123.	326	430	690	690		2222 CH. 257
1124.	327	382	775	776		
1125.	327					
1126.	327	430	691	691		
1127.	327					
1128.	327	450	575			
1128. (Sub.)			575	575		2223 CH. 265
1129.	327	430	742			
1129. (Sub.)			742	742		
1130.	327					
1131.	327					
1132.	327	403	742			
1132. (Sub.)			742	742, 1732	1731- 1732	2536 CH. 501
1133.	327					
1134.	328					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1135.	328					
1136.	328					
1137.	328	430	774	774, 1692	1692	2225 CH. 282
1138.	328					
1139.	328					
1140.	328					
1141.	328				387	
1141.	328					
1142.	328					
1143.	348					
1144.	348					
1145.	348					
1146.	349					
1147.	349					
1148.	349					
1149.	349					
1150.	349					
1151.	349					
1152.	349					
1153.	349	430	595	595		
1154.	349					
1155.	349	404				
1156.	350	404	747			
1156. (Sub.)			747	747, 1757	1755- 1757	2536 CH. 461
1157.	350					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1158.	350	431	743			
1158. (Sub.)			743	743, 2107	1836-1839, 2041,2103- 2107	2339 CH. 386
1159.	350					
1160.	350	431	774			
1160. (Sub.)			774	774, 1758	1758	2536 CH. 424
1161.	350					
1162.	350	404	771	771		
1163.	350					
1164.	350					
1165.	350	431	743			
1165. (Sub.)			743	743		
1166.	367					
1167.	367					
1168.	367					
1169.	368					
1170.	368					
1171.	368					
1172.	368					
1173.	368				2211	
1174.	368					
1175.	368	431	744			
1175. (Sub.)			744	744		
1176.	368					
1177.	368					
1178.	368					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1179.	369					
1180.	369	451	670	670		1851 CH. 137
1181.	369					
1182.	369					
1183.	369					
1184.	369					
1185.	369	451	697	697		2222 CH. 255
1186.	369					
1187.	369					
1188.	370					
1189.	370	431	584			
1189. (Sub.)			584	584		
1190.	370					
1191.	370					
1192.	370					
1193.	370					
1194.	370					
1195.	370					
1196.	370					
1197.	370	451	749			
1197. (Sub.)			749- 751	751, 2165	2161- 2165	2536 CH. 413
1198.	388					
1199.	388	432	492	492, 1670	1670	2288 CH. 361
1200.	389					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1201.	389					
1202.	389					
1203.	389					
1204.	389	451	775	775		1716 CH. 131
1205.	389	451	747	747, 1878	1878	PV CH. 516
1206.	389					
1207.	389					
1208.	433					
1209.	433					
1210.	459					
1211.	505					
1212.	505					
1213.	579					
1214.	579					
1215.	579					
1216.	579					
1217.	579					
1218.	635					
1219.	738					
1220.	787					
1221.	787	1137	2236		1602	
1221. (Sub.)			2236- 2279	2279, 2529- 2531	2236,2293- 2338, 2483- 2529	PV CH. 7 E1
1222.	804					
1223.	842					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1224.	911					
1225.	1292	1602	1602,1712		1602	
1225. (Sub.)			1712	1712,2340		
1226.	1292					
1227.	1292					
1228.	1384		1385, 1401	1401, 1851	1851	PV CH. 458
1229.	1485					
1230.	1485					
1231.	1486					
1232.	1486					
1233.	1486					
1234.	1486					
1235.	1486					
1236.	1486					
1237.	1486					
1238.	1486					
1239.	1486		2343- 2346	2346	2341	Vetoed
1240.	1486					
1241.	2113					
1242.	2113					
1243.	2116					
1244.	2212					
1245.	2212					
1246.	2213					
1247.	2213					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1248.	2213					
1249.	2218					
1250.	2218					
1251.	2218				2219	
1252.	2481					
1253.	2481					
1254.	2553					
1255.	2553					
1256.	2553					
1257.	2569				2570	
1258.	2570				2570	
1259.	2570				2570	
1260.	2570		2570	2570	2570	CH. 1 E2
1261.	2570		2571	2571	2571	CH. 2 E2
1262.	2582				2582	
1263.	2582				2582	
1264.	2582		2582	2582-2583	2582	CH. 1 E3

HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4000.	66	85	102	102		
4001.	67					
4002.	84					
4003.	94					
4004.	94					
4005.	119	356	627	627		
4006.	156					
4007.	177					
4008.	177					
4009.	177					
4010.	177					
4011.	190					
4012.	210					
4013.	211					
4014.	211	404				
4015.	258					
4016.	258					
4017.	258					
4018.	258					
4019.	258					
4020.	276					
4021.	298					
4022.	298	432				
4023.	308	405	744			
4023. (Sub.)			744	744, 1733	1733	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4024.	308					
4025.	351					
4026.	371					
4027.	1486					
4028.	2286		2286	2286		

HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4200.	67					
4201.	73	233			87	
4202.	73				87	
4203.	94					
4204.	94	405	752			
4204. (Sub.)			752	752		
4205.	100					
4206.	119					
4207.	119	266	414			
4207. (Sub.)			414	644	644-645, 779	
4208.	134					
4209.	134					
4210.	143	405	753			
4210. (Sub.)			753	753		
4211.	177					
4212.	178	432	493	493		
4213.	178					
4214.	211					
4215.	227	452				
4216.	258					
4217.	258					
4218.	329					
4219.	351	432				
4220.	371	452	748	749,2165	2165	
4221.	2570				2570	

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4400.	27		27	27		
4401.	29	59	102	102		
4402.	84	158	320	320		
4403.	100	192	748			
4403. (Sub.)			748	748		
4404.	119	214	272	272		
4405.	119					
4406.	119		120	120		
4407.	156	341	768			
4407. (Sub.)			768	768		
4408.	178	405			779	
4409.	190		1398	1398	1385	
4410.	211					
4411.	329	432	769	769		
4412.	351					
4413.	804					
4414.	911					
4415.	1214		1214	1214		
4416.	1236					
4417.	1292					
4418.	1954		2367	2367	2367	
4419.	2204		2204	2204		
4420.	2210		2210	2210		
4421.	2366,2564		2564	2564		
4422.	2366		2366	2366		
4423.	2532		2532	2533		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4424.	2600		2600	2600		

HISTORY OF HOUSE FLOOR RESOLUTIONS

NUMBER AND SUBJECT	Introduced	Other Action	Adopted
4600 Rules/temporary	4		16
4601 Denny L. Heck appreciation	23		23
4602 Notify Senate/House organized	26		26
4603 Rules/permanent	52	52-53	53
4604 UW Professor Edmondson/commend	*Rules		1/27R
4605 John Horsley, Pres of NACo/commend	383		383
4606 Stars & Stripes/commendation	86		87
4607 Aberdeen Elks 593 Band/appreciation	124		124
4608 Challenger shuttle commemoration	125		125
4609 The Chehalis Mint	217		218
4610 Boy Scout Week	192		193
4612 George Washington celebrations	293		293
4613 Gary L. Parks, Everett fireman	293		294
4615 Australia study exchange	*Rules		2/24R
4616 Amer. Field Serv. Exchange	319		319
4618 Skagit Valley Tulip Festival	323		324
4619 Future Farmers of America	342		343
4621 Drug war costs/LG Cmte study	*Rules		6/12ER
4622 Veterans' Memorial Foundation	365		366
4623 Columbia River discovery/200 yrs	797		797
4624 Trooper James Gain	415		416
4625 BPA budget/Congress scrutiny	416		417
4626 Interlake HS swim team	*Rules		3/17R
4627 Dennis D. Coplen/remembrance	539		539
4628 Girl Scout Week	504		504
4629 Yakima Valley BB champions	509		510
4630 Fred Anderson/Marley Young	*Rules		3/12R
4631 WA Senior Citizen Lobby	646		646
4632 Dr. R. Harris/School Supt.	*Rules		3/19R
4633 Garfield HS BB champs	710		710
4634 Agricultural industry/salute	834		835
4635 Foster HS girls' BB team	1275		1275
4637 Morton Huskies boys' BB team	835		835
4638 Onalaska Loggers FB team	843		844
4639 Medical Transcriptionists' Week	1264		1265
4640 Daffodil royalty honored	1132		1132
4641 Frances Johnson commendation	1368		1368
4642 Mary Peters/Sherry Schaal/science	1366		1366
4643 Alvin Ailey American Dance Co.	1367		1368
4644 Dr. M.L. King/ideals dedication	*Rules		4/16R
4645 Bainbridge Spartans/girls' BB	*Rules		4/9R
4646 USS Nimitz/welcome	*Rules		4/9R
4648 Matvey & Susan Finkel	*Rules		4/14R
4649 LEO memorial ceremony	1493		1493
4650 WA scholars/congratulations	1541		1542
4651 Public testimony/SG-LG Cmt study	*Rules		6/12ER
4652 K. Wilson/Bellevue Woman of Yr.	1926		1926
4654 Earthquake hazard recognition	1666		1666
4655 Olympia postmark	1644		1644
4656 Miss Northshore scholarship	1400		1400
4657 Cliches/phrases to be abolished	2170	2170	Failed
4659 Common carriers	1775		1775
4660 Cheney's recycling program	1665		1665
4661 Clark College forensic team	1774		1774

* - Adopted by Rules (R) or Executive Rules (ER) Committee.

NUMBER AND SUBJECT	Introduced	Other Action	Adopted
4662 Lilac Bloomsday Run/Spokane	1665		1665
4663 WA State winemakers awards	1646		1646
4664 John Terrey, PhD/retirement	1647		1647
4665 Hi-Q program/winning teams	1682		1683
4667 Softball game/budget votes	1776		1776
4669 State Bldg. Code Council/monitor	*Rules		6/12ER
4672 Archbishop Hunthausen/honor	1957		1958
4673 Olympia Child Care Center	2223		2224
4674 Wildlife planning efforts	2169		2169
4676 Cavanaugh family	2168		2169
4678 Constitution project/YMCA	2213		2213
4681 Interim business of House	2199		2201
4682 Sine die (notify Senate)	2204		2204
4683 Notify Senate/House organized-1X	2210		2210
4685 Tacoma Stars soccer/commend	2170		2172
4686 Allen School/mind competition	2220		2221
4689 Elks National Hoop Shoot	2227		2228
4690 Ben Linder (Nicaragua)/sympathy	2285	2285	2285
4691 Don Hayden/commendation	2227		2227
4692 Lew Holcomb/WA Ports	2226		2227
4694 Bertha Pitts Campbell	2282		2282
4695 Sister Sharon Park	2287		2287
4696 Trooper Brown/congratulations	2289		2289
4697 Federalist papers/Ed Cmte study	*Rules		6/12ER
4698 WSPP task force/legis support	2338		2338
4700 Sine Die 1st Special/notify Senate	2564		2564
4704 Thanks to staff	2564		2565
4705 Notify Senate/House organized-2X	2569		2569
4706 Sine Die 2nd Special/notify Senate	2577		2577
4707 Notify Senate/House organized-3X	2580		2580
4708 Rep. Dick Fisch/condolences	2581		2581
4706 Sine Die 3rd Special/notify Senate	2600		2600

HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5001. (Sub.)	505	1004	1350	1528, 1991	1893, 1991	CH. 322
5002.	119	805	1350	1350		CH. 186
5008.	459	1138	1558	1558		CH. 211
5009.	52	805	844	844		CH. 31
5010.	119	787	836	836		CH. 13
5012.	120					
5013.	243	911	1341, 1376	1378	1341	CH. 228
5014. (Sub.)	299	845	901	901		CH. 36
5015.	59	137	215	215		CH. 3
5016.	73	805				
5017.	84	805	1351	1351		PV CH. 220
5019.	120	864	902	902		CH. 33
5020. (Sub.)	190					
5022. (Sub.)	52	280	483	483		CH. 5
5024. (Sub.)	389	845	1220, 1241	1242, 2057	1221, 1409,1841, 2054-2056	CH. 362
5025. (Sub.)	617					
5031. (Sub.)	276					
5032.	243	912	1398	1398		CH. 191
5033.	351					
5034.	211	805	844	844		CH. 30
5035.	211	847	1216	1216	1927,1990, 2102	CH. 425
5036.	389					
5040.	276					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5045. (Sub.)	329	787	835	836		CH. 54
5046. (Sub.)	286	847	902	902		CH. 37
5047. (Sub.)	329	805	1218	1218		CH. 98
5050.	329	1005				
5051.	459	789	881	882		CH. 67
5052.	579	890	1217	1281		
5054.	505					
5055. (Sub.)	505					
5058. (Sub.)	308	891	1219	1219, 2060	1392,1976, 2058-2059	CH. 451
5060.	211	695	836	836		CH. 11
5061. (Sub.)	211	806	882	883, 1713	238,1392- 1393,1622 1712-1713	CH. 345
5062.	134	806	1220	1220		CH. 66
5063. (2nd Sub.)	636	913, 1138	1372	1372		CH. 486
5064. (Sub.)	617					
5065. (Sub.)	258					
5067.	309	806	1220	1220		CH. 71
5069.	329	847	903	903		CH. 38
5070 (Sub.)	243	919				
5071. (Sub.)	579	847	1247	1528, 2119	1960, 2118	CH. 488
5072.	505	806	1225	1226	1780	
5074. (2nd Sub.)	636	1006, 1145	1513	1514		PV CH. 439
5075. (Sub.)	505					
5076.	617	928				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5080.	738	1014	1244	1244		CH. 64
5081. (Sub.)	371	929	1341	1341, 2166	2166	CH. 526
5083. (Sub.)	636					
5084.	286					
5085.	190	808	1242	1242		CH. 395
5086. (2nd Sub.)	691, 2366	931, 1145	1544- 1557	1557	779, 1924	
5088. (Sub.)	505	1014	1394, 1526	1526		Vetoed
5089. (Sub.)	134	1145	1401	1401	1130, 1136	CH. 187
5090. (Sub.)	579	1015				
5094. (Sub.)	542	937	1572	1572		CH. 285
5097.	636	798, 1156	1286	1286	841	CH. 229
5103.	329	808				
5104. (Sub.)	329	1038	1506	1507		CH. 225
5105.	157	808	883	883	181	CH. 34
5106. (Sub.)	276	808	884	884		CH. 65
5107. (Sub.)	211	937	1375	1375		CH. 235
5110.	227	808, 1156	1540	1541, 1896	1895- 1896	CH. 465
5113. (Sub.)	636	1038	1265	1266		PV CH. 310
5115. (Sub.)	579	1039, 1157	1543	1543	2075- 2076	
5116.	351					
5117.	389	1039			1602	
5120.	286	864	903	1130, 1894	1894, 1954	CH. 302

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5122. (Sub.)	351	865			1602	
5123. (Sub.)	329	849	1221	1284		PV CH. 469
5124. (Sub.)	390	809	1544	1544		PV CH. 311
5129.	738	938	1372	1372		CH. 510
5130. (Sub.)	227	865	1369	1369		CH. 196
5132. (Sub.)	738					
5136. (Sub.)	329	818	903	903		CH. 44
5138.	506	818	904	1131		CH. 49
5139.	276	818	884- 886	887		CH. 80
5142. (Sub.)	276	938	1351	1517		CH. 280
5143. (Sub.)	390	942	1352	1352		PV CH. 404
5144. (Sub.)	309	790	887	887		CH. 45
5146.	390	790	887	900		CH. 50
5148.	157	892	1221	1221		CH. 60
5149.	309	818	904	904		CH. 43
5150. (Sub.)	506	1161	1286	1287		CH. 192
5152.	390	818				
5155. (Sub.)	738	893	1221	1221		CH. 100
5156. (Sub.)	309					
5157. (Sub.)	309					
5158. (Sub.)	617					
5159.	433	893	1222	1222	1926	CH. 368
5160.	330	819	1593	1593	514	CH. 236
5161.	299	819	1222	1222		CH. 70

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5163. (Sub.)	390	943	1399	1399, 2124	1892,1992, 2124	CH. 467
5164.	227	382	1240	1240		CH. 90
5165. (Sub.)	506					
5168. (Sub.)	277					
5169.	157					
5170. (Sub.)	351	799	904	904		CH. 35
5171.	506					
5172.	227	893	1353	1355, 2156	1895,2060, 2153-2156	CH. 281
5174. (Sub.)	258	790	837	837		CH. 29
5176. (Sub.)	351					
5178.	434	1039	1245	1366		CH. 243
5179. (Sub.)	506	850	1223	1224		CH. 72
5180. (Sub.)	542	819	905	905		CH. 81
5181. (Sub.)	542	893	1560	1560		CH. 385
5183.	157					
5185.	243	1044	1594	1594	1599	
5191. (Sub.)	781	945	1578	1578		CH. 249
5193. (Sub.)	299	790	837	837		CH. 20
5194.	351	820	1356	1356		CH. 189
5195.	351	851	1133	1517	1517,1527	
5196. (Sub.)	299	800	905	905		CH. 51
5197.	506	800	838	838		CH. 12
5199. (Sub.)	309	865	1225	1225		CH. 82
5201.	617	947	1248, 1253	1254	1248	CH. 426
5203.	227	791			888	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5204.	351	791	1227	1227		CH. 58
5205.	157	820	1287	1287		CH. 73
5206. (Sub.)	371	821, 1163	1356- 1358	1518		PV CH. 323
5210. (Sub.)	390					
5212. (Sub.)	781	866	1248	1537		CH. 217
5214. (Sub.)	542					
5217.	617	866, 1164	1402	1403		CH. 248
5219. (Sub.)	691	893	1583- 1589	1589		CH. 447
5222. (Sub.)	371					
5225. (Sub.)	579	855	1498- 1503	1503		CH. 314
5227.	299	821	1227	1227		CH. 75
5232. (Sub.)	781	1044	1505	1505		CH. 278
5233. (Sub.)	579					
5238.	299					
5239.	299	948			347	
5241.	299					
5244.	299	948				
5245.	506	867	1507	1507		CH. 226
5246.	300	821				
5247.	300	800	906	906		CH. 39
5248.	243	791	1342	1342		CH. 197
5249. (Sub.)	371	822	1228	1228, 2110	1691,2040, 2109-2110	CH. 382
5251.	781	867				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5252. (2nd Sub.)	636	949, 1164	1397	1397		CH. 489
5253. (Sub.)	506	855, 1165	1493	1494		CH. 230
5254. (Sub.)	227	823	1229	1229		CH. 101
5263.	691, 2366	894				
5264. (Sub.)	738	867				
5265.	434	867	1524- 1525	1526	1525, 1526	CH. 205
5266. (Sub.)	691	868				
5267.	300					
5271.	506					
5274. (Sub.)	738	952	1342	1342		CH. 519
5277.	691	868	906	906		CH. 52
5278. (Sub.)	617					
5280. (Sub.)	617	1045				
5282.	330	952				
5285. (Sub.)	300	1166	1343	1343		CH. 308
5288. (Sub.)	506	894	1229	1229	779	CH. 102
5292. (Sub.)	636				797	
5293. (Sub.)	691, 2341		2342	2342		CH. 4 E1
5294.	542					
5299. (Sub.)	434	791	1236	1236		PV CH. 443
5301. (Sub.)	542	1046	1245	1245		CH. 94
5307.	580					
5311. (Sub.)	300					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5312. (Sub.)	330	801	888	888		CH. 135
5313. (Sub.)	738					
5318. (Sub.)	330	795	841	841		CH. 21
5319.	618					
5320.	351					
5321.	636					
5325.	352					
5326. (Sub.)	580	801, 1166	1494	1494	841	CH. 369
5327.	507	869	907	907		CH. 76
5329. (Sub.)	460	855	907	907		CH. 91
5330. (Sub.)	460	801	838	838		CH. 9
5331.	300	801	839	839	514	CH. 10
5333. (Sub.)	460					
5334. (Sub.)	580					
5335.	618	1047	1245	1246		CH. 477
5343.	371					
5345. (Sub.)	460					
5348.	542	870	1250	1250		CH. 62
5351. (Sub.)	330	856	862	862	862	CH. 7
5355.	542					
5359.	542					
5364. (Sub.)	371	856				
5365. (Sub.)	542					
5371. (Sub.)	330	1050	1250	1250		CH. 56
5372. (Sub.)	543					
5376. (Sub.)	781					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5377. (Sub.)	618	953, 1166	1595	1595		
5378. (Sub.)	636					
5379.	543	857				
5380.	618	963	1369	1369, 2101	1988-1989, 2099-2101	CH. 455
5381.	300	824	1230	1230		CH. 77
5382.	692					
5383. (2nd Sub.)	618	894				
5387. (Sub.)	636					
5389. (Sub.)	300	802	839	839		CH. 103
5391. (Sub.)	543	870				
5392. (Sub.)	738	1050	1506	1506		CH. 256
5393. (Sub.)	543	870	1592	1592		CH. 284
5395.	637	965				
5398. (2nd Sub.)	781	965				
5401. (Sub.)	460	1051	1254- 1263	1293	1293, 1339	
5402.	580	1172	1287	1287		CH. 88
5403.	507	894	1230	1230		CH. 59
5404. (Sub.)	580					
5405. (Sub.)	618	1055	1360	1360		CH. 365
5408.	739	1056	1495	1495		CH. 219
5410.	460	871	1251	1251		CH. 61
5411.	300					
5412.	352	824	1360	1360		CH. 198
5413.	637	857	1343	1343		CH. 199
5415.	460	824	888	888		CH. 68

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5416.	692	857	1370	1370		CH. 200
5417. (Sub.)	782	894	1231	1231		CH. 69
5418.	309	741	1231	1231		CH. 63
5422.	782	1056			1602	
5423. (Sub.)	692	895	1561	1561		CH. 237
5427.	309	695	840	840		PV CH. 109
5428.	580	966	1577	1577		CH. 400
5429.	309	795				
5433.	390	803	908	908		CH. 40
5436. (Sub.)	460					
5437.	352					
5439. (Sub.)	618	871	1504	1505, 2135	1780,2039, 2133-2135	CH. 466
5441. (2nd Sub.)	618	871	1495	1495, 2123	1836, 2120-2123	
5442.	507	966, 1172	1251, 1280	1251, 1280	1251,1280, 2039	Vetoed
5443. (Sub.)	580					
5444.	371	796	1288	1365	841, 1127	CH. 246
5450.	460					
5452. (2nd Sub.)	637					
5453. (2nd Sub.)	618	1056	1521	1521, 2167	1925,2042, 2153,2167	CH. 409
5456. (Sub.)	804	1386	1643	1644	1644	CH. 270
5460. (Sub.)	277					
5463.	580	873, 1172	1343, 1349	1350, 2160	1344,1836, 1840,1894, 1989,2108, 2159-2160	CH. 349

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5464. (Sub.)	692	1058	1251, 1273	1274	1251	CH. 266
5466. (Sub.)	330	857	1251	1251		CH. 83
5467.	739					
5469.	330	857	1361	1361		CH. 195
5474.	692					
5475.	352	825				
5478.	507					
5479. (Sub.)	692	966, 1174	1370	1371, 2144	1955,2118, 2136-2144	PV CH. 525
5480.	330					
5483.	372	1179	1581	1582		CH. 448
5492. (Sub.)	619					
5495. (Sub.)	580	972	1252	1252		CH. 87
5500.	372					
5501. (2nd Sub.)	692	972	1288, 1336	1336	797, 1288	CH. 259
5502. (Sub.)	543	1058, 1180	1562- 1569	1569		CH. 344
5504. (Sub.)	782					
5506. (Sub.)	619	1064				
5510. (Sub.)	692	972	1504	1504		CH. 332
5511. (Sub.)	331	1180	1579	1579		CH. 326
5512. (Sub.)	331	1189	1573	1574		CH. 384
5513.	331	741, 978	1561	1561	779	CH. 215
5514. (Sub.)	507	826	1361	1361		CH. 309
5515. (2nd Sub.)	580	895	1243	1243		CH. 149
5519. (Sub.)	637	858	908	908		CH. 104

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5520. (Sub.)	637	1064	1375	1376		CH. 340
5521.	692					
5522.	782	978	1577	1577		CH. 218
5523.	461	826	909	909		CH. 47
5529.	782	979, 1191	1344	1344		CH. 328
5530. (Sub.)	581	984	1508	1508		CH. 348
5531.	390					
5533. (Sub.)	619	858	1232	1390		CH. 408
5536.	390	874	909	909		CH. 57
5538. (2nd Sub.)	692	987				
5541.	461	826	889	889		CH. 74
5544. (Sub.)	782					
5546.	782	1065	1569- 1572	1572, 2174	2042- 2043,2117, 2173-2174	CH. 324
5549.	507	987	1514	1514, 1925	779, 1925	CH. 286
5550.	693	987	1400	1400, 2045	1893- 2044	CH. 402
5552. (Sub.)	581					
5553. (2nd Sub.)	637	987				
5555. (2nd Sub.)	739	1067, 1191	1511	1512		PV CH. 504
5556.	507	1075	1510	1511	779	PV CH. 523
5558.	507					
5561. (Sub.)	739	1078	1274	1274		CH. 336
5564.	461	874	1232	1232		CH. 275
5565. (Sub.)	619	827	910	1131		CH. 42

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5570. (Sub.)	390	1080	1530- 1534	1534		PV CH. 528
5571.	461	827	1128	1128		CH. 509
5572. (Sub.)	739					
5579.	739					
5581. (Sub.)	619	875	1129	1129		CH. 46
5584. (Sub.)	693	988	1582	1582		CH. 221
5592.	693	1083				
5594. (Sub.)	461	831	1129	1130		CH. 93
5596. (Sub.)	739					
5597.	782	1083	1275	1275		CH. 445
5598. (Sub.)	693	895	1232	1232		CH. 105
5599. (Sub.)	693	1083				
5604. (Sub.)	543	858	1640	1641	1644	CH. 271
5605.	543	895	1276	1276		CH. 244
5606. (Sub.)	739	1191	1580	1581		PV CH. 502
5608. (Sub.)	507	1083	1496	1496		PV CH. 335
5622. (Sub.)	693	988, 1197	1488	1488, 1975	1974	CH. 507
5625. (Sub.)	739					
5626. (Sub.)	693	989				
5627.	619					
5631.	331	796				
5632. (Sub.)	739	896, 1197	1489	1489		CH. 478
5634. (Sub.)	619					
5639. (Sub.)	740	989				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5641. (Sub.)	782	1085				
5642.	507	832	1345	1345		CH. 193
5650. (Sub.)	740	897	1508	1509		CH. 264
5654. (2nd Sub.)	581	1085, 1197			1557, 1602	
5659. (2nd Sub.)	637	1092, 1204	1395	1397		PV CH. 524
5662.	740					
5665. (2nd Sub.)	782	992				
5666.	391	997	1594	1594		CH. 520
5667.	543					
5668.	508	875	1238	1238		CH. 106
5678.	508	796, 1204	1364	1364, 2078	1926,1990, 2078	CH. 390
5679. (Sub.)	740	875	1239	1240		CH. 107
5682. (Sub.)	693	875				
5685.	300	405	634	634	324	CH. 6
5688. (Sub.)	783	898	1233	1233		CH. 97
5692. (Sub.)	508					
5693.	619	997	1276	1527		CH. 296
5704. (Sub.)	740	1100				
5712.	581	803	842	843		CH. 96
5717. (Sub.)	543	998	1346	1346		CH. 190
5720. (Sub.)	581	998,1205			1712	
5723. (Sub.)	508					
5731.	783					
5732.	783	999	1562	1562		CH. 267
5735.	783	999	1576	1576		CH. 227

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5739.	543	1102	1276	1277		PV CH. 471
5740.	783	898	1277	1277		CH. 78
5744.	783					
5747.	581	875	1513	1513		CH. 341
5757.	637	832				
5761. (Sub.)	581	1105	1278	1278		CH. 79
5763. (Sub.)	581	858	1135	1135		CH. 48
5764.	508	1105	1362	1362		CH. 342
5770. (Sub.)	581					
5774.	693	832	1589	1589		CH. 252
5779. (Sub.)	619	859	1215	1215		CH. 99
5780.	637	1000	1576	1576		CH. 268
5783.	740					
5787. (Sub.)	544					
5788.	783	1000				
5801.	740	1106	1403- 1407	1407		PV CH. 515
5814. (Sub.)	619	876	1489	1491, 2046	1836, 2046	CH. 313
5821.	620	878	1233	1234		
5822.	637	1000	1278	1278		CH. 92
5824. (Sub.)	508	1106, 1206	1288	1288		CH. 188
5825. (Sub.)	620	1107	1542	1542, 2044	1895, 2044	CH. 383
5830. (Sub.)	783	832	889	889		CH. 84
5831.	783					
5832.	783	878				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5834.	544					
5835. (Sub.)	620					
5838. (Sub.)	620	1107	1333, 1340	1340, 2054	1333,1839- 1840,1977- 1978,2053	CH. 317
5845. (2nd Sub.)	620	878	1279	1279, 2159	1127, 2157-2159	CH. 95
5846. (Sub.)	620	833, 1207	1346	1347, 2108	1691-1692, 2108	PV CH. 427
5849. (Sub.)	544	796	840	840		CH. 14
5850. (Sub.)	783	898	1519	1520		PV CH. 397
5854. (Sub.)	740	1110, 1208	1518	1518	1892, 2072,2157	
5857. (Sub.)	620	1118	1347	1348		PV CH. 416
5858. (Sub.)	694	1208	1289	1289	797	CH. 89
5861.	694	898	1497	1497		CH. 194
5863.	620	860	1234	1373		CH. 253
5868. (Sub.)	620					
5869.	694					
5871. (2nd Sub.)	740	1000	1348	1348		CH. 287
5880. (Sub.)	740	796, 1208	1519	1519		CH. 459
5882.	784	1119	1575	1575		CH. 303
5885. (Sub.)	620	1119			779	
5886. (Sub.)	784					
5887. (Sub.)	694					
5892. (Sub.)	784	1000	1289	1289		CH. 108
5901. (Sub.)	2366		2553- 2562	2562	2553	PV CH. 8 E1

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5911. (Sub.)	741	833, 1208	1290	1374	1290	PV CH. 472
5936.	621	833	1279	1389		CH. 201
5937.	694	1001				
5938.	694					
5939.	544	1001				
5941. (Sub.)	621	1120, 1209	1590	1591	1511	
5943.	544					
5944. (Sub.)	784	1121	1279	1279		Vetoed
5948.	741	1122	1336	1336		CH. 318
5953.	694					
5955.	784	878	1290	1293		CH. 32
5956.	621	833	1237	1237		Vetoed
5958.	694	833				
5972.	784	1122	1280	1280		CH. 269
5973. (Sub.)	637				779	
5976.	784	1001	1509	1509		CH. 233
5977. (Sub.)	694	899, 1209	1593	1593, 1959	1959	CH. 279
5978. (Sub.)	621	1125	1349	1349, 2072	779,1925, 2072	CH. 334
5986. (2nd Sub.)	621	879, 1209	1337	1338		CH. 479
5993. (2nd Sub.)	741	1211	1515	1515	798	CH. 343
5996.	784	1002, 1211	1525, 1529	1529, 2175	1525,2039, 2174	CH. 492
6001. (Sub.)	638					
6002. (Sub.)	784					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6003.	638	1125	1559	1560		CH. 491
6008. (Sub.)	694					
6010. (Sub.)	784	899, 1211	1338	1338		Vetoed
6012.	621	1126	1333	1335, 2103	1893,1990, 2103	CH. 277
6013. (Sub.)	638	860, 1211	1364	1364		CH. 329
6016. (Sub.)	2225		2226, 2341	2341	2226, 2343	PV CH. 9 E1
6020. (Sub.)	890					
6023. (Sub.)	544	880	1284	1284		CH. 289
6033. (Sub.)	784	880	1579	1579		CH. 495
6036. (Sub.)	544	880				
6038.	694	834	900	900		CH. 41
6040.	638					
6048. (Sub.)	581	1003	1362	1363		PV CH. 212
6053.	695	899	1522	1523		PV CH. 508
6055. (Sub.)	785	1003				
6058. (Sub.)	621	861	1215		1602	
6061. (Sub.)	741	1003	1510	1510		CH. 474
6064. (Sub.)	785	1212	1487	1487		CH. 483
6065.	785	1126	1285	1285		CH. 85
6076. (Sub.)	2225		2226, 2355-2365	2365	2226	PV CH. 10 E1
6078.	2572		2572	2572- 2573	2572	CH. 3 E2
6084.	2574		2574, 2575	2575- 2576	2574	CH. 4 E2

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6085.	2583		2583- 2594	2594- 2599	2583	CH. 2 E3

HISTORY OF SENATE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
8000.	508	1126	1285	1390		
8002. (Sub.)	300					
8003.	391					
8005.	331	880	1590	1590		
8006.	621	881	1215	1215		
8007.	785					
8008.	508	899	1237	1237		
8009.	785	881				
8011.	621					
8012. (Sub.)	621				841	
8013. (Sub.)	622				841	
8015.	785	1126			1602	
8016.	785	1003	1515	1515		
8017.	647		647	647		

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NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
8207.	178	834	1340	1340		
8212.	581	881, 1213	1374	1374	779	

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NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
8400.	27		27	27		
8401.	59		59, 75-76	76		
8402.	67, 74,76		76	76		
8404.	331	861	1285	1285		
8406.	741	1126	1516	1516, 2120	1927, 1990-1991, 2119-2120	
8408.	622	881	1216	1216		
8410.	1662					
8412. (Sub.)	1236,2366					
8413.	1332,2366		2366	2366		
8414.	2204		2204	2204		
8415.	2205		2205	2205		
8416.	2212		2212	2212		
8418.	2563		2563	2563		
8419.	2569		2569	2569		
8421.	2577		2577	2577		
8422.	2580		2580	2580		

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- Unborn child, criminal negligence: HB 924
- Unborn quick child, harm, second degree assault: HB 752

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- Developmentally disabled persons, report required: *SHB 153, CH 206
- Malicious reporting penalties imposed: SHB 608

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- Driver's license suspension, failure to report : HB 280
- Driving record abstract fee increased: SHB 638
- Motor vehicle insurance rate increase prohibited unless at fault: *SSB 5850, CH 397
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- Board of accountancy, transferred department of licensing: SHB 449
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- Aquatic land dredged material disposal site account created: *2SSB 5501, CH 259
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- Basic health care plan trust account: *2SHB 477, CH 5 E1
- Broker earnest money trust account, housing trust fund: *2SHB 164, CH 513
- Deferred compensation administrative account created: *HB 377, CH 121
- Essential rail banking account, distribution: SSB 5391
- Natural resources conservation areas account created: *SSB 5911, CH 472
- Parks improvement account, sales in park: *SSB 5104, CH 225
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- Wood stove education account: *2SHB 16, CH 405

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- Comprehensive health insurance pool act: HB 218, HB 870
- Continuing care retirement community act: HB 1200, SSB 5854
- Criminal history records act: HB 104
- Dormant mineral interest act: HB 108
- Ecology procedures simplification act: HB 481, *SB 5427, CH 109
- Employee cooperatives corporations act: HB 587, *SHB 430, CH 457
- Endangered species conservation act: 2SHB 210
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- Health care access act: *2SHB 477, CH 5 E1
- Health insurance coverage access act: *SHB 99, CH 431
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- Labor, workers' compensation coverage: HB 467, *SHB 677, CH 316
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- Land bank, state investment board may invest in: *SB 5174, CH 29
- Livestock liens, possession of livestock: *SB 5976, CH 233
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- Mushrooms, commercial harvest, licensing: HB 1159
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- Operating budget: *SHB 1221, CH 7 E1
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- Pesticide disposal by farmers: SSB 6010
- Pollution, nonpoint sources, procedures: SHB 543
- Port district mortgage authority: *SSB 6023, CH 289
- Protection of agriculture products from wastes: HB 1140
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- Starling control, operating budget: *SHB 1221, CH 7 E1
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- Water contamination, protection for agricultural products: HB 1140
- Wine commission established: *2SHB 569, CH 452

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- Monitor and control, state board of health duties: HB 1110
- Reporting procedures: SHB 1043, HB 1112, HB 1216
- Schools required to have AIDS information programs: HB 1252
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- Required in cars and pickups: HB 905

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- Motor vehicle emission testing, King county terminated: HB 504
- Ozone depletion, Congress asked for research money: HJM 4004
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- Vocational education advisory board established: SHB 451

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- Registration, definition of navigable waters clarified: HB 225
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- Bond counsel services for local bonds, general revenues: HB 595
- Bond counsel services for state bonds, appropriations: HB 596
- Capital and operating projects, state general obligation bonds authorized: *SHB 621, CH 3 E1
- Farm contractor security bonds: *SHB 750, CH 216
- Hotel/motel tax, class AA counties, agricultural promotion: *SSB 6064, CH 483
- Private activity bond ceiling, allocation provided: *SHB 739, CH 297

BOUNDARIES

- Plat approval, rectification of boundary discrepancies prior to approval: SB 5040

BOUNDARY REVIEW BOARDS

- Meetings subject to open public meetings act: HB 636
- Open public meeting act requirements: *SB 5335, CH 477
- Procedures revised: HB 636

BOXING COMMISSION

- Boxer license applicants: SSB 5364
- Operating budget: *SHB 1221, CH 7 E1

BPA

- Budget be given scrutiny, rate review: HFR 4617
- Prohibit sale of BPA: *SJM 8005

BREATH TESTS

- Blood alcohol or breath alcohol tests for alcohol content authorized: *HB 1049, CH 373
- Blood tests, requiring only blood tests under the implied consent law: HB 1050

BREMERTON

- Underwater naval warfare museum, capital budget: *SHB 327, CH 6 E1

BRITISH COLUMBIA

- College tuition and fee reciprocity: SB 5821, *SHB 1097, CH 446
- Water districts contiguous to Canada, contract authority: *SHB 2, CH 449

BUDGET

- Agencies must submit budget priorities: HB 316
- Balance the federal budget and eliminate debt: HJM 4003

BUDGET—cont.

Balanced budget required, cash flow requirements: HB 346, HJR 4205
 Balanced federal budget, requesting Congress to initiate: HJM 4027
 Budget and accounting procedures revised: HB 721, *SSB 5606, CH 502
 Capital budget: *SHB 327, CH 6 E1
 Capital budget plan reviews: SSB 6055
 Chore services, appropriating money for additional chore services: *HB 1261, CH 2 E2
 Criminal justice training, funding required before change : HB 594
 Education priority, 6 billion 600 million dollars set aside: HB 593
 Forecast supervisor to do budget forecast and revenue and economic forecasts: HB 862
 LBC given budgeting approval powers, emergencies : HB 861
 Nursing home wages and benefits: *HB 1260, CH 1 E2
 Omnibus appropriations act: SHB 527, *SHB 1221, CH 7 E1
 Supplemental budget adopted: *SSB 5351, CH 7
 Transportation budget: SHB 427, *SSB 6076, CH 10 E1
 Transportation funding, appropriation to alleviate negative impact of no federal funding: SSB 6020
 Transportation, supplemental budget: *SSB 5456, CH 270

BUILDERS

Speculative builders, taxing labor rendered in constructing, repairing or improving the building: *SSB 5094, CH 285

BUILDING CODES

Local government codes, modification authority revised: HB 433
 Revisions: SHB 249

BUILDINGS

Donation of private property for public use: HB 1076
 Unfit premises, regulated, monitor deterioration : SHB 439

BURNING PERMITS

Fire districts may revoke permits: *SSB 5318, CH 21

BUSES

For-hire vehicle definition and licensing revised: HB 708
 Private school students, transported on public buses: HB 382, SSB 5334
 School bus drivers employed by contract, benefits: HB 1198

BUSINESS AND INDUSTRIAL DEVELOPMENT CORPORATIONS

Authorized, revisions: HB 1255

BUSINESSES (See also SMALL BUSINESSES; TAXES - BUSINESS AND OCCUPATION)

Business assistance and reemployment demonstration project established: SHB 867
 Business assistance center coordinating task force: *SSB 5530, CH 348
 Employee cooperatives authorized: HB 587, *SHB 430, CH 457
 Employee ownership, office of in DCD: SHB 576
 Entitlement community grants, loan amounts increased: SHB 851
 Environmental excellence awards for labeling of products authorized by DOE: *SB 5051, CH 67
 Evidence, discovery procedures revised: HB 1181
 Industrial development corporations, help new and small businesses: HB 1124, 2SSB 5398
 Long-term economic development strategy: HB 1119
 Marketplace program: HB 598
 Minority and women's businesses must meet small business requirements: SHB 20, *SB 5529, CH 328
 Minority and women's entrepreneurs, assistance, business expertise, capitalization: HB 1142

BUSINESSES—cont.

- Participatory management, center established at UW: HB 575
- Regulation increase requests, process: *HB 435, CH 514
- Regulation review process established: SHB 7
- Regulatory fairness compliance officer: HB 689, HB 1080
- Reporting and taxation system: *HB 148, CH 111
- Rural businesses, economic development and marketing needs: SHB 1189
- Rural development studies, DCD telecommunications: *SHB 373, CH 293
- Scholarship program, low-income, single heads of household: *HB 1021, CH 305
- Seed capital, local seed capital pools authorized: HB 1124, HB 1143, HB 1176
- Seed capital, partnership for innovation act: HB 973
- State authority, commercial activities restricted: HB 1081
- Work hours, security measures required: SHB 473

CAMPAIGNS (See also ELECTIONS; PUBLIC DISCLOSURE COMMISSION)

- Campaign expenditure and contribution limits: HJM 4005
- Contributions, not accepted persons outside district: HJR 4216
- Election campaign financing trust fund: HB 580
- Financing reformed: HB 581
- Funds, diversified investment of campaign funds: *SB 5780, CH 268
- Political advertising, false advertising prohibited: SHB 657
- Retirement, deductions for political committee dues authorized: SHB 632
- Signs next to highway authorized for temporary placement: HB 103
- Signs, time period, etc., for placement: SHB 785

CAMPING

- Nonprofit organizations, money received for camping, conferences, and recreational services is tax exempt: HB 597, SSB 6002

CAMPING CLUBS

- Regulated: HB 791

CANADA

- Water districts contiguous to Canada, contract authority: *SHB 2, CH 449

CANCER

- Registry, state-wide cancer registry: HB 265

CAPITAL BUDGET

- Adopting: *SHB 327, CH 6 E1

CAPITAL PROJECTS OFFICE

- Office established as a pilot project, assist businesses in international competition: SB 5832

CAPITAL PUNISHMENT

- Execution dates, renewed death warrants don't require defendants presence: *SB 5549, CH 286
- Prohibited if person under 18 at time of offense: HB 1038

CAPITOL COMMITTEE

- State capitol committee, Thurston county state construction: HB 1011

CARIBOU

- Poaching fine of \$5,000: *2SHB 758, CH 506

CARPOOLS

- Restrictions limited, unrestricted use on weekends, holidays, and nonpeak hours: HB 494
- Vanpool laws revised: *HB 559, CH 175

CASCADE ISLAND TRUST PROPERTY

- DNR lands, certain transferred to parks and recreation commission: SHB 550

CATTLE

- Abuse, removal of animals revised: *SSB 5608, CH 335

CATTLE—cont.

Liens, purchases of livestock or byproducts, revisions: *SHB 353, CH 393
 Livestock liens, possession of livestock until lien expires, 60 days: *SB 5976, CH 233
 Running at large, control within 12 hours: SB 5117
 Slaughtering, custom slaughtering facilities, revisions: *SB 5381, CH 77

CEMETERY, BOARD OF

Administrative duties transferred, department of licensing: *SHB 450, CH 331
 Operating budget: *SHB 1221, CH 7 E1
 Revisions: *SHB 450, CH 331

CENTENNIAL CELEBRATION

Centennial birth certificates, money for celebration and beautification: HB 1030
 Deputy executive secretary, civil service exemption: *HB 549, CH 300
 License plates, centennial license plates, revenue: *HB 261, CH 178
 Pacific celebration fund established: HB 735
 Pacific celebration '89, operating budget: *SHB 1221, CH 7 E1
 Shareholder program, centennial celebration: HB 340

CENTRAL WASHINGTON UNIVERSITY

Capital budget: *SHB 327, CH 6 E1
 Operating budget: *SHB 1221, CH 7 E1

CERTIFICATE OF NEED

Home health and hospice agencies: SSB 5886

CERTIFIED PUBLIC ACCOUNTANTS

Continuing education: SSB 5944

CHARITABLE DONATIONS

Collection bins, unlawful to put trash into: *SSB 5181, CH 385

CHARTER BUSES

For hire vehicle definition and licensing revised: HB 708

CHEHALIS RIVER

Municipal water treatment discharge, standards adjusted: *SHB 571, CH 399

CHELAN COUNTY

Superior court judges, additional: HB 591, *SSB 5206, CH 323

CHEMICAL DEPENDENCY

Health care contracts to cover: SSB 5070, *HB 1228, CH 458

CHILD ABUSE

Assault redefined, includes intent to inflict bodily harm: HB 682
 Background investigations of persons being considered for hire: HB 1213, HB 1214, *2SSB 5063, CH 486
 Caseworkers, comprehensive training standards: *2SHB 586, CH 503
 Child abuse registry available, parents and guardians investigating individuals: HB 642
 Child protective services defined: SHB 759, *2SSB 5659, CH 524
 Childrens trust fund established, fund prevention programs: *SHB 506, CH 351
 Classes of abuse: HB 981
 Clearinghouse, feasibility study: 2SHB 586, SHB 812
 Clearinghouse, state-wide data base, council for the prevention of child abuse and neglect to establish: SB 5757
 Death due to an intentional assault, 1st degree murder: HB 760
 Dependency petitions to be given highest court priority: HB 119
 Homicide by child abuse: HB 570, *SSB 5089, CH 187
 Malicious reporting penalties imposed: SHB 608
 Murder, aggravated first degree murder if victim is 11 or under: HB 239
 Murder by child abuse: *SSB 5089, CH 187
 Operating budget for DSHS: *SHB 1221, CH 7 E1

CHILD ABUSE—cont.

- Pilot project, children and family services, comprehensive system state-wide :
2SSB 5553, *2SHB 586, CH 503
- Primary prevention program for child abuse and neglect in the schools: *2SSB
5252, CH 489
- Second degree assault redefined, knowingly assaults a person under 12: HB 752
- Sex offenses, multiple incidents of abuse : *HB 1204, CH 131
- Substantial pain defined: *SB 5546, CH 324

CHILD CUSTODY

- Gay people may not live with children: HB 1214
- Indian children, placement, revisions: *2SHB 480, CH 170
- Mediating certificate: HB 493, HB 535
- Mediation may be required, custody/visitation disputes: HB 228, HB 535
- Parenting, provisions revised: *SHB 48, CH 460
- Paternity, administrative determination: *SHB 419, CH 441
- Visitation, interference with visitation prohibited: HB 416
- Visitation rights, custodial interference statute protects court conferred rights: SSB
5088

CHILD DEPENDENCY/CPS

- Caseworkers, comprehensive training standards: *2SHB 586, CH 503
- Child protective services defined: SHB 759, *2SSB 5659, CH 524
- Custody by CPS, parent notice procedures: HB 975
- Custody by law enforcement officers, provisions revised: HB 666
- Ombudsman office created in governor's office: SHB 810
- Operating sudget: *SHB 1221, CH 7 E1

CHILD SUPPORT

- Child support schedule commission established: *SHB 418, CH 440
- Court clerk's handling of child support payments revised: *SHB 217, CH 363
- Modification, additional grounds: *SHB 413, CH 430
- Parenting, provisions revised: *SHB 48, CH 460
- Paternity, administrative determination: *SHB 419, CH 441
- Registry created: *SHB 420, CH 435

CHILDREN/MINORS (See also DAY CARE)

- AIDS testing, juvenile centers or homes: HB 1112, HB 1219
- Alcohol consumption, legislative findings added to statute: HB 839
- Alcohol identification cards, transfer to minor, penalties increased: *SSB 5254, CH
101
- Alcohol or drugs, commitment of minors: HB 841
- Alcohol possession or consumption, arrest without a warrant: *SHB 42, CH 154
- Alcohol, sale to minor, gross misdemeanor penalty modified: *HB 110, CH 204
- Assault at juvenile corrections facilities on staff, volunteers, vendors, etc., penalti-
ties increased: *SSB 5824, CH 188
- At-risk children, pilot project and grant program: HB 613
- Background investigations, persons considered for hire : HB 1213, HB 1214, *2SSB
5063, CH 486
- Chewing tobacco and snuff, purchase by minors is a misdemeanor: SHB 76
- Child molestation, offense created: SHB 139
- Children and family services pilot project: 2SSB 5553, *2SHB 586, CH 503
- Criminal offenses, requiring confinement, second offense: HB 907
- Crisis intervention specialist program for schools: HB 1187
- Custody by law enforcement officer, provisions revised: HB 666
- Drivers' licenses, persons under 21, features: HB 292, *SHB 83, CH 463
- Drug and alcohol abuse in-service training for teachers: HB 600
- Drug and alcohol abuse programs, SPI required to establish: HB 365
- Drug and alcohol prevention programs, liquor revolving fund: SSB 5070, *HB
1228, CH 458
- Erotic material, access of minors restricted: *SHB 734, CH 396

CHILDREN/MINORS—cont.

Governor's commission on children: *2SHB 813, CH 473
 Health care, adolescent health improvement grant program: HB 955
 Income tax revenues, childrens' programs and services: HB 926
 Indian children, placement, revisions: *2SHB 480, CH 170
 Joint select committee on children and family services: 2SHB 586, 2SSB 5553
 Juvenile code, task force, planning, continuation of effort: HCR 4409
 Juvenile offenders, diversion agreements: HB 566
 Ombudsman office created in governor's office: SHB 810
 Parenting, provisions revised: *SHB 48, CH 460
 Pornographic materials, display to minors prohibited: HB 886
 Sexual exploitation of minors, provisions revised: HB 887
 Smokeless tobacco and snuff may not be sold to minors: HB 484
 Suicide, study on teenage suicides authorized: SHB 873
 Youth substance abuse, SPI to establish minimum standards, pilot project: SHB 660

CHIROPRACTIC DISCIPLINARY BOARD

Extended: *SHB 1004, CH 160

CHLOROFLUOROCARBONS

Congress asked for money for research: HJM 4004

CHORE SERVICES

Appropriating money for additional chore services: *HB 1261, CH 2 E2
 New clients, maximize use of COPEs for those requiring chore or personal care services: *HB 1261, CH 2 E2

CHRISTMAS TREES

Marketing assisted by signs on public highways: HB 8
 Seedlings and plantation trees exempt from real property tax: *HB 1, CH 23

CHURCHES

Property tax exemption extended to leased property: SSB 5387

CIGARETTES

Prohibiting tobacco in all public schools: SHB 875
 Prohibiting tobacco in health care facilities: HB 264
 Purchase by a minor, civil fine: SHB 76
 Retailers and wholesalers, stamp compensation modified: *HB 209, CH 496
 Retailers' license required to sell: HB 484
 Tax provisions consolidated: HB 1101, *SB 5139, CH 80
 Wholesalers and retailers, revisions: HB 702

CITIES (See also LAND USE PLANNING)

Annexations, municipal annexations tied to original: SHB 117
 Boundaries, dates established for levy purposes: *SHB 578, CH 358
 Cable televisions systems, municipal entities as public utilities: HB 1182
 Fire protection of state-owned buildings, financing: HB 1010
 Firefighter pension fund levy limitation: *HB 772, CH 319
 Firefighters pension fund created: HB 620
 Housing, multiple-unit downtown area housing, property tax exemption: SHB 968
 Initiative and referendum powers specified: HB 959
 Loans from public agencies: HB 263, *SHB 263, CH 19
 Local improvements owned by public corporations, municipal financing methods: *HB 1014, CH 242
 Notice and publication, optional procedures: HB 1062
 Ordinances, small cities may publish summaries: *SB 5428, CH 400
 Pesticide applicators, regulation by city authorized: HB 72
 Prequalification of contractors by municipalities: HB 864
 Printing may be done by private enterprise: HB 1149
 Public utility tax reduction limited, B & O tax: HB 951
 Retirement, restoration of withdrawn contributions: *SB 5402, CH 88

CITIES—cont.

- Retirement, state-wide city employees' retirement system, transfer of service credit: *HB 10, CH 417
- Sales and use tax distribution, monthly basis: HB 333, HB 637
- Solid waste management, cities and their counties: SHB 115
- Transportation benefit districts may be established: *HB 396, CH 327
- Unincorporated areas within city boundaries, part of city: HB 230
- Water and sewer hook up by county resident to city system authorized: HB 1077

CIVIL ACTIONS AND PROCEDURES (See also COURTS)

- Contracts, litigation-free, response to liability insurance: HB 1051
- Discovery procedure revised in actions against businesses: HB 1181
- Health care injuries, statute of limitations: HB 881
- Joint and several liability revised: SHB 879
- Revisions: *SSB 6048, CH 212
- Subpoena of private records, state to pay copy costs: HB 1094

CIVIL DISORDERS

- Select committee study, furtherance of civil disorders: SB 5744

CIVIL INFRACTIONS

- Task force established: SSB 5083, *2SHB 684, CH 456

CIVIL LIBERTIES

- Drug-testing regulated: SHB 1063
- Gay people: HB 1214
- Noisemaking or luring game away from hunters is illegal: SB 5185
- Vagrancy, penalties: SSB 5596

CIVIL RIGHTS

- AIDS and other communicable diseases not covered by laws against discrimination: HB 1111, HB 1112
- AIDS, federal legislation requested, isolation: HJM 4024
- Capital punishment execution dates, renewed death warrants don't require defendant's presence: *SB 5549, CH 286
- Death penalty prohibited if under 18 at time of offense: HB 1038
- Drivers' licenses, comprehension, English phrases: HB 602
- English language as the official language: HJR 4218
- License forfeiture for sodomy violations: HB 1214
- Restoration of civil rights: SHB 757
- Victims of crimes, establishment of rights at trials: HJM 4011
- Writ of mandamus authorized, permit denials involving 1st and 14th amendment: HB 555

CIVIL SERVICE EXEMPTIONS

- Centennial commission, deputy executive secretary: *HB 549, CH 300
- Police and fire chiefs: *SHB 902, CH 339
- Western library network: *HB 135, CH 389

CLUBS

- Liquor sales by the bottle for club with overnight sleeping accommodations: *SSB 5130, CH 196

CODE REVISER

- Agency rules, failure to adopt, review by rules review committee: HB 29, *SSB 5058, CH 451
- Operating budget: *SHB 1221, CH 7 E1
- Rules review committee, suspension of agency rules authorized: HB 28

COLLECTION AGENCIES

- District courts may use: *SSB 5464, CH 266
- Public debts, conform with collection agency act: HB 860
- Records preservation: *SB 6065, CH 85

COLLECTIVE BARGAINING (See also LABOR RELATIONS)

- Colleges and universities: HB 131
- Colleges and universities, shared governance agreements permitted: HB 145
- Community colleges: HB 132, *SSB 5225, CH 314
- Continuity of agreements, successor employers: HB 344, HB 838
- Contract negotiations, time limits established: HB 574
- Expired agreements stay in effect until execution of successor agreements: SHB 114
- Family or medical leave: 2SHB 565
- Ferry employees, supervisor excluded: HB 749
- Fire fighters and emergency medical personnel, uniformed personnel definition revised: *SHB 498, CH 521
- Judges, definition of public employer for collective bargaining purposes: SHB 226
- Printers at the University of Washington: *HB 220, CH 484
- State patrol: HB 268, *SSB 5312, CH 135

COLLEGES AND UNIVERSITIES (See also individual institutions)

- Capital challenge trust fund established: HB 149
- Collective bargaining: HB 131
- Commercial activities compete, private sector: *SSB 5688, CH 97
- Day care, survey of availability: *2SSB 5871, CH 287
- Deferred annuities: HB 802
- Disabled parking is free: HB 1115
- Distinguished professorship trust fund program established: SB 5474, *2SHB 339, CH 8
- Donations by businesses, credit against additional tax: HB 1023
- Fees for independent groups, check-off system, automatic collection: HB 649
- Fees, special fees that may be charged limited: HB 933
- Financial aid, reject reductions: SJM 8009
- Foreign students, tuition waivers, limited number: SB 5958
- Graduate fellowship trust fund established: *2SHB 257, CH 147
- Grant program for needy students attending private schools: HB 943
- Immunization of college students: HB 853
- Laboratory equipment donated, maintenance matching funds: SHB 1001
- Nonresident fee differential waived, in-state high schools: HB 87, *HB 1180, CH 137
- Nonresident status, temporary resident status: SHB 722, HB 1179, *SB 5712, CH 96
- Operating budget: *SHB 1221, CH 7 E1
- Precollege courses, state funds not used, four-year institutions: HB 640
- Printing authority modified: SHB 342, *SSB 5179, CH 72
- Retirement, leaves of absence not reduce retirement: *SB 5483, CH 448
- Retirement provisions modified, supplemental pension benefits eliminated: HB 53
- Scholarship program for low-income working persons, single heads of household: *HB 1021, CH 305
- Sexual orientation, same-sex preference not taught: HB 1214, HB 1217
- Shared governance agreements permitted: HB 145
- Student advisory members on board of trustees and regents: HB 999
- Student disciplinary proceedings, student rights: HB 1058
- Student loan guarantee agencies, tax exemption: *HB 1090, CH 433
- Tax exemption, property donated, instructional purposes: SHB 456
- Teacher preparation, exit examination from college required: HB 485, *SSB 5479, CH 525
- Teacher preparation program, award for excellence: SB 5246
- Teachers, administrators, etc., standards review program: *SB 5247, CH 39
- Teachers, future teachers' conditional scholarship program: *SHB 857, CH 437
- Teachers, loan forgiveness, outstanding public school teachers: SHB 386
- Teachers, loan program for prospective teachers and teachers getting more endorsements: SB 5937

COLLEGES AND UNIVERSITIES—cont.

- Teachers, mentor teachers and principals as part of teacher preparation program: SHB 457
- Teachers, pilot program to enhance student teaching: SB 5152
- Teaching assistants, stipend increase: HB 915
- Tuition and fee installment payments: *SHB 492, CH 15
- Tuition and fee rates for full-time students reviewed: HCR 4416
- Tuition and fee waivers for state employees: HB 306
- Tuition and fee waivers increased from 4% to 6%: HB 1000
- Tuition and fees, reciprocal programs, continuing: SB 5821, *SHB 1097, CH 446
- Tuition endowment fund, incentive to complete high school: SHB 650
- Tuition trust fund, baccalaureate education system trust: HB 317
- Vocational excellence award recipients, waivers, two years: SB 5203, *SHB 138, CH 231
- Washington fund for excellence in higher education program: SHB 453, SB 5475
- Washington scholars award, waivers for private schools: SB 5558
- Washington scholars award, waivers modified: *SB 5110, CH 465

COLUMBIA BASIN PROJECT

- Water rights, nonrelinquishment, categories modified: *SB 6003, CH 491

COLUMBIA RIVER

- Columbia River Gorge commission, operating budget: *SHB 1221, CH 7 E1
- Columbia River Gorge interstate compact, commission established: *2SHB 426, CH 499
- Gray, mighty Columbia, flowing history celebrated: HFR 4623
- Municipal water treatment discharge, standards adjusted: *SHB 571, CH 399

COMMISSION MERCHANTS

- Fees, modifications: *SHB 353, CH 393

COMMISSIONS

- Apple advertising commission, bond issuance: *SB 5685, CH 6
- Boxing commission, state athletic commission: SSB 5364
- Child support schedule commission established: *SHB 418, CH 440
- Citizens' commission on salaries for elected officials: *HB 315, CH 1
- Columbia River Gorge commission: *2SHB 426, CH 499
- Efficiency and accountability in government, temporary: *SHB 833, CH 480
- Governor's commission on children: *2SHB 813, CH 473
- Local governance study commission extended: *SHB 296, CH 16
- Major revisions to various boards and commissions: *SHB 454, CH 330
- Mental sports competition and research advisory committee: *2SHB 456, CH 518
- Mexican-American affairs commission redesignated: *SSB 5191, CH 249
- New agencies, boards, commissions, criteria established: HB 863
- Rail development commission created: *SHB 1035, CH 429
- Retirement service for members of committees, boards, and commissions revised: *HB 406, CH 146
- Seafood commission created: HB 19
- Sunrise act adopted: *SB 5764, CH 342
- Wine commission established: *2SHB 569, CH 452
- Winter recreation commission reestablished: *SSB 5081, CH 526

COMMITTEES (See also HOUSE OF REPRESENTATIVES; LEGISLATURE)

- Children and family services, joint select: 2SHB 586, 2SSB 5553
- Convention and trade center, joint: *SSB 5901, CH 8 E1
- Displaced homemaker advisory, higher education coordinating board: HB 807, *SSB 5253, CH 230
- Housing, study needs, state housing advisory: SHB 1072
- International education issues, advisory: *SB 5463, CH 349
- Legislative fiscal services committee: HB 711
- Long-term care advisory, created to advise office in DSHS: HB 697
- Mediation, committee for mediation created, natural resource disputes: SHB 12

COMMITTEES—cont.

Naturopathic advisory committee created: HB 143
 Pensions, joint committee on pension policy: SB 5359, *HB 358, CH 25
 Prenatal test advisory committee formed: SSB 5378
 Respiratory care, advisory created: *SHB 767, CH 415
 Retirement service for members of committees, boards, and commissions revised:
 *HB 406, CH 146
 Software industry advisory, study tax treatment of software: HB 1154
 Solid waste, preferred management: *SSB 5570, CH 528
 State capitol committee, solely responsible for Thurston county state construction:
 HB 1011
 Substance abuse coordinating committee: SHB 660
 Telecommunications, joint select committee extended: HCR 4401
 Terrorism, select, study groups that advocate and teach furtherance of civil dis-
 orders: SB 5744
 Washington-Oregon joint committee: HCR 4412

COMMODITIES

Grain indemnity fund created: HB 1125, *SB 5571, CH 509
 Revisions regarding procedure, assessments, and loans: *SHB 353, CH 393

COMMODITY BROKERS

License revisions: *SB 5178, CH 243

COMMON CARRIERS

Dormant trucking authorities, restricting protests: HB 1191
 Hazardous materials, special training for drivers: HB 801
 Idaho, exempt nonresident common carriers, income tax: SSJM 8013
 Idaho residents, bordering Washington counties to pay tax: SB 5956
 Loads escaping, liability: HB 1073
 Motor carrier safety act: HJM 4010, *SJM 8006
 Motor freight carriers, regulating: HB 267
 Motor freight carriers, UTC safety regulation jurisdiction removed: HB 615
 Parcel transportation, small vehicles and parcels, deregulating: HB 1193
 Tax revisions for those who cross state lines: SSJM 8012
 Truck weight, safety regulation consolidated, state patrol: HB 1152

COMMUNITY COLLEGES

Capital budget: *SHB 327, CH 6 E1
 Capital incentives program, matching fund: 2SSB 5383
 Collective bargaining: HB 132, *SSB 5225, CH 314
 Day care, survey to be made: *2SSB 5871, CH 287
 Deaf students, nonresident fee waiver: SHB 227, *SB 5678, CH 390
 Deferred annuities: HB 802
 Faculty members, reduced work load options, tenured: HB 918, SB 5953
 Instructional improvement program, matching grant program: SHB 362, SB 5429
 International student exchange program established: *SB 5197, CH 12
 Literacy, program for parents in head start or early childhood education pro-
 grams: *2SHB 456, CH 518, HB 579
 Nonresident definition revised: SHB 722, HB 1179, SB 5712
 Operating budget: *SHB 1221, CH 7 E1
 Retirement benefits for part-time teachers revised: HB 466, *SHB 1128, CH 265
 Retirement, certain leaves of absence do not reduce retirement: *SB 5483, CH 448
 Retirement provisions modified: SHB 53
 Salaries and compensation of personnel, consistent with legislative appropria-
 tions: HB 1195
 Salary increases, governmental entities: *HB 171, CH 407
 Sexual orientation, same-sex preference not taught: HB 1214, HB 1217
 Tuition, advance tuition payment fund: HB 317
 Tuition and fee installment payments: *SHB 492, CH 15

COMMUNITY COLLEGES—cont.

- Tuition and fee reciprocity, British Columbia and Idaho: SB 5821, *SHB 1097, CH 446
- Tuition and fee waivers for state employees: HB 306
- Tuition trust fund, baccalaureate education system trust: HB 317
- Vocational excellence award recipients: SB 5203, *SHB 138, CH 231
- Washington fund for excellence in higher education program: SHB 453, SB 5475

COMMUNITY DEVELOPMENT, DEPARTMENT OF

- Capital budget: *SHB 327, CH 6 E1
- Child abuse and neglect, primary prevention program: *2SSB 5252, CH 489
- Development loan fund program, revising requirements: *SHB 1156, CH 461
- Earthquake information dissemination and surveys: HB 483, SSB 5885
- Employee ownership, office of created: SHB 576
- Employee ownership technical assistance program: *SHB 430, CH 457
- Endangered landmarks preservation fund: SSB 5639
- Entitlement community grants, amounts increased: SHB 851
- Housing, study by state housing advisory committee: SHB 1072
- Housing trust fund, funding modified: *2SHB 164, CH 513
- Indian tideland and river bed claims, study impact: SSB 5973
- Investment opportunities office: 2SSB 5398
- Literacy, program for parents in head start or early childhood education programs: HB 579, *2SHB 456, CH 518
- Loans, private certified development companies, procedures: HB 610
- Loans to municipal corporations, obligations explained: *SHB 263, CH 19
- Local reemployment centers: HB 913
- Marketplace program: HB 598
- Mobile home park purchase fund established: *SHB 995, CH 482
- Navy home port impact, funds to offset: *SHB 611, CH 272
- Operating budget: *SHB 1221, CH 7 E1
- Public broadcasting funding: *SSB 5285, CH 308
- Public utilities, sewer and potable water facilities, financing: HB 921
- Rural development studies, DCD, telecommunications emphasis: *SHB 373, CH 293
- School children, health and assessment services, pilot program: HB 725, SSB 5625
- Shareholder program, centennial celebration: HB 340
- Timber industry employment, jobs in new industries: SHB 811
- Tri-cities, diversify economy: *SHB 1132, CH 501
- Underemployment, study: HB 1155
- Weatherization of low-income residences: *SSB 5014, CH 36

COMMUNITY ECONOMIC AND REVITALIZATION BOARD

- Membership and powers revised: *SHB 743, CH 422
- Transfer to the public works board: HB 502

COMMUNITY PROPERTY (See also RETIREMENT AND PENSIONS)

- Discovery procedures in actions to divide property revised: HB 892
- Intangible property, earning capacity or education: HB 766
- Military benefits, community property distribution: HB 538
- Military retirement pay: SSB 5278

COMPETITIVE BIDDING

- Public contracts, threshold increased for competitive bid requirement: *SHB 186, CH 120
- Public works, certain agencies, competitive bid and advertisement threshold modified: *SB 5522, CH 218
- School transportation contracts: *HB 827, CH 141, SB 5662
- Sewer and water districts, revisions: HB 717, *SSB 5514, CH 309
- Threshold revised every two years: HB 123, *SSB 5180, CH 81

COMPUTERS

- Information services department created: *2SSB 5555, CH 504
- Information technology department created: HB 562

COMPUTERS—cont.

- Rural development studies, DCD, telecommunications emphasis: *SHB 373, CH 293
- Software, study of tax treatment: HB 1154
- Video display terminals, study, UW, health and safety hazards: *SHB 1221, CH 7 E1
- Work conditions, L & I to regulate: 2SHB 375

CONCURRENT RESOLUTIONS (See also HOUSE OF REPRESENTATIVES)

- Administrative procedure, joint select committee: HCR 4417
- AIDS, joint select committee: HCR 4413
- Disabled persons, report, implementing employment recommendations: *SCR 8404
- Employment and the family, select committee: *HCR 4418
- Gillnet fishing, daylight hours, rules: SHCR 4403
- Juvenile code, task force on permanency planning: HCR 4409
- Labor-management relations, joint select committee established: *SCR 8413
- Marine and ocean resources, joint committee created: *SHCR 4407, SCR 8406
- Pacific fisheries task force established: HCR 4402
- Poet laureate, appointment authorized: HCR 4414
- Prime sponsor, number of bills limited: HCR 4410
- Senator Al Henry recognized: *HCR 4404
- State convention and trade center, joint committee: SSCR 8412
- Telecommunications, joint select committee extended: *HCR 4401
- Transportation in the future symposium sponsored: HCR 4411
- Trucking regulations, reduce duplication: HCR 4408, *SCR 8408
- Tuition and fee rates, full-time college students reviewed: HCR 4416
- Vocational rehabilitation, joint select committee: HCR 4405
- Washington-Oregon joint committee: HCR 4412

CONDOMINIUMS

- Revisions to plans that must be filed: HB 1092, *SSB 5825, CH 383

CONFERENCE COMMITTEE REPORTS

Conference Committee:		Free Conference Committee	
ESHB 83	p. 2073		
ESHB 88	p. 2061	p.	2198
SHB 116	p. 1978	pp.	2047-2049
HB 135	p. 1976	pp.	2049-2052
EHB 161	p. 2157	p.	2172
SHB 353	p. 1840	p.	1981
SHB 364	p. 1977	p.	2052
SHB 419	p. 2111		
EHB 435	pp. 1977, 2118	pp.	2147-2151
SHB 542	p. 2079	pp.	2160-2161
2SHB 569	p. 2040	p.	2168
2SHB 684	p. 2077, 2132	pp.	2196-2197
HB 698	p. 2111		
HB 707	p. 2041	p.	2145
EHB 713	pp. 2060-2061		
SHB 734	pp. 1954-1955	pp.	1984
SHB 738	p. 2063	p.	2125
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E2SHB 758	p. 2132	pp.	2175-2195
SHB 773	p. 2040	p.	2112
SHB 782	p. 2045		
SHB 902	pp. 1840-1841	pp.	1978-1979
ESHB 927	p. 2074		
ESHB 931	p. 2062		
EHB 1034	p. 2077	pp.	2127-2129
ESHB 1035	p. 2063	p.	2146
HB 1049	p. 1841	p.	1980

* - Passed Leg.; E1 - 1st Special Sess.; E2 - 2nd Special Sess.; E3 - 3rd Special Sess.

CONFERENCE COMMITTEE REPORTS—cont.

SHB 1158	p.	2041	pp.	2103-2107
ESHB 1221	p.	2444	pp.	2483-2529
ESSB 5001	p.	1991		
ESSB 5024	p.	1841	pp.	2054-2056
ESB 5035	p.	1990	p.	2102
SSB 5058	p.	1976	pp.	2058-2059
ESSB 5061	p.	1662	p.	1713
ESSB 5071	p.	2118		
SSB 5163	p.	1992	p.	2124
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SSB 5249	p.	2040	pp.	2109-2110
SB 5380	pp.	1988	pp.	2099-2101
ESSB 5439	p.	2039	pp.	2133-2135
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2SSB 5453	p.	2153	p.	2167
ESB 5463	p.	2108	p.	2159
E2SSB 5479	p.	2118	pp.	2136-2144
ESB 5546	p.	2117	pp.	2173-2174
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SB 5678	p.	1990	p.	2078
SSB 5814	p.	2046		
SSB 5825	p.	2044		
ESB 5838	pp.	1977-1978	pp.	2053
SSB 5846	p.	2108		
SSB 5854	pp.	2157-2159		
ESB 6012	p.	1990	p.	2103
ESCR 8406	pp.	1990-1991	pp.	2119-2120

CONFERENCES

Nonprofit organizations, money received for camping, conferences, and recreational services is tax exempt: HB 597, SSB 6002

CONFLICT OF INTEREST

State employees and officials, revised: HB 647, *SB 5201, CH 426

CONSERVATION

Appliance energy conservation code, adoption urged: SSJM 8002

Dangerous wastes, DOE to operate a waste exchange between industries: SHB 332

Elk trophy hunting: HB 1166

Energy, conservation, source of electrical energy: HB 269, *HB 541, CH 376

Energy improvements, tax credits or deductions allowed: HB 213

Natural resources conservation, real estate excise tax: *SSB 5911, CH 472

Ride-sharing, sales and use tax exemption extended to 1992: HB 212

Utilities, may invest in energy efficiency as energy acquisitions: HB 214

Vanpool laws revised: *HB 559, CH 175

CONSERVATION COMMISSION

Capital budget: *SHB 327, CH 6 E1

Membership enlarged: HB 329, *SHB 329, CH 180

Operating budget: *SHB 1221, CH 7 E1

Water quality account, percentage to state conservation commission: *HB 326, CH 527

CONSTITUTIONAL AMENDMENTS (See JOINT RESOLUTION INDEX)**CONSULTANTS**

Personal service contracts, limitations: HB 800

CONSUMER PROTECTION

Attorney general use of information, federal suit, clarified: *HB 142, CH 152

Insurance consumer board created: SHB 780

CONSUMER PROTECTION—cont.

Insurance, unfair or deceptive acts, specified, remedies: SHB 882
 Long distance telecommunication services, disclosure: HB 79
 Medicare, other federal medical programs, consumer protection provisions: HB 32, HB 190, HB 496, HB 930
 Medicare violations, consumer protection: INT 92
 Mobile home installation and siting covered by consumer protection law: *SSB 5814, CH 313
 Motor vehicle warranties, enforcement provisions: SHB 703, *SSB 5502, CH 344
 Proof of public interest or public injury not required: HB 798
 Trade or commerce violations, consumer protection violations: HB 191
 Utility information, marketing of customer information regulated: SHB 244, HB 993, SSB 5143

CONTRACTORS (See also GENERAL ADMINISTRATION; PUBLIC WORKS)

Advertising, regulations: *SSB 5024, CH 362
 Farm contractor security bonds: *SHB 750, CH 216
 Highways, prequalification of highway contractors: HB 1122
 Insurance requirements, security or an assigned account: *SB 5882, CH 303
 Manufactured housing, registration law application: *SSB 5814, CH 313
 Prequalification of contractors by municipalities before bidding: HB 864
 Registration exemption threshold of \$750: HB 1157
 Registration information and personal homeowner data posted at job site: SHB 635

CONTRACTS (See also specific subjects)

Colleges and universities, independent, state contracts for instructional services: HB 387, SHB 1021
 Commodity brokers, license revisions: *SB 5178, CH 243
 Litigation-free contracts as a response to liability insurance: HB 1051
 Loans or credit by loan or credit business, in writing: HB 487
 Motor vehicle purchases, service charge limited: SHB 366
 Premarital agreement act: HB 491, SB 5033
 Public contracts, threshold increased for competitive bid requirement: *SHB 186, CH 120

CONTRIBUTORY FAULT

Consortium, revisions: *SSB 6048, CH 212
 Joint and several liability revised: SHB 879

CONTROLLED SUBSTANCES

Forfeiture provisions, real property: HB 1055
 Homicide, controlled substances homicide, class B felony: HB 236, HB 446, SSB 5070, *HB 1228, CH 458
 Methadone treatment programs, certification requirements changed: *SHB 876, CH 410
 Samples, legend drugs and controlled substances, possession, storage, and distribution controlled: HB 1171

CONVENTION AND TRADE CENTER

Authority revised: *SSB 5901, CH 8 E1
 Joint select investigative committee: SSCR 8412
 Lease and sublease contract authority given: HB 1254

CONVENTIONS

Funds received by nonprofits for conventions, etc., are exempt from B & O tax: HB 429, SB 5521

COOPERATIVES

Employee cooperatives authorized: HB 587, *SHB 430, CH 457

COPEs

Chore services, appropriating money for additional chore services: *HB 1261, CH 2 E2

New clients, maximize use of COPEs for those requiring chore or personal care services: *HB 1261, CH 2 E2

CORONERS

Immunity for death investigations: SHB 215, *HB 590, CH 263

CORPORAL PUNISHMENT

Child abuse definition explicitly excludes corporal punishment: *2SSB 5659, CH 524

Schools, prohibited: HB 840

CORPORATIONS

Capital stock and corporate income tax: HB 1047

Constitution, limiting formation to general laws repealed: HJR 4219

Employee cooperatives authorized: HB 587, *SHB 430, CH 457

Immunity, corporate and cooperative directors, revisions: *SSB 6048, CH 212

Income tax, 1% gross income tax on corporations, estates, individuals, and trusts: HB 623

Industrial development corporations, major revisions, small businesses: HB 1124, 2SSB 5398

Nonprofit corporation, reinstatement, fees: *HB 520, CH 117

Nonprofit corporations, director liability limited: HB 659

Nonprofit, historic preservation corporation: *SB 5747, CH 341

Personal liability for directors limited: HB 529

Takeovers, hostile and unfriendly acquisitions regulated: *SB 6084, CH 4 E2

Workers' compensation coverage modified: HB 467, *SHB 677, CH 316

CORRECTIONS, DEPARTMENT OF (See also JAILS)

Assault of staff is a class C felony: *SSB 5824, CH 188

Capital budget: *SHB 327, CH 6 E1

Community custody program, sex offenders and violent offenders: 2SHB 756

Corrections standards board duties transferred to OFM and DSHS: HB 768, *SHB 738, CH 462

Furloughs, revising conditions: HB 896

Inmate work programs, automated data input, microfilm, etc.: HB 761

Institutional industries program reorganized: SHB 1024

Institutions may enter into purchasing contracts for health care program: *SB 5161, CH 70

Local and state government to share responsibility, resources, and convicts: *SHB 755, CH 312

Operating budget: *SHB 1221, CH 7 E1

CORRECTIONS STANDARDS BOARD

Membership altered, board extended: SB 5467

Operating budget: *SHB 1221, CH 7 E1

Transferring duties to OFM, DSHS, and corrections department: HB 768, *SHB 738, CH 462

COSMETICS

DOE given regulatory authority, shall delegate to pharmacy board: *SB 5160, CH 236

COSMETOLOGY SCHOOLS

Bond, minimum established: *SB 5597, CH 445

COUNCILS

Seismic safety council: HB 483, SSB 5885

COUNSELING

Children, available to those who have been abused: *2SHB 586, CH 503

Elementary school counselor program: HB 330, 2SHB 456, HB 607

COUNSELING—cont.

Victims and witnesses of crimes: HB 884, *SB 5172, CH 281

COUNSELORS

Omnibus credentialing act for counselors: *SHB 129, CH 512

COUNTIES (See also LAND USE PLANNING; RETIREMENT AND PENSIONS)

Boundaries, dates for cementing, levy purposes: *SHB 578, CH 358

Cable televisions systems owned and operated by municipal entities as public utilities: HB 1182

Correction boards may be established: *SHB 755, CH 312

Dances, public dances and recreational activities, regulate and license: *SHB 289, CH 250

Home rule charters, procedures for adoption: SHJR 4210

Home rule counties may enact wiring standards more stringent than state: HB 272

Loans from public agencies, loan agreements: *SHB 263, CH 19

Mental health services, grant distribution: *SSB 5598, CH 105

Pay periods, revisions: HB 1003

Payday, modifications: SHB 226

Pesticide applicators, regulation by county authorized: HB 72

Printing may be done by private enterprise: HB 1149

Real estate tax affidavits, county to retain one dollar: HB 126

Refuse companies, regulating authority to counties from WUTC: HB 356

Retirement, restoration of withdrawn contributions, elected officials: *SB 5402, CH 88

Road funds, diversion, revisions: HB 986

Sales and use tax distribution, monthly versus bimonthly basis: HB 333, HB 637

Solid waste management, cities and their counties to have a single authority between them: SHB 115

Tax distribution to local taxing districts modified: HB 588

Transportation benefit districts may be established: *HB 396, CH 327

Water and sewer hook up by county resident to city system authorized: HB 1077

Youth substance abuse plans: SHB 660

COUNTY ASSESSORS

Reimbursement for services to local government: HB 904

COUNTY AUDITORS (See also ELECTIONS)

Honorable discharge, recording by county auditor, revisions: HB 128

Motor vehicle licensing agents, fees and protection increased: HB 37, *SB 5120, CH 302

COUNTY COMMISSIONERS

Creation of a five-member board: SSB 5020

COUNTY ROAD ADMINISTRATION BOARD

Transportation budget: *SSB 6076, CH 10 E1

COUNTY TREASURERS

Collection of special assessments authorized: *HB 698, CH 355

Reimbursement for services to local government: HB 904

COURT OF APPEALS

Sessions in additional cities: HB 189, *SB 5149, CH 43

COURT REPORTERS

Certified shorthand reporters regulated: HB 1173

COURTS (See also CIVIL ACTIONS AND PROCEDURES; CRIMES; JUDGES; DRUNK DRIVING)

Additional judges, evaluate using a weighted caseload analysis: SSB 5770, *SHB 217, CH 363

Appeals, criminal appeals limited: HB 683

Appellate procedure terminology revised: SB 5016

COURTS—cont.

- Capital budget: *SHB 327, CH 6 E1
- Child abuse, custody by court person with pending abuse charges: HB 119
- Collection agencies, district courts may collect fines: *SSB 5464, CH 266
- Court reporters, certified shorthand reporters regulated: HB 1173
- Court reporters in class AA counties, computer-aided transcription: HB 278
- Dispute resolution, 2 year project: SHB 919
- District court terminology revised: *SB 5017, CH 202
- Domestic violence prevention orders, clarifying enforcement jurisdiction: *SB 5067, CH 71
- Filing fees, payment increased: *SSB 5249, CH 382
- Insanity defense and post-trial disposition: HB 107
- Judges pro tempore, retiring judge, discretionary rulings: HB 507, *SB 5205, CH 73, *SJR 8207
- Judges pro tempore, superior court judges, discretionary ruling: HJR 4209
- Judgment liens, notification, defendant's property: HB 77
- Judgments, enforcement of money judgments, assignment, satisfaction, recording: SB 5450
- Judgments, enforcement revised: *SHB 927, CH 442
- Juvenile court judges, family life and child abuse training: SHB 586
- Marriage solemnization by court commission allowed: SHB 490, SB 5103
- Medical injury recovery act: HB 956
- Misdemeanors, many decriminalized, system established: SSB 5083, *2SHB 684, CH 456
- Municipal court judges, nonattorneys, qualifications: HB 680, SB 5592
- Municipal court terminology revised: *SB 5015, CH 3
- Operating budget: *SHB 1221, CH 7 E1
- Prejudgment interest, time interest payable specified: SHB 877
- Prior criminal conduct, admissibility of evidence: HB 788
- Rule against perpetuities, statutory rule provided: HB 105
- Small claims court, appeals: SB 5943
- Small claims court, jurisdictional amount increased: HB 246
- Superior court judges, additional: HB 245, HB 591, *SSB 5206, CH 323
- Vehicle homicide and assault, courts may set terms of revocation: SSB 5868
- Writ of mandamus for certain permit denials: HB 555

COWLITZ RIVER

- Coho salmon, providing for introduction: HB 1114
- Municipal water treatment discharge, standards: SHB 571

CREDIT

- Contract to loan money or extend credit to be in writing: HB 487
- Farm credit system, strengthening requested: *SJM 8016
- Insurance, credit insurance provisions revised: *SHB 147, CH 130
- Lending of public moneys or credit, prohibitions repealed: HJR 4219

CREDIT CARDS

- Access devices, crimes involving access devices: *SHB 508, CH 140
- Credit cards from financial institutions, interest limited: HB 366
- District courts to collect fines through credit cards and collection agencies: *SSB 5464, CH 266
- State use: HB 532, *SB 5523, CH 47

CREDIT UNIONS

- Provisions revised: *HB 146, CH 338

CRIME LABORATORY TASK FORCE

- Established: SSB 5460

CRIMES (See also MOTOR VEHICLES)

- Abuse, children, adults, classes of abuse: HB 981
- Aggravated first degree murder if victim 11 or under: HB 239

CRIMES—cont.

- AIDS, knowingly exposing another to AIDS is assault: HB 1112
- Animal abuse, criminal procedures modified: *SSB 5608, CH 335
- Appeals limited: HB 683
- Assault, juvenile corrections officers, penalty increased: *SSB 5824, CH 188
- Begging, guilty of disorderly conduct: SSB 5596
- Chewing tobacco and snuff, purchase by minors, misdemeanor: SHB 76
- Child abuse, employees, youth or developmentally disabled persons: *2SSB 5063, CH 486
- Child abuse, homicide by child abuse: HB 570, *SSB 5089, CH 187
- Child molestation, offense created: SHB 139
- Cocaine, mandatory confinement for possession: HB 503
- Crime laboratory task force: SSB 5460
- Criminal history records act: HB 104
- Dangerous dogs regulated: HB 670, *SSB 5301, CH 94
- Dog fighting, class C felony: HB 184
- Domestic violence prevention orders, enforcement jurisdiction: *SB 5067, CH 71
- Drug trafficking, penalizing banks who knowingly launder money: HB 957
- Drugs, additional fine of \$2,000 for selling drugs: HB 809
- Drugs, controlled substances, felony: SSB 5070, HB 236, HB 446, *HB 1228, CH 458
- Electric weapons, use and possession unlawful: SB 5869
- Entrapment, defense: HB 1144
- Gay people, loitering illegal: HB 1214
- Juvenile code, task force on permanency planning: HCR 4409
- Juvenile offenders, diversion agreements: HB 566
- Major crimes investigation and assistance unit: 2SSB 5538
- Mental competency of criminals: HB 803
- Misdemeanors, system of civil infractions established: SSB 5083, *2SHB 684, CH 456, SSB 5083
- Murder, 1st degree, intentional assault on a person under 13 by a person over 17: HB 760
- Natural resource violations, decriminalizing: *SHB 170, CH 380
- Opium den language revised: SHB 692
- Pesticide applicator violations, class C felony: HB 69
- Prior criminal conduct, admissibility of evidence: HB 788
- Profiting from crimes prohibited by criminal or relatives: HB 897
- Second degree assault, harm to unborn quick child: HB 752, *SB 5546, CH 324
- Substantial bodily harm redefined: HB 682, *SB 5546, CH 324
- Theft of services, hotel, etc., attorney fees, costs: HB 601, *SHB 601, CH 353
- Toxic endangerment: *SB 6085, CH 2 E3
- Unborn child, criminal negligence: HB 924
- Victims of crimes, requesting rights at trials: HJM 4011

CRIMINAL JUSTICE TRAINING COMMISSION

- Funding, training standards become effective: HB 594
- Operating budget: *SHB 1221, CH 7 E1

CRTS (See VIDEO DISPLAY TERMINALS)**CYANIDE**

- Licensing for the sale and manufacture: HB 58, *SB 5105, CH 34

CYPRESS ISLAND

- Natural resources conservation areas, designation process: *SSB 5911, CH 472

DAIRIES

- Preparers liens, revisions: HB 764

DAMS

- Study to assess state responsibility for siting.: SHB 1026, SSB 6036

DANCES

- Property tax exemption modified: HB 475, SSB 5345

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Property taxes, rented property, exemption: *HB 1087, CH 468
 Public dances and recreational activities, counties license and regulate: *SHB 289, CH 250

DANGEROUS WASTES (See HAZARDOUS MATERIALS)**DATA PROCESSING AUTHORITY**

Operating budget: *SHB 1221, CH 7 E1

DAY CARE

AIDS test required of all employees: HB 1112
 Background investigations, persons for hire: HB 1213, HB 1214, *2SSB 5063, CH 486
 Capital budget: *SHB 327, CH 6 E1
 Child care resource coordinator: *SSB 6013, CH 329
 Colleges, universities, community colleges, survey available day care: *2SSB 5871, CH 287
 School-based day care: SB 5478, *HB 452, CH 487
 Therapeutic day care, operating budget: *SHB 1221, CH 7 E1
 Therapeutic day care, children abused or neglected: *2SHB 586, CH 503
 University of Washington employees: SHB 605, SSB 5682

DEAF PERSONS

Community colleges, nonresident fee waiver: SHB 227, *SB 5678, CH 390
 Hearing impaired access: *2SHB 221, CH 304

DEATH

Natural death act, revisions: HB 582
 Notification of death, infectious or communicable disease: HB 814
 Unborn child, criminal negligence: HB 924

DEATH INVESTIGATIONS

County coroner or medical examiner granted immunity: SHB 215, *HB 590, CH 263
 Death investigations council, operating budget: *SHB 1221, CH 7 E1

DEATH PENALTY

Execution dates, renewed death warrants don't require defendant's presence: *SB 5549, CH 286
 Prohibited on persons under 18 at time of offense: HB 1038

DEBTS

Debt-related securities, debenture companies: *HB 713, CH 421
 Municipal corporations, loan agreements: *SHB 263, CH 19
 Public debts, collection agency act: HB 860
 State agency debts, prompt payment: HB 1136

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Revisions concerning trustee, foreclosure, fees: *SHB 391, CH 352

DEFERRED COMPENSATION

Administrative account created: *HB 377, CH 121
 Operating budget: *SHB 1221, CH 7 E1

DENTAL SERVICES

Adult dental services, funds provided: HB 1174
 AIDS victims may not work as dentists and all dentists to have AIDS test: HB 1112
 Anesthesia, dental disciplinary board may adopt rules: HB 668
 ID markings required on dentures and removable dental prosthesis: *SB 5774, CH 252
 Hygienists, independent practice: HB 661
 Medical assistance, dental hygiene and care programs, prepaid capitated plan to be developed: SHB 1225

DETECTIVES

Licensing private investigators: HB 1079, SSB 5504

DIALYSIS

Drug dispensing by medicare approved centers: *SB 6038, CH 41

Drugs to be sold in case or full shelf lots: HB 1036

Kidney dialysis outpatient facilities exempt, real and personal property tax: *SB 5009, CH 31

DIESEL FUEL

Commercial fishing vessels, exempt, sales, use tax: *HB 628, CH 494

Special fuel, exempt, logging operation on federal land: HB 1046, *HB 24, CH 294

DISABLED PARKING

Blind persons, parking privileges to persons who transport blind persons: HB 626

Colleges and universities, free parking: HB 1115

Fines increased for unlawfully parking in spaces: HB 102

DISABLED PERSONS

Abuse, employees' records, access restricted: *2SSB 5063, CH 486

Abuse, reports required: *SHB 153, CH 206

AIDS, communicable diseases are not covered by laws against discrimination: HB 1111, HB 1112

Assault on adult dependent persons, witnesses to report: SSB 5065, *2SHB 586, CH 503

Capital budget: *SHB 327, CH 6 E1

Commitment procedures: HB 1052

Criminal mistreatment classified for sentencing purposes: *HB 753, CH 224

Disability accommodation revolving fund established: *SSB 5330, CH 9

Disabled persons, report on progress, employment recommendations: *SCR 8404

Disincentives to work in public benefit programs, study: *SSB 5329, CH 97

Employment and unemployment data to be collected: *SB 5331, CH 10

Employment, special attention service, report: *SB 5327, CH 76

Group home placements: HB 1095

Home care regulated: SSB 5404

Information clearinghouse to assist people in training and employment needs: *SSB 5326, CH 369

Malicious reporting of abuse, penalties imposed: SHB 608

Respite care services, enhanced: SHB 524, *2SSB 5453, CH 409

Rights, fundamental: HB 971

Sodomy, licensed professionals no contact with minors, old, disabled, or criminals: HB 1214

Stipends for parents, foster parents of severe disorders: HB 949

Taxes, real property exemptions, threshold levels revised: HB 695, *SHB 695, CH 301

Training and placement, interagency task force: *SSB 5326, CH 369

DISCRIMINATION

Age discrimination, persons over 70 protected: HB 618

AIDS and other communicable diseases, no right to be free from discrimination: HB 1111, HB 1112

Drivers' licenses, comprehension of various English phrases prerequisite: HB 602

English language as the official language: HJR 4218

Fraternal benefit societies, discrimination precludes society from tax exemptions: SB 5411, *HB 432, CH 366

Indian and non-Indian fisheries, persons fishing both, regulated: SB 5050

Insurance, AIDS discrimination prohibited: HB 846

Insurance, discrimination prohibited: HB 1099

National guard, employment discrimination, illegal: HB 172, HB 557

Real property discriminatory covenants, procedure to remove from deeds: *SB 5371, CH 56

Sexual orientation, discrimination prohibited: HB 716

DISCRIMINATION—cont.

Sexual orientation or preference not basis for protection: HB 1214
 Transportation department, minority workers, on-the-job training: *SSB 6076, CH 10 E1

DISEASES (See also AIDS)

Communicable or contagious disease or disorder defined: HB 1111
 Notification of death, infectious or communicable disease: HB 814
 Threats of AIDS epidemic overshadows all other medical issues: HB 1112

DISPLACED HOMEMAKERS

Advisory committee, higher education coordinating board: HB 807, *SSB 5253, CH 230

DISPUTES

Child custody or visitation disputes, mediation: HB 228, HB 535
 Dispute resolution project: SHB 919
 Endangered species conservation act: HB 210
 Indian shellfish claims, mediation process: SSB 5158
 Natural resource disputes, grants for mediation authorized: SHB 12

DISTRESSED AREAS

Community revitalization team program: *SHB 1156, CH 461
 Location of new facilities by state agencies: SHB 885
 Youth employment, service corps money for distressed areas: SHB 706

DIVORCE (See also COMMUNITY PROPERTY)

Community property, discovery procedures revised: HB 892
 Community property division, intangible property: HB 766
 Judicial discretion in marriage dissolution: HB 1220

DOCKS

Limited construction, community docks for multiple family residential use: *SSB 6061, CH 474

DOMESTIC VIOLENCE

County domestic violence prevention programs: SHB 567
 Prevention orders, clarifying enforcement jurisdiction: *SB 5067, CH 71

DONATIONS

Clothing donated to low-income persons, sales tax exempt: SB 5355

DOUGLAS COUNTY

Superior court judges, additional: HB 591, *SSB 5206, CH 323

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Aquatic land dredged material disposal site account: *2SSB 5501, CH 259
 Everett home port land conveyance: SHB 745, *SSB 5604, CH 271
 Open water dredge disposal plan: HB 1212

DRUGS

AIDS testing, persons using, suspected of using drugs: HB 1112, HB 1219
 Alcoholism and drug addiction treatment and shelter program: *SHB 646, CH 406
 Chemical dependency, health care contracts: *SSB 5070, HB 1228, CH 458
 Cocaine, mandatory confinement for possession: HB 503
 Dialysis patients, drugs: HB 1036
 DOE, regulatory authority, delegate to pharmacy board: *SB 5160, CH 236
 Driving records obtained by approved treatment programs: *SHB 415, CH 181
 Driving, urine tests: HB 1184
 Drug-testing programs by employers and licensing agencies, regulated: SHB 1063
 Forfeiture provisions, real property: HB 1055
 General assistance payment managers, pilot project: HB 849
 Homicide, controlled substances, class B felony: HB 236, HB 446, SSB 5070, *HB 1228, CH 458

DRUGS—cont.

Kidney dialysis, drug dispensing by medicare approved centers: *SB 6038, CH 41
 Legend drugs, dispensing: HB 845
 Location of drugs, records exempt from public disclosure: HB 830
 Manufacturers of legend drugs responsible for representatives' actions: HB 829
 Medical assistance programs, pharmaceutical provider fees limited: HB 691
 Mental health commitment, mental disorder definition revised: HB 848
 Methadone treatment programs, certification requirements: *SHB 876, CH 410
 Midwife provisions modified: HB 784, *SSB 5163, CH 467
 Minors incapacitated by alcohol or drugs, commitment: HB 841
 Minors, offenses, 13 to 17 years, diversion procedure: HB 799
 Opium den language revised: SHB 692
 Optometrists drug authority modified: SHB 1102
 Out-of-state pharmacies, dispensing restricted: HB 891
 Pharmacists authority to substitute equivalent drugs removed: HB 966
 Physicians, impaired physician program: *SSB 5857, CH 416
 Poisons, sales to be registered: HB 58, *SB 5105, CH 34
 Prescriptions by out-of-state physicians legal: *HB 235, CH 144
 Prevention programs, SPI required to establish: HB 365
 Samples, possession and distribution of legend drugs: HB 1171, *SHB 931, CH 411
 Schools, use of drugs in schools, reporting required: HB 787
 Sellers, additional monetary penalty: HB 809
 Side effects of medication, explanation required: HB 1134
 Teachers, in-service training, drug, alcohol abuse: HB 600
 Trafficking, penalizing banks who knowingly launder money: HB 957
 Youth substance abuse awareness program: HB 411, *2SHB 456, CH 518
 Youth substance abuse, SPI, minimum standards, pilot project: SHB 660

DRUNK DRIVING

Arrest, confiscate license if vehicular assault or homicide: HB 335
 Blood alcohol or breath alcohol tests: *HB 1049, CH 373
 Blood tests, implied consent law: HB 1050
 Confiscating vehicles of DWI offenders: HB 890
 Drugs, urine tests: HB 1184
 Gas and alcohol, not sold concurrently: HB 438
 Ignition interlocks on alcohol offender cars: HB 852, SSB 5233, *HB 663, CH 247
 Intoxication defense, revisions: *SSB 6048, CH 212
 Licenses, DWI note, 5 years: HB 890
 Repeat offenders, penalties increased: HB 552
 Vehicular homicide and assault, terms of revocation: SSB 5868

EARTHQUAKES

Seismic safety council created: HB 483, SSB 5885

EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Capital budget: *SHB 327, CH 6 E1
 Operating budget: *SHB 1221, CH 7 E1

EASTERN WASHINGTON UNIVERSITY

Capital budget: *SHB 327, CH 6 E1
 Operating budget: *SHB 1221, CH 7 E1

ECOLOGY, DEPARTMENT OF

Capital budget: *SHB 327, CH 6 E1
 Dangerous wastes, exchange between industries: SHB 332
 Ecology procedures simplification act: HB 481, *SB 5427, CH 109
 Environmental excellence awards, labelling of products: *SB 5051, CH 67
 Federal facilities, state laws: HB 990
 Federal facilities, site characterization: HB 991
 Flood control zones, Snohomish river, exemptions: SSB 5156
 Floodplain management, DOE responsibility modified: *SB 5556, CH 523
 Hazardous materials, site cleanup responsibility: *SB 6085, CH 2 E3

ECOLOGY, DEPARTMENT OF—cont.

- Hazardous waste, corrective action by department authorized: HB 482, SB 5072
- N reactor at Hanford, state laws: HB 988
- Navy home port impact, funds to offset: *SHB 611, CH 272
- New agency, department of public health and environment: SHB 409, SSB 5377
- New department, nuclear safety: HB 639
- Oil spill damage assessment study required: HB 961, HB 1013
- Oil spills, UW, study of methods of assessing damages: HB 1147
- Operating budget: *SHB 1221, CH 7 E1
- Testing laboratories, DOE to certify: *SHB 644, CH 481
- Water quality account, conservation commission research: *HB 326, CH 527

ECONOMIC DEVELOPMENT

- Annual report, economic and employment data: HB 911
- Business, industrial development corporations authorized, revisions: HB 1255
- Economic rebirth districts, creation authorized: SHB 1061
- Funds received by nonprofits, exempt from B & O tax: HB 429, SB 5521
- Kern River pipeline, FERC approval requested: SJM 8011
- Loans, private certified development companies, procedures: HB 610
- Long-term economic development strategy: HB 1119
- Natural resource disputes, committee for mediation created: SHB 12
- Rural businesses, economic development and marketing needs: SHB 1189
- Rural development studies, telecommunications emphasis: *SHB 373, CH 293
- Transportation benefit board, cooperation between public and private sectors: HB 394, SB 5731
- Transportation benefit districts, local governments: *HB 396, CH 327
- Vocational technology center, public nonprofit corporation: *SB 5996, CH 492

ECONOMIC DEVELOPMENT BOARD

- Operating budget: *SHB 1221, CH 7 E1

ECONOMIC FORECASTS

- Budget and accounting procedures revised, economic forecasts, estimated revenues: HB 721, *SSB 5606, CH 502
- Forecast supervisor authorized, budget forecast, revenue and economic forecasts: HB 862

EDUCATION FUNDING

- Adolescent health improvement grant program: HB 955
- Budget priority: HB 593
- Community college instructional improvement program: SHB 362, SB 5429
- Community colleges, capital incentives program, matching fund program for capital construction: 2SSB 5383
- Distinguished professorship trust fund program: SB 5474, *2SHB 339, CH 8
- Gifted students, UW, support: HB 901
- Loan program, prospective teachers, teachers getting more endorsements: SB 5937
- Private colleges, grant program for needy students: HB 943
- Scholarship program, low-income working persons, single heads of household: *HB 1021, CH 305
- School levies, major revisions: *2SHB 455, CH 2 E1
- Sustainable harvest, determinations modified: *SHB 55, CH 159
- Tax levy increased: HB 78
- Teachers, future teachers' conditional scholarship program: *SHB 857, CH 437
- Teaching assistants, colleges and universities: HB 915
- Tuition recovery fund, private vocational schools: SHB 1044, *SSB 5880, CH 459
- Washington fund for excellence in higher education program: SHB 453, SB 5475

EDUCATION, STATE BOARD OF

- Capital budget: *SHB 327, CH 6 E1
- Excellence, annual award for best teacher educators: SSB 5479
- Teacher certification, other states' methods, reciprocity: *SB 5433, CH 40

EDUCATION, STATE BOARD OF—cont.

- Teacher certification, process: SHB 457, HB 727, *SSB 5479, CH 525
- Teacher preparation, competency tests before admittance to professional program: HB 485, *SSB 5479, CH 525
- Teachers, administrators, standards review program: *SB 5247, CH 39
- Teachers, certification, alternative provisional teaching certification: HB 1188
- Teachers, specialization endorsement: HB 485, *SSB 5479, CH 525
- Vocational or applied courses, model curriculum guidelines: SB 5248
- Vote, all members have right: HB 383
- Vote, private school representative, only on private school issues: SSB 5333

EDUCATIONAL ASSISTANCE OFFICE

- Created to administer postsecondary education programs: HB 1005

EDUCATIONAL SERVICE DISTRICTS

- Board powers revised: *SB 6053, CH 508

EDUCATIONAL SERVICES, OFFICE OF

- Created, vocational education: HB 451, SHB 451

EFFICIENCY STUDY COMMISSION

- Washington state efficiency study commission created: HB 833

ELECTIONS (See also CAMPAIGNS)

- Absentee voters, uniformity and clarity: *SHB 614, CH 346
- Advertising, false political advertising prohibited: SHB 657
- Ballot titles and summaries, procedures revised: SHB 243, HB 736
- Ballots, double-sided ballot cards: HB 1126
- Ballots, rotation of candidates revised: SB 5012, *SHB 124, CH 110
- Campaign financing reformed: HB 581
- Campaign signs, time period for placement: SHB 785
- Election campaign financing trust fund: HB 580
- Genderless language, corrections: *HB 954, CH 295
- Irrigation districts, precinct polling places: SSB 5176, *HB 68, CH 123
- Legislative vacancies in joint offices, procedures for filling modified: SHJR 4204
- Local government, nonpartisan elections, uniform laws: SHB 534
- Noncontested offices, revisions: HB 858
- Operating budget: *SHB 1221, CH 7 E1
- Precinct committee person, nonnotarized declaration of candidacy form: *HB 658, CH 133
- Presidential electors: *SHB 1221, CH 7 E1
- Presidential preference primary: HB 547
- Public utility districts, annexation: SSB 6058
- Restoration of civil rights: SHB 757
- Uncontested primaries eliminated: HB 1017
- Vote canvassing, recount procedures revised: *SSB 5045, CH 54
- Voter challenge procedures revised: *SHB 291, CH 288
- Voter registration, mail: HB 253, SHB 554
- Voter registration, closed 20 days before election: HB 192
- Voter registration, county auditor, investigate and cancel: *SHB 773, CH 359
- Voter registration, high school: SHB 804
- Voter registration, revisions, 1st 15 days of 30 day period: SHB 22
- Voter registration, secretary of state to mail informational package: HB 674
- Voting, employers to insure employees have time to vote: HB 874, *SB 5693, CH 296

ELECTORAL COLLEGE

- Operating budget: *SHB 1221, CH 7 E1

ELECTRICAL EXAMINERS, BOARD OF

- Specialty electrician licenses, board to establish classifications: HB 273

ELECTRICITY

BPA, prohibiting sale: *SJM 8005
 Contractors administrator certificate, continuing education: HB 741
 Electrical installations, deleting certain sections, apparatus: *SSB 5761, CH 79
 Inspectors, continuing education: 2SHB 741
 Installations on state property, inspections, L & I option: 2SHB 741
 License revisions, conductors not energized: 2SHB 741
 Wiring standards, home rule counties: HB 272

ELK

Economic benefits realized by wildlife, trophy hunting stressed: HB 1226
 Elk management units for trophy elk: HB 1166

EMERGENCIES

Disaster assistance fund established for emergencies: SSB 5264

EMERGENCY SERVICES

Ambulance includes ground or air: *SHB 237, CH 214
 Collective bargaining, uniformed personnel definition modified: *SHB 498, CH 521
 Emergency service communication districts authorized: *SHB 11, CH 17
 Green lights, private cars of emergency personnel: SHB 23
 Immunity: HB 898, *SSB 6048, CH 212
 Levy, impose an additional 50 cents: HB 495
 Nuclear attack preparation: HB 687
 Oil spills: HB 1147
 Property tax, increase cumulative tax, emergency medical care and services, voter approval: HB 169
 Revisions, DSHS procedures: *SHB 237, CH 214
 Vehicles exempt from television receiver and headphone restrictions: *HB 431, CH 176

EMPLOYEE COOPERATIVES

Authorized: HB 587, *SHB 430, CH 457

EMPLOYMENT

Age discrimination: HB 618
 Annual report, employment security, economic and employment data: HB 911
 Disability accommodation revolving fund established: *SSB 5330, CH 9
 Disabled persons, disincentives, public benefit programs, study: *SSB 5329, CH 97
 Disabled persons, employment and unemployment data: *SB 5331, CH 10
 Disabled persons, information clearinghouse, training, employment needs: *SSB 5326, CH 369
 Disabled persons, interagency task force on disability training and placement: *SSB 5326, CH 369
 Disabled persons, report, implementing employment recommendations: *SCR 8404
 Disabled persons, special attention service, report: *SB 5327, CH 76
 Discrimination, national guard or reserve status, illegal: HB 172, HB 557
 Drug-testing regulated: SHB 1063
 Family or medical leave: 2SHB 565
 Older workers and long-term unemployed, priority for unemployment services: HB 912, *SSB 5393, CH 284
 Select committee on employment and the family: *HCR 4418
 Study of underemployment: SHB 1155
 Timber industry employment, jobs in new industries: SHB 811
 Unjust discharge, arbitration procedures established: HB 1133

EMPLOYMENT SECURITY, DEPARTMENT OF

Annual report, economic and employment data: HB 911
 Annual report, labor market: *SSB 5393, CH 284
 Annual report, unemployed: HB 912, *SSB 5393, CH 284
 Appeal time extended: *SB 5410, CH 61

EMPLOYMENT SECURITY, DEPARTMENT OF—cont.

- Business assistance and reemployment demonstration project established: SHB 867
 Capital budget: *SHB 327, CH 6 E1
 Counter-cyclical employment program: *SHB 1221, CH 7 E1
 Disabled persons, employment and unemployment data: *SB 5331, CH 10
 Disabled persons, information clearinghouse, training, employment needs: *SSB 5326, CH 369
 Health care access act of 1987: *2SHB 477, CH 5 E1
 Industrial development corporations, first source contracts: 2SSB 5398
 Labor market report, operating budget: *SHB 1221, CH 7 E1
 Local reemployment centers: 2SSB 5441
 Second avenue office, operating budget: *SHB 1221, CH 7 E1
 Underemployment, study by DCD: SHB 1155
 Unified business identification system: *HB 148, CH 111

ENCHANTED PARKWAY

- SR 161 designated as enchanted parkway: *SB 5666, CH 520

ENDANGERED SPECIES

- Endangered species conservation act: 2SHB 210
 Stamp authorized as revenue source: 2SHB 210

ENERGY

- Alternative energy systems, district heating systems: *SHB 425, CH 522
 Appliance efficiency standards: HB 922
 Appliance energy conservation code, adoption urged: SSJM 8002
 BPA, prohibiting sale: *SJM 8005
 Conservation, source of electrical energy, joint operating agencies: HB 269, *HB 541, CH 376
 Double amendment to RCW 35.92.070 corrected: *HB 545, CH 145
 Energy facility site evaluation, certification: HB 381
 Energy facility site evaluation, construction: SSB 5213
 Energy facility site evaluation council, new department, nuclear safety: HB 639
 Energy facility site evaluation council, operating budget: *SHB 1221, CH 7 E1
 Improvements by utilities, tax credits or deductions: HB 213
 Kern River pipeline, FERC approval requested: SJM 8011
 Public utility billing errors, customer liability limited: HB 363, SSB 5572
 State energy code, city code, conservation component: HB 573
 State energy office, operating budget: *SHB 1221, CH 7 E1
 Thermal transmittance testing report deadline: HB 276, HB 1085
 Utilities, energy efficiency as energy acquisitions: HB 214
 Weatherization assistance for low-income residences: *SSB 5014, CH 36

ENGINEERS AND LAND SURVEYORS

- Employment authority of board restricted: HB 964

ENGLISH

- Drivers' licenses, comprehension of English phrases prerequisite: HB 602
 Official language: HJR 4218

ENTRAPMENT

- Defense allowed, police facilitate or participate in the crime: HB 1144

ENVIRONMENT (See also AIR POLLUTION; ECOLOGY, DEPARTMENT OF; LAND USE PLANNING; POLLUTION; WASTEWATER; WATER)

- Arctic national wildlife refuge coastal plain: SJM 8015
 Bogs, marshes, and swamps, wetland and shoreline definition: HB 948
 Environmental excellence awards, labelling of products: *SB 5051, CH 67
 Kern River pipeline, FERC approval requested: SJM 8011
 Natural resource disputes, grants for mediation authorized: SHB 12
 Schools to include science, special reference on environment: SB 5834, *HB 770, CH 232

ENVIRONMENTAL HEARINGS OFFICE

Operating budget: *SHB 1221, CH 7 E1

EROTIC MATERIAL

Access to minors: *SHB 734, CH 396

Public display to minors prohibited: HB 886

Sexual exploitation of minors, provisions revised: HB 887

ESCROW AGENTS

Bonds, errors and omissions policies, fidelity bonds, requirements revised: *SB 5739, CH 471

ESTATES (See also PROBATE)

Income tax, 1% gross income tax on corporations, estates, individuals, and trusts: HB 623

Personal representative's filing of receipts, retention period modified: *SHB 217, CH 363

EUTHANASIA

Natural death act, major revisions: HB 582

EVERETT

Land conveyance, Navy home base dredge spoils: SHB 745, *SSB 5604, CH 271

Navy base, navigation in the harbor area: *SHB 611, CH 272

Navy home port impact, funds to offset: *SHB 611, CH 272

EVERETT COMMUNITY COLLEGE

Fire damage, operating budget: *SHB 1221, CH 7 E1

EXCHANGE PROGRAM

International student exchange program established: *SB 5197, CH 12

FAMILY INDEPENDENCE PROGRAM

Established to reduce poverty: *2SHB 448, CH 434

FAMILY LAW (See also CHILD CUSTODY; CHILD SUPPORT; COMMUNITY PROPERTY; DIVORCE; DOMESTIC VIOLENCE)

Child support registry created: *SHB 420, CH 435

Community property, military retirement pay: SSB 5278

Gay people may not live with children: HB 1214

Judicial discretion in marriage dissolution: HB 1200

Parenting, provisions revised: *SHB 48, CH 460

Paternity, administrative determination: *SHB 419, CH 441

Premarital agreement act: HB 491, SB 5033

Retirement benefits, maintenance, property division, mandatory assignment of divided benefit payments: SHB 472, *SSB 5511, CH 326

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Agriculture department, information on programs to assist farm families: *SHB 353, CH 393

Farm contractor security bonds: *SHB 750, CH 216

Farm credit system, strengthening requested: *SJM 8016

Pesticide disposal: SSB 6010

FEDERAL MEDICAL CARE

Charges for services, consumer protection provisions: HB 32, HB 190, HB 496, HB 930

FEDERAL RESERVE SYSTEM

Challenging the delegation of authority to create money, referendum 41: *SB 5444, CH 246

FEDERAL (See also HAZARDOUS MATERIALS; NAVY HOME PORT)

BPA, prohibiting sale: *SJM 8005

Balanced federal budget, requesting Congress to initiate: HJM 4027

FEDERAL—cont.

Energy facility site evaluation, compliance with substantive state siting standards: HB 381, SSB 5372
 Military bases, remove prohibition on sales tax: HJM 4020
 Olympic peninsula, Keystone Spit, land exchange: *SHB 1098, CH 274
 Special fuel, exempt from taxation, logging operation on federal land: HB 1046,
 *HB 24, CH 294

FEED LOTS

Preparers' liens, revisions, attorney fees for prevailing party: HB 764

FERRIES

Advisory committee: HB 537
 Collective bargaining, supervisor excluded: HB 749
 Employees' compensation, employer contributions for health plans: *SB 5740, CH 78
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 Funding, ferry revenues and motor vehicle funds: HB 308
 Leases, maximum term, joint development agreements: *SHB 5417, CH 69
 Marine employees' commission salary survey, requirements: HB 747
 Motor vehicle excise tax, additional to fund state patrol services and ferry operation: HB 638
 Passenger-only ferries, purchase procedures: *SHB 746, CH 183
 Pilotage license for high-speed passenger vessels: HB 421, HB 625
 Puget Island-Westport ferry, reimbursement formula: *SB 5159, CH 368
 Salary survey comparison: SHB 175
 Transportation budget: *SSB 6076, CH 10 E1

FERTILIZER

Regulated: *SSB 5144, CH 45

FIELDS SPRING TRUST PROPERTY

DNR lands, certain transferred, parks and recreation commission: SHB 550

FINANCIAL INSTITUTIONS (See also BANKS)

Authority expanded, other lawful activity: *SHB 341, CH 498
 Check deposits and fund availability, financial institutions to reduce delay: SHB 622
 Credit cards from financial institutions, interest limited: HB 366
 Department of financial institutions created: HB 33
 Land bank, state investment board: *SSB 5174, CH 29

FINGERPRINTING

Automatic fingerprint identification system: *SHB 1065, CH 450

FIRE PROTECTION

Burning permits: *SSB 5318, CH 21
 Civil service exemption, police and fire chiefs: *SHB 902, CH 339
 Collective bargaining, uniformed personnel definition: *SHB 498, CH 521
 Districts, ballot proposition, maintain or increase tax: *SHB 298, CH 138
 Districts, maximum levies for cities annexed by district: HB 297
 Districts, withdrawal of area by districts authorized: *SHB 298, CH 138
 LEOFF, directors of public safety included: *SHB 47, CH 418
 Respiratory disease, occupationally related: *SSB 5801, CH 515
 Retirement, city pension fund levy limitation, certain annexations: *HB 772, CH 319
 Retirement, local firemen's pension systems transferred to state: HB 620
 Service charges revised for fire districts: *SHB 168, CH 325
 Sick leave, nonduty related disability leave: HB 45
 State-owned buildings, financing: HB 1010
 Taxing districts may withdraw areas from their boundaries: HB 1186
 Vehicles, exempt, television receiver and headphone restrictions: *HB 431, CH 176

FIRE PROTECTION—cont.

- Volunteer fire fighters, DNR liability limited: SSB 5311
- Volunteer fire fighters, immunity, revisions: *SSB 6048, CH 212

FIREARMS (See GUNS)**FIREWORKS**

- Bonding requirements, public displays: HB 312
- Counties, large cities, restrictive ordinances: HB 952
- Hearing for license denials: HB 737
- Major revisions: HB 965
- Public displays, deposit, revisions: HB 1093

FIRST AMENDMENT

- Advertising sodomy illegal: HB 1214
- AIDS, information not published by private individuals or unauthorized public entities: HB 1112
- Writ of mandamus, permit denials, 1st and 14th amendment: HB 555

FIRST AVENUE SOUTH BRIDGE

- Toll bridge, study, revenue bonds authorized: *SB 5129, CH 510

FIRST RESPONDERS

- Immunity: *SSB 6048, CH 212

FIRST SOURCE CONTRACTS

- Employment security, department of, industrial development corporations: 2SSB 5398

FISHERIES, DEPARTMENT OF

- Aquaculture: HB 41, HB 616
- Aquaculture, impact of salmon net pens, operating budget: *SHB 1221, CH 7 E1
- Bottom trawling gear unlawful, Hood Canal and Puget Sound: SB 5422
- Capital budget: *SHB 327, CH 6 E1
- Cowlitz river, introduction of Coho: HB 1114
- Diesel fuel, commercial fishing vessels, exempt sales and use tax: *HB 628, CH 494
- Economic contribution, sport and commercial salmon and sturgeon fishing, operating budget: *SHB 1221, CH 7 E1
- Foreign fishing vessels, gear below deck, state waters: *SHB 283, CH 262
- Game fish responsibility transferred from game department: HB 57
- Gillnet fishing, daylight hours, rule development: HCR 4403, SHCR 4403
- Grays Harbor, salmon sports fishery: HB 778
- Grays Harbor salmon, status, operating budget: SB 5379, *SHB 1221, CH 7 E1
- Halibut license may be required: HB 561, *SSB 5495, CH 87
- Indian and non-Indian fisheries, persons fishing both, regulated: SB 5050
- Indian shellfish claims, mediation process: SSB 5158
- Lingcod license may be required: HB 561, *SSB 5495, CH 87
- Marine and ocean resources, joint committee created: SCR 8406, *SHCR 4407
- Mt. St. Helens, fish collection facility: *2SHB 758, CH 506
- Navy home port impact, funds to offset: *SHB 611, CH 272
- Oil spill damage assessment study: HB 961, HB 1013, HB 1147
- Operating budget: *SHB 1221, CH 7 E1
- Pacific fisheries task force established: HCR 4402
- Personal use fees, management, enhancement, research, and enforcement: HB 561, *SSB 5495, CH 87
- Processor liens, commercial fishermen: *SHB 60, CH 148
- Public works, competitive bid and advertisement threshold modified: *SB 5522, CH 218
- Queets River, benefits study, operating budget: *SHB 1221, CH 7 E1
- Salmon, economic impact, local economy: SHB 223, *SHB 1221, CH 7 E1
- Salmon eggs, surplus, cooperative projects: *SSB 5763, CH 48
- Salmon eggs, surplus, sale restricted: SB 5036
- Salmon guides licensed: HB 1031

FISHERIES, DEPARTMENT OF—cont.

- Salmon net pens, EIS, Puget Sound: HB 850
- Saltwater net pens: SHB 40, SSB 5122
- Saltwater net pens, taxing: HB 54
- Seafood commission created: HB 19
- Steelhead, incidental harvest allowed: HB 59
- Steelhead, limited punchcard: SHB 1020
- Sturgeon, economic impact, on local economy: SHB 223, *SHB 1221, CH 7 E1
- Sturgeon license required: HB 561, *SSB 5495, CH 87
- Tilton River, coho run, operating budget: *SHB 1221, CH 7 E1
- Toutle River fish collection, operating budget: *SHB 1221, CH 7 E1
- Tributyltin, ban on salmon produced with: HJM 4018
- Veterans and POWs, free hunting and fishing licenses: HB 619
- Violations, decriminalizing, infraction procedures: *SHB 170, CH 380

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- Floodplain management, DOE responsibility: *SB 5556, CH 523
- Snohomish river flood control zone, exemptions: SSB 5156

FLOOR RESOLUTIONS OF THE HOUSE (See Floor Resolution Index)**FOLK SONG**

- State folk song, Roll On Columbia, Roll On: *SSB 5081, CH 526

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- AIDS victims, food industry: HB 1112
- Demonstration project, nutritious and appetizing foods: HB 1060
- Food service permit requirements: *SHB 258, CH 223
- Irradiated food, adopt law: HJM 4009
- Lamb, labelling of country of origin: *SHB 353, CH 393
- Organic food, certification program: *SHB 353, CH 393
- Plastic packaging, food for immediate consumption, prohibited: HB 1241
- Slaughtering, custom slaughtering facilities, revisions: *SB 5381, CH 77

FOOD STAMPS

- Sales and use tax, exemption, food stamp eligible foods: SB 5267, *HB 282, CH 28

FORECLOSURE

- Buyers, class of restricted buyers modified: SB 5054
- Homestead, fair value, upset price provisions deleted: SB 5500
- Lien foreclosure actions, allowance of costs authorized: HB 806

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- Gear stowed below deck, state waters: *SHB 283, CH 262

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- Trade fair fund: HB 744

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- DNR, forest fires, first priority response: SB 5442
- Earth movement and fluvial processes, remedial action: SHB 903, *2SSB 5845, CH 95
- Revisions, cooperation: SHB 903, *2SSB 5845, CH 95
- Riparian ecosystems protected: SHB 903, *2SSB 5845, CH 95

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- AIDS victims prohibited from working as foster parents: HB 1112
- Children eligible for federal financial aid: 2SHB 586
- Foster parent training: *2SHB 586, CH 503
- Operating budget: *SHB 1221, CH 7 E1
- Sodomy, persons who commit not employed by government, schools, day cares, or foster care programs: HB 1214
- Stipends, severe or multiple disorders: HB 949

FOURTEENTH AMENDMENT

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HB 555

FRATERNAL BENEFIT SOCIETIES

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Labor and industries appeals, evidence introduction: *HB 187, CH 151
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Disability accommodation revolving fund: *SSB 5330, CH 9
Disaster assistance fund, emergencies: SSB 5264
Distinguished professorship trust fund program: SB 5474, *2SHB 339, CH 8
Educational information clearinghouse, revolving fund: SB 5627, *HB 410, CH 119
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Endangered landmarks preservation fund: SSB 5639
Federal food service revolving fund: SHB 676, *SB 5642, CH 193
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Grade protective fund, transfer to motor vehicle fund: *HB 1123, CH 257
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Liquor revolving fund, alcohol and drug prevention programs, DSHS programs,
wine research: SSB 5070, *HB 1228, CH 458
Liquor revolving fund, wine commission established: 2SHB 569
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Pacific celebration fund: HB 735
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Urban arterial trust fund, apportionment provisions: *HB 748, CH 360
Utility revolving fund, upkeep of sewer and water systems: HB 921
Washington fund for excellence in higher education program: SHB 453, SB 5475
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Bingo, punchboards, pull-tabs, and raffles, taxation limited: HB 909
Dog fighting, class C felony: HB 184
Slot machines, antique redefined: *SB 5032, CH 191
Sports forecasting contests authorized: SHB 1165
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GAME, DEPARTMENT OF (See also WILDLIFE)

Breeding of captive wildlife authorized: HB 1227
Capital budget: *SHB 327, CH 6 E1
Commission meeting dates, flexibility provided for: *HB 136, CH 114
Cropping, killing, harvesting, management, and family life regulated: HB 1210
Duck stamp, age requirement clarified: HB 112

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- Elk management units for trophy elk: HB 1166
- Endangered species conservation act: 2SHB 210
- Endangered species stamp authorized: 2SHB 210
- Family fishing days: HB 125, *2SHB 758, CH 506
- Game fish responsibility transferred to fisheries department: HB 57
- Game ranching: HB 1168
- Hunting, crossbows not allowed, handguns may be carried: SSB 5157
- License purchase, intent to reduce permit pool, illegal: SB 5185
- Management revised, economic gain and trophy hunting stressed: HB 1226
- Mt. St. Helens, fish collection facility: *2SHB 758, CH 506
- Oil spill damage assessment study required: HB 961, HB 1013
- Oil spills, UW study, methods of assessing damages: HB 1147
- Operating budget: *SHB 1221, CH 7 E1
- Public works, competitive bid and advertisement threshold modified: *SB 5522, CH 218
- Scientific permits, scope of use of animals: HB 1227
- Senior citizen licenses, time limit to establish policy extended: SSB 5641
- State-owned facilities, rent free: HB 302
- Steelhead, incidental harvest allowed: HB 59
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HUNTING (See also GAME, DEPARTMENT OF)

Cropping, killing, harvesting, management, and family life regulated: HB 1210

Crossbows, hunting with prohibited: SSB 5157

Duck stamp, age requirement clarified: HB 112

Economic benefits, wildlife, trophy hunting stressed: HB 1226

Elk management units for trophy elk: HB 1166

Game ranching: HB 1168

Handguns may be carried while hunting: SSB 5157

Interference with hunting illegal: SB 5185

License purchase with intent to reduce permit pool illegal: SB 5185

Luring game away from hunter is illegal: SB 5185

Trophy hunting, post-mature males from special herds: *2SHB 758, CH 506

Veterans and POWs, free hunting and fishing licenses: HB 619

Waterfowl blinds, unlawful to vandalize: SB 5185

Wildlife management on private lands: HB 1167

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Comprehensive study, TESC institute for public policy, operating budget: *SHB 1221, CH 7 E1

Study, state responsibility for siting: SHB 1026, SSB 6036

IDAHO

College tuition and fee reciprocity: SB 5821, *SHB 1097, CH 446

College tuition and fee reciprocity, contingent on Idaho's income tax treatment of Washington residents: SB 5821

Income tax exemption for nonresident common carrier employees: SSJM 8013

Residents of Idaho working in bordering Washington counties to pay excise tax: SB 5956

IMMUNITY

AIDS, donee may waive liability for becoming infected: HB 1216

Contracts, litigation-free contracts, liability insurance: HB 1051

Corporate and cooperative directors, revisions: *SSB 6048, CH 212

Corporations, personal liability of directors limited: HB 529

IMMUNITY—cont.

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- Elected and appointed officials, revisions: *SSB 6048, CH 212
- Emergency medical care, first responders: HB 898, *SSB 6048, CH 212
- Hazardous materials incidents, immunity for responders: *SHB 154, CH 238
- Insurance, reports, information filed: SHB 140, *SSB 5196, CH 51
- Mental health patients, release by public institution: *SSB 6048, CH 212
- Nonprofit corporations, director liability limited: HB 659
- Peer review boards, liability limited: HB 1141, *SB 5972, CH 269
- Physicians' liability limited, services to public assistance recipients: HB 1039
- Protection, employees reporting improper activity to legislators: SSB 5031
- Reports of government misconduct by public employees, protection: HB 1082
- Safety and health violations, employees may sue for repeated violations: HB 939
- Volunteer fire fighters, DNR liability limited: SSB 5311
- Volunteer firemen, policemen, and emergency medical technicians, revisions: *SSB 6048, CH 212
- Workers' compensation, third party liability, judgments and employer immunity: HB 781
- Workers, third-party contractors: *SSB 6048, CH 212

IMMUNIZATION

- College students: HB 853

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- Blood tests, implied consent law: HB 1050
- Revisions: *HB 295, CH 22

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- Damages, costs awards, invalid vehicle impoundment: HB 883
- Motor vehicles, procedures revised: HB 337, *SSB 5124, CH 311
- On-site vehicle impounds regulated: HB 260

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- Contracts, conditioned on waste reduction through recycling: HB 1245
- Residues classified as special: *SSB 5570, CH 528
- Solid waste landfills, materials unsuitable for incineration and ash: SHB 509
- Unincorporated areas, conditional use permits: SHB 1053

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- Port district mortgage authority: *SSB 6023, CH 289

INDUSTRIAL DEVELOPMENT CORPORATIONS

- Business and industrial development corporations authorized, revisions: HB 1255
- DTEd, contract with 5 corporations, management assistance: 2SSB 5398
- First source contracts, department of employment security: 2SSB 5398
- Major revisions, new and small businesses: HB 1124, 2SSB 5398
- Renamed business and industrial development corporations: 2SSB 5398
- Revisions, incentives: HB 1256

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- Operating budget: *SHB 1221, CH 7 E1

INDUSTRIAL INSURANCE (See WORKERS' COMPENSATION)**INFORMATION TECHNOLOGY**

- Department created: HB 562
- Department of information services created: *2SSB 5555, CH 504

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Mentally retarded, reimbursement of nursing homes, contract with DSHS: SHB 970

Retirement, early, employees of state-operated institutions provided: HB 299

Veterans' facilities, assault of employees, reimbursement: HB 307, *SSB 5288, CH 102

Veterans' institutions, purchasing contracts, health care programs: *SB 5161, CH 70

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Cancellation, notice agent or broker: HB 1002, *SSB 5849, CH 14

Cancellation or nonrenewal requirements, surety bonds exempted: HB 64

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Contractors, assigned account or security to meet requirements: *SB 5882, CH 303

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Excessive insurance rates, rebate required: HB 779

Federal regulations requested: HJM 4014

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Health care, chemical dependency: HB 1228, SSB 5070

Health care insurance companies, advertising regulated: HB 121

Health care, insurance coverage, surgical assistants' services: HB 50

Health care, insurance pool created: *SHB 99, CH 431

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Hospital stay, 3 days for insurance, prohibited policy: SHB 777

Immunity, reporting, other information filed: SHB 140, *SSB 5196, CH 51

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Joint underwriting associations, property, casualty insurance not generally available: HB 828

License revisions: SHB 318, SB 5195

Local governments pool, casualty and industrial accident insurance: HB 603

Motor vehicle insurance or bond required: HB 62, HB 82, HB 380, SSB 5115

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Motor vehicle service contracts regulated: *SSB 5779, CH 99

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Motor vehicles, high mounted brake lights, rates: HB 963

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- Motor vehicles, senior citizen premiums reduced, revisions: *HB 985, CH 377
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- Rates, file loss experience information: SSB 5704
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- Retirement care communities, regulating: SSB 5854
- Riders for health and disability insurance, use limited: *SSB 5046, CH 37
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- Comprehensive guide of recreation trails, operating budget: *SHB 1221, CH 7 E1
- Extending: HB 43, *SB 5035, CH 425
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- Motor vehicles, retail installment sales, interest rate, charges revised: HB 366, *SB 5948, CH 318
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- Model curriculum developed, grant program, advisory committee to assist SPI: *SB 5463, CH 349

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- International student exchange program, community colleges: *SB 5197, CH 12

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- Capital projects office established, DTED, assist businesses in international competition: SB 5832
- State guidelines established: HB 1162

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- Columbia River Gorge interstate compact, commission established: *2SHB 426, CH 499
- Transportation of radioactive materials: *SB 5164, CH 90

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- Investment opportunities office: 2SSB 5398
- Land bank, state investment board may invest in: *SSB 5174, CH 29
- Public funds, authorized investments increased: SHB 651
- Public funds, investment revisions: SHB 1129
- Public land permanent funds, investment authorized: *SJR 8212

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- Procedures revised: *2SSB 5074, CH 439

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- DNR lands, certain transferred to parks and recreation commission: SHB 550, *SSB 5439, CH 466

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- District court judges' ballot rotation revised: SB 5012, *SHB 124, CH 110
- Judges pro tempore, retiring, discretionary rulings: HB 507, *SB 5205, CH 73, *SJR 8207
- Judges pro tempore, superior court, discretionary ruling, serve without party consent: HJR 4209
- Judicial qualifications commission, commission on judicial conduct, duties revised: *SB 5002, CH 186
- Juvenile court judges, family life and child abuse training: SHB 586
- Municipal court judges, nonattorneys, qualifications: HB 680, SB 5592
- Retirement provisions revised: HB 216, SHB 359
- Superior court judges, additional for King, Chelan, Douglas counties: HB 245, HB 591, *SSB 5206, CH 323

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- Study practices and procedures for examining jurors: *SSB 6048, CH 212

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- State employees, jury duty, full compensation: HB 558
- Study of practices and procedures for examining jurors: *SSB 6048, CH 212

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- Diversify economy: *SHB 1132, CH 501

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Drugs, sold in case or full shelf lots: HB 1036

Outpatient facilities, exempt from real and personal property tax: *SB 5009, CH 31

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Bellevue's ownership of sports franchise, limited, hotel/motel tax proceeds: *SSB 5901, CH 8 E1

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DNR lands, certain transferred to parks and recreation commission: SHB 550

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*SHB 1221, CH 7 E1

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LABOR RELATIONS REVIEW BOARD

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LABOR RELATIONS (See also COLLECTIVE BARGAINING)

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- Schools, former employees, services via contract, employer obligations: SSB 6001
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- Unjust discharge, arbitration procedures: HB 1133

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- DNR lands, certain transferred to parks and recreation commission: SHB 550

LAKE MANAGEMENT DISTRICTS

- Provisions revised, rates and charges: *SHB 63, CH 432

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- DNR lands, certain transferred to parks and recreation commission: SHB 550, *SSB 5439, CH 466

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- State investment board may invest in land bank: *SSB 5174, CH 29

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- Aquatic lands, cities and towns have zoning authority: HB 1249
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- Discretionary requirements prohibited: HB 1075
- Docks, community, limited construction for multiple family residential use: *SSB 6061, CH 474
- Donation of private property for public use, permit contingency prohibited: HB 1076
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- Everett home port, land conveyance for dredge spoils: SHB 745, *SSB 5604, CH 271
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- Overtime charges to expedite permit process prohibited: HB 1078
- Permits, vesting: HB 185, HB 428, *SSB 5519, CH 104
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- Districts, maximum levies for cities annexed by district reduced: HB 297
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- Special diplomatic license plates: HB 742
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Minors, possessing or consuming alcohol, arrest without warrant: *SHB 42, CH 154

Minors, sale to, provisions changed: *HB 110, CH 204

Minors, unlawful to supply to minor: SSB 5070, *HB 1228, CH 458

Minors, use, consumption, or possession of liquor, arrest: SSB 5070

Minors, violations, penalties increased: *SSB 5254, CH 101

Nonliquor items, sale by licensed retailers: *SHB 1158, CH 386

Operating budget: *SHB 1221, CH 7 E1

Sale of gas and alcohol concurrently forbidden: HB 438

State monopoly abolished: HB 1068

Teachers, in-service training for drug and alcohol abuse issues: HB 600

Temporary retail licenses, issuance procedures: *SSB 5212, CH 217

Wine and grape research, liquor revolving fund: SSB 5070, *HB 1228, CH 45

Wine commission established: *2SHB 569, CH 452

Wine, fortified wine retailer's license: SHB 1066, *SHB 1158, CH 386

LITTER

Ecology youth corps: SHB 793

Litter assessment increased, recyclables exempted: HB 1247

Plastic grocery bags prohibited: HB 972

LIVESTOCK (See also CATTLE; HORSES)

Abuse, criminal procedures modified: *SSB 5608, CH 335

Collisions with livestock and motor vehicles: SB 5171

Cruelty to animals, person caring for animal has a lien: *SB 5976, CH 233

Liens, possession of livestock until lien expires: *SB 5976, CH 233

Liens, purchases of livestock or byproducts, revisions: *SHB 353, CH 393

Preparers liens, revisions: HB 764

LIVESTOCK—cont.

- Red warning lights for horses, mules, and ponies: HB 1008
- Running at large, control within 12 hours: SB 5117
- Slaughtering, facilities, revisions: *SB 5381, CH 77

LOANS

- Farm credit system, strengthening requested: *SJM 8016
- Lending of public moneys or credit, prohibitions repealed: HJR 4219
- Motor vehicle purchases: SHB 366
- Municipal corporations, loan agreements, debtor/creditor obligations: *SHB 263, CH 19
- Precomputed interest prohibited: HB 989
- Small business loan program established: 2SSB 5398
- Student loan guarantee agencies, tax exemption: *HB 1090, CH 433
- Teachers, loan forgiveness program: SHB 386

LOBBYISTS (See also PUBLIC DISCLOSURE COMMISSION)

- Contingent fee contracts prohibited: *SB 5936, CH 201
- Lobbying activities defined: *SHB 782, CH 423
- Personal service contracts during session prohibited: SB 5783
- Reporting requirements modified, expenditures: *SHB 782, CH 423

LOCAL GOVERNANCE STUDY COMMISSION

- Extended: *SHB 296, CH 16

LOCAL HOUSING AUTHORITIES

- Deactivation or abolition, procedures: *SB 5564, CH 275

LOCAL IMPROVEMENT DISTRICTS

- Boundaries, dates established for cementing for levy purposes: *SHB 578, CH 358
- Creation, public hearing: *HB 86, CH 315
- Creation, uniform procedure provided: HB 35
- Forced signing of petitions prohibited: SB 5307
- Improvements limited: HB 553, *SSB 5520, CH 340
- Public corporations owning public improvements, use financing of municipalities: *HB 1014, CH 242
- Reserve fund balance, delinquent payments: SHB 641
- Reserve fund balance ratio: *SSB 5520, CH 340
- Special assessment use designated before bonds are issued: *HB 643, CH 169
- Sunrise act adopted: *SB 5764, CH 342

LOCKOUTS

- Offensive lockouts, unemployment authorized: HB 372
- Unemployment compensation, conditions: HB 923
- Unemployment compensation, nondisqualifying lockout: *SHB 445, CH 2

LOGGING

- Special fuel, exempt from taxation, logging operation on federal land: HB 1046, *HB 24, CH 294
- Sustainable harvest, determinations modified: *SHB 55, CH 159

LONG-TERM CARE

- Chore services, appropriating money for additional chore services: *HB 1261, CH 2 E2
- Long-term care ombudsman: *SHB 697, CH 158
- New clients, maximize use of COPEs for those requiring chore or personal care services: *HB 1261, CH 2 E2
- Respite care services: SHB 524, *2SSB 5453, CH 409
- Retirement care communities regulated: HB 1200

LOOMIS LAKE TRUST PROPERTY

- DNR lands, certain transferred to parks and recreation commission: SHB 550

LORD HILL TRUST PROPERTY

DNR lands, certain transferred to parks and recreation commission: SHB 550

LOTTERY

Additional games to benefit particular programs, study: *SHB 26, CH 511

Employee conflict of interest: *SHB 26, CH 511

Housing trust fund: *2SHB 164, CH 513

Operating budget: *SHB 1221, CH 7 E1

Shared games, prior legislative approval required: *SHB 26, CH 511

Sunset provisions: *SHB 26, CH 511

Ticket violations, minors: *SHB 26, CH 511

Unclaimed prizes: *SHB 26, CH 511

LOW-INCOME

Clothing donated, sales tax exempt: SB 5355

Dental services for adults, funds provided: HB 1174

Family independence program: *2SHB 448, CH 434

Health care access act: *2SHB 477, CH 5 E1

Health care, primary health care grant program established: HB 765

Housing assistance advisory committee created: *2SHB 164, CH 513

Housing, public corporations, excise tax: HB 284, *HB 1137, CH 282

Lifeline telephone service: SHB 518, *SB 5097, CH 229

Migrant and seasonal workers, operating budget: *SHB 1221, CH 7 E1

Mobile home park purchase fund established: *SHB 995, CH 482

Prenatal care program provided: 2SHB 477, HB 525, 2SSB 5452

Scholarship program, low-income working persons, single heads of household:
*HB 1021, CH 305

Tax, lower property tax, low-income housing: SB 5321

Weatherization of residences: *SSB 5014, CH 36

MANUFACTURED HOUSING

Contractor registration, application: *SSB 5814, CH 313

MARINE EMPLOYEES' COMMISSION

Salary surveys, requirements: HB 747

Transportation budget: *SSB 6076, CH 10 E1

MARKETING

Agricultural products, local marketing: HB 1060

Capital budget: *SHB 327, CH 6 E1

Rural businesses, study, economic development and marketing needs: SHB 1189

Washington marketplace program: HB 598

Wine commission established: *2SHB 569, CH 452

MARRIAGE

AIDS testing, license applicants: HB 1112, HB 1219

County domestic violence prevention programs, marriage license fee: SHB 567

Fees increased, displaced homemaker act: HB 807, *SSB 5253, CH 230

Judicial discretion in marriage dissolution, marriage irretrievably broken: HB
1220

Premarital agreement act: HB 491, SB 5033

Same-sex marriages, no government licenses, invalid: HB 1214, HB 1215

Solemnization, retired authorized persons: *HB 795, CH 291

Solemnization, court commissioner allowed: SHB 490, SB 5103

MARROWSTONE ISLAND

DNR lands, certain transferred to parks and recreation commission: SHB 550

MASSAGE THERAPY

Revisions: HB 256, *SSB 5299, CH 443

MEDAL OF MERIT

Joint session, honor state medal of merit recipients: *HCR 4415

MEDIATION (See also ARBITRATION)

- Arbitration of labor disputes, modifications: HB 174
- Child custody, visitation disputes, mediation: HB 228, HB 493, HB 535
- Indian shellfish claims, process: SSB 5158
- Natural resource disputes, grants for mediation: SHB 12
- Two-year dispute resolution project: SHB 919
- Unjust discharge, arbitration procedures established: HB 1133

MEDICAL ASSISTANCE (See also PUBLIC ASSISTANCE)

- Alcoholism, drug addiction, treatment and shelter program: *SHB 646, CH 406
- Dental hygiene and care programs, prepaid capitated plan: SHB 1225
- Dental services for adults, funds provided: HB 1174
- Free medical care, exempting from sale and use tax items used: HB 423
- Health care access act of 1987: *2SHB 477, CH 5 E1
- Medicare violations, consumer protection: INT 92
- Operating budget: *SHB 1221, CH 7 E1
- Pharmaceutical provider fees limited: HB 691
- Prenatal care program provided: 2SHB 477, HB 525, 2SSB 5452

MEDICAL DISCIPLINARY BOARD

- Impaired physician program: *SSB 5857, CH 416

MEDICAL EXAMINERS

- Immunity for death investigations: SHB 215, *HB 590, CH 263

MEDICAL EXAMINERS, BOARD OF

- Physicians' assistant included: SSB 5835, *SHB 942, CH 116

MEDICARE

- Consumer protection, charges for services: HB 32, HB 190, HB 496, HB 930

MEDICINE

- Impaired physician program: *SSB 5857, CH 416
- Limited license, visiting teachers, researchers or fellowship holders: *HB 699, CH 129
- Medical injury recovery act: HB 956
- Physicians' assistants, scope of practice extended: HB 1113
- Side effects of medication, explanation required: HB 1134

MENTAL HEALTH

- Commitment, persons with developmental disabilities: HB 1052
- Community mental services act, grant distribution formula: *SSB 5598, CH 105
- Conditional release of committed persons, retraction: HB 803
- Criminals, mental competency: HB 803
- Definition of mental disorder revised, dependence on drugs or alcohol: HB 848
- General assistance payment managers, pilot project: HB 849
- Involuntary commitment procedures revised: *2SSB 5074, CH 439
- Kitsap county treatment project: *SHB 1221, CH 7 E1
- Operating budget: *SHB 1221, CH 7 E1
- Patient tracking: HB 564
- Release of patients, revisions: *SSB 6048, CH 212

METALS

- Commodity brokers, license revisions: *SB 5178, CH 243

METHADONE TREATMENT PROGRAMS

- Certification requirements changed: *SHB 876, CH 410

METROPOLITAN PARK DISTRICTS

- Ballot proposition, maintain or increase tax: *SHB 298, CH 138
- Cities, population threshold for creation removed: HB 627
- Commissioner compensation provided: HB 1240
- Conversion of parks and recreation district to metropolitan park district: HB 627
- Deannexation procedures: HB 165, HB 193

METROPOLITAN PARK DISTRICTS—cont.

Indebtedness limitation: HB 195

Taxing districts may withdraw areas from their boundaries: HB 1186

Treasurer designation: *HB 194, CH 203

Withdrawal of area authorized: *SHB 298, CH 138

MEXICAN-AMERICAN AFFAIRS COMMISSION

Operating budget: *SHB 1221, CH 7 E1

Redesignated, commission on Hispanic affairs: *SSB 5191, CH 249

Redesignated, Hispanic-American commission: HB 517

MIDWIVES

Advisory council reauthorized: *SSB 5163, CH 467

Educational requirements: *SSB 5163, CH 467

Study, maternal and neonatal outcome data: *SSB 5163, CH 467

Study, role of nonlicensed practitioners: *SSB 5163, CH 467

MIGRANT WORKERS

Study, needs of migrant and seasonal labor: *SHB 1221, CH 7 E1

Workers' compensation: *SHB 677, CH 316

MILITARY DEPARTMENT

Capital budget: *SHB 327, CH 6 E1

Operating budget: *SHB 1221, CH 7 E1

MILWAUKEE ROAD

Definition of corridor changed: HB 182

DNR lands, certain transferred to parks and recreation commission: SHB 550, *SSB 5439, CH 466

DNR portion of trail for recreational purposes: HB 183

MINIMUM WAGE

Labor and industries, compliance and investigations: *SHB 465, CH 172

Nursing home services, minimum wage adjustments: *2SHB 1006, CH 476

Nursing homes, DSHS appropriation for nonadministrative wages and benefits enhancements: *HB 1260, CH 1 E2

Study, wage based on 90% of federal poverty level, operating budget: *SHB 1221, CH 7 E1

Tie to federal poverty level: SHB 709

MINING

Dormant mineral interest act: HB 108

Public lands, mining regulated: HB 533, *SSB 5193, CH 20

Recreational mining regulated: HB 533, *SSB 5193, CH 20

Study, coast and shoreline: SHB 733, SSB 5533

Surface mining permits and fees, modifications: *SHB 56, CH 258

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF

AG, investigative/complaint process power: HB 355, *SB 5529, CH 328

Certification by MWBE for other agencies at cost: HB 354

Certification by MWBE office only: *SB 5529, CH 328

Certification of businesses, disclosure of financial affairs: HB 334

Council created to assist office: *SB 5529, CH 328

Minority, women's business development/assistance program: HB 1142

Noncompliance, penalty increased: SHB 20, HB 355, *SB 5529, CH 328

Operating budget: *SHB 1221, CH 7 E1

Sunset provisions: SHB 20, *SB 5529, CH 328

Transferring office to GA: HB 1151

Women-controlled business: SHB 20, HB 354, *SB 5529, CH 328

MISDEMEANORS

Decriminalizing, system of civil infractions established: SSB 5083, *2SHB 684, CH 456

MOBILE HOMES

- Abandoned mobile homes, abandonment defined: HB 1057, SSB 5787
- Collection of property taxes, clarification: *HB 44, CH 155
- Commission on mobile home rental space availability, senior citizen impact: SB 5076
- Contractor registration, application to manufactured housing: *SSB 5814, CH 313
- Dealers, intermittent mobile home dealers: HB 1088
- Installation and siting, consumer protection law: *SSB 5814, CH 313
- Mobile home park purchase fund established: *SHB 995, CH 482
- Moving cost reimbursement of tenants: Office of mobile home affairs created: HB 994
- Sale of homes and parks, requirements established: HB 996
- Sales tax, procedures for collection by dealers and agents: *SSB 5858, CH 89

MODEL TRAFFIC ORDINANCE

- Updating: *SB 5034, CH 30

MORTGAGE BROKERS

- Board of registration for mortgage brokers created: HB 266
- Mortgage broker registration act: HB 336
- Mortgage brokers practices act: *SHB 80, CH 391

MOTOR FREIGHT CARRIERS

- Dormant trucking authorities, restricting protests: HB 1191
- Hazardous materials, special training for drivers: HB 801
- Idaho, exempt nonresident common carriers employees from income tax: SSJM 8013
- Loads escaping, liability: HB 1073
- Parcel transportation, small vehicles and parcels, deregulating: HB 1193
- Regulating: HB 267
- Tax revisions for those who cross state lines: SSJM 8012
- Truck weight and safety regulation, state patrol: HB 1152
- UTC safety regulation jurisdiction removed: HB 615

MOTOR VEHICLE TRANSPORTATION COMPANIES

- Assessment authority, county assessors instead of revenue department: SB 5239, *HB 205, CH 153

MOTOR VEHICLES (See also DRUNK DRIVING)

- Accidents, security deposit provisions: *SHB 83, CH 463
- Air bags required in cars and pickups: HB 905
- Alcohol and gas not sold concurrently: HB 438
- Blood alcohol, breath alcohol tests for alcohol content authorized: *HB 1049, CH 373
- Blood tests, implied consent law: HB 1050
- County auditors, licensing agents, fees and protection increased: HB 37, *SB 5120, CH 302
- Debris, loads, escaping from vehicles, liability: HB 1073
- Disabled vehicles, reflectorized warnings required: *SB 5245, CH 226
- Disclosure of registration information: HB 1218, *SHB 244, CH 299
- Driver's license, expired, penalty fee for late renewal: HB 254
- Driver's license, revocation and suspension, revisions: HB 280, HB 295, HB 335, SB 5850
- Driver's licenses, comprehension of English phrases prerequisite: HB 602
- Driver's licenses, persons under 21: HB 292, *SHB 83, CH 463
- Drivers' licenses, suspension, negligent operation of vehicle: HB 599
- Driver's licenses, suspension, hearings eliminated in certain instances: HB 294
- Drivers' licenses, DWI note for 5 years: HB 890
- Driver's records, information requirements changed: SB 5325
- Driving record abstract fee increased: SHB 638
- Driving records, alcohol and drug treatment programs: *SHB 415, CH 181
- Drugs, urine tests for drugged driving: HB 1184

MOTOR VEHICLES—cont.

- Drunk drivers, confiscating vehicles: HB 890
 Drunk drivers, DWI note on drivers' license: HB 890
 Drunk driving, repeat offenders, penalties increased: HB 552
 Emission testing program in King county terminated: HB 504
 Excise tax, additional excise tax imposed: *SSB 6016, CH 9 E1
 Excise tax, unpaid due licensing in another jurisdiction: *HB 947, CH 260
 Excise taxes, actual license period: *SSB 5107, CH 235
 Fees paid with bad checks: *SB 5120, CH 302
 Ferry system funding, ferry revenues and motor vehicle funds: HB 308
 Financial responsibility amounts increased: SHB 868
 Financial responsibility, security deposit filing time period: *HB 279, CH 378
 Financial responsibility, time period for providing proof: *HB 277, CH 371
 For hire vehicles, extra lights required: HB 962
 Fund transfer, grade crossing protective fund to motor vehicle fund: *HB 1123, CH 257
 Hulk haulers, verify ownership from DOL records: *SB 5348, CH 62
 Ignition interlocks, alcohol offender cars: HB 852, SSB 5233, *HB 663, CH 247
 Implied consent law, revisions: *HB 295, CH 22
 Impoundment, damages and costs awards, invalid impoundment: HB 883
 Impoundment, procedures revised: HB 337, *SSB 5124, CH 311
 Impoundment, on-site vehicle impounds regulated: HB 260
 Insurance, brake lights, consideration in rates: HB 963
 Insurance, collision and comprehensive policies, financing coverage: *HB 310, CH 240
 Insurance, operation of vehicle without, traffic infraction: SHB 1175
 Insurance or bond required: HB 62, HB 82, SSB 5115
 Insurance policies, comprehensive, collision, liability: SHB 240
 Insurance policies, personal injury protection benefits: SHB 511
 Insurance, policy inclusions set forth, mandatory insurance: HB 380
 Insurance premium reductions, vehicles using running lights: HB 460, *SHB 920, CH 320
 Insurance rate increase based on abstract prohibited unless party at fault: *SSB 5850, CH 397
 Insurance rates, anti-theft devices: HB 84, SB 5116, *SHB 920, CH 320
 Insurance, risk management office, state program of insurance: HB 1201
 Insurance, senior citizens premiums, revisions: *HB 985, CH 377
 Insurance, service contracts regulated: *SSB 5779, CH 99
 Insurance, standard provisions: HB 234
 Insurance, underinsured coverage strengthened: SHB 402
 Interest rates, retail installment sales, charges revised: *SB 5948, CH 318
 IRP, revisions: *SB 5605, CH 244
 License fees increased: *SSB 6016, CH 9 E1
 License plates, centennial license plates: *HB 261, CH 178
 License plates, collector vehicles regulated: HB 309
 License plates, Pearl Harbor survivors: HB 408, *SSB 5136, CH 44
 License plates, reflectorized material: *SB 5277, CH 52
 License plates, special consular license plates: *SSB 5423, CH 237
 License plates, special diplomatic license plates: HB 742
 License plates, violators of driving without a license: *2SHB 196, CH 388
 License plates, spouses of deceased POWs: *SSB 5047, CH 98
 License plates, veteran plates: HB 401
 License renewals, mail renewals: HB 150
 Loans, service charge on retail installment sales limited: SHB 366
 Model traffic ordinance updated: *SB 5034, CH 30
 Motor vehicle fund uses, chip-sealing, seal-coating: *HB 825, CH 234
 New motor vehicle arbitration board established: SHB 703, *SSB 5502, CH 344
 Out-of-state residents, bail for traffic infractions: HB 267, *SSB 5061, CH 345
 Ownership transfer, waiver of penalty assessments, late transfer: *HB 255, CH 127

MOTOR VEHICLES—cont.

- Pickups, passengers prohibited in beds except in farming or emergency situations: HB 311
- Registration, residency and nonresidency clarified: *SHB 585, CH 142
- Ride-sharing, sales and use tax exemption extended: HB 212
- Running lights, new vehicles, USDOT requested to require: HJM 4012
- Running lights, state vehicles: HB 459
- Speed limit increased, federal maximum: *SSB 5850, CH 397
- Speeding, energy waste, traffic infraction: HB 900
- Tires, full size required for spares: HB 510
- Traffic offenses, failure to comply, gross misdemeanor: *SSB 5061, CH 345
- Traffic offenses, probable cause, information from another officer sufficient: *SB 5062, CH 66
- Transportation budget: *SSB 6076, CH 10 E1
- Use tax, license exemptions: HB 30
- Vanpool laws revised: *HB 559, CH 175
- Warranties, enforcement provisions: SHB 703, *SSB 5502, CH 344

MOTORCYCLES

- Child passengers: SB 5052, *HB 161, CH 454
- Endorsement fees increased: *HB 161, CH 454
- Helmets required, riders under 18: HB 251, *HB 161, CH 454
- Voluntary motorcycle education program: *HB 161, CH 454

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- Natural resources conservation areas, designation process: *SSB 5911, CH 472

MT. ST. HELENS

- Fish collection facility, sediment retention site: *2SHB 758, CH 506
- Toutle River, operating budget: *SHB 1221, CH 7 E1

MUNICIPAL RESEARCH COUNCIL

- Operating budget: *SHB 1221, CH 7 E1

MURDER

- Aggravated first degree, victim 11 or under: HB 239
- Child abuse: HB 570, HB 760, *SSB 5089, CH 187
- Drugs, controlled substances homicide, class B felony: HB 236, HB 446, SSB 5070, *HB 1228, CH 458

MUSEUMS

- Districts, establishment provided for: HB 1041

MUSHROOMS

- Commercial harvest, licensing for buyers and processors: HB 1159
- Recreational harvesting limited: HB 275
- Specialized forest product permit, harvest gross amounts: HB 275

NATIONAL GUARD

- Employment discrimination based on, illegal: HB 172, HB 557
- Liability of state revised: *SHB 98, CH 26

NATIVE AMERICANS

- Children, placement, revisions: *2SHB 480, CH 170
- Indian Affairs, Governor's Office, operating budget: *SHB 1221, CH 7 E1
- Salmon fishing, regulated: SB 5050
- Shellfish claims, mediation process: SSB 5158
- Tideland claims, joint underwriting association, title information: HB 1105
- Tideland claims, operating budget: *SHB 1221, CH 7 E1
- Tideland ownership claims: HB 997, HB 998, SSB 5973

NATURAL DEATH ACT

- Revisions: HB 582

NATURAL GAS

Kern River pipeline, FERC approval requested: SJM 8011

NATURAL RESOURCES, DEPARTMENT OF (See also TAXES - TIMBER)

Bedlands leasing, adjacent property owners, right of first refusal: HB 617

Capital budget: *SHB 327, CH 6 E1

Counter-cyclical employment program, operating budget: *SHB 1221, CH 7 E1

Disputes, grants for mediation authorized: SHB 12

Fire fighters, volunteers, liability of DNR restricted: SSB 5311

Forest fires, first priority response: SB 5442

Lands, certain transferred to parks and recreation commission: SHB 550, *SSB 5439, CH 466

Maps and surveys, DNR source: *SSB 5439, CH 466

Milwaukee road corridor, definition changed: HB 182

Milwaukee road, recreational trail: HB 183

Natural resources conservation areas: *SSB 5911, CH 472

Oil spills, UW study, methods of assessing damages: HB 1147

Public land permanent funds, investment authorized: *SJR 8212

Relocation, operating budget: *SHB 1221, CH 7 E1

Saltwater net pens, demonstration and study: SSB 5122

Special fuel, exempt from taxation, logging operation on federal land: HB 1046, *HB 24, CH 294

State land, exchange programs modified: *SHB 522, CH 113

State-owned facilities, rent free: HB 302

Surface mining permits and fees, modifications: *SHB 56, CH 258

Sustainable harvest, determinations modified: *SHB 55, CH 159

Tidelands, leasing for hydraulic harvesting, subtidal hardshell clams: *SHB 928, CH 374

Timber industry employment, jobs in new industries: SHB 811

Timber, sale of damaged timber: *HB 1027, CH 126

Violations, decriminalizing, infraction procedures: *SHB 170, CH 380

NATUROPATHIC PHYSICIANS

Naturopathic advisory committee created: HB 143

Regulating: SHB 143, *SSB 5219, CH 447

NAVIGABLE WATERS

Uniform waterway marking system, nonnavigable waters: *SSB 5846, CH 427

Vessel registration act, definition clarified: HB 225

NAVY HOME PORT

Funds to offset impact on Everett: *SHB 611, CH 272

Land conveyance, Everett home port dredge spoils: SHB 745, *SSB 5604, CH 271

Navigation not obstructed in harbor area: *SHB 611, CH 272

NEGLIGENCE

Negligence per se, provisions revised: HB 880

NICARAGUA

Contra funds, withhold: HJM 4007

NOISE POLLUTION

Transportation budget, study noise abatement: *SSB 6076, CH 10 E1

Violations of state noise law, local government to impose penalty: *SSB 5389, CH 103

NONPROFIT CORPORATIONS

Historic preservation: *SB 5747, CH 341

Immunity, revisions: *SSB 6048, CH 212

Liability of directors limited: HB 659

Public fund expenditures, citizen review opportunities: HFR 4651

Revisions regarding incorporation, reinstatement, fees: *HB 520, CH 117

Study reporting requirements: *SSB 5717, CH 190

NONPROFIT CORPORATIONS—cont.

Tourism, public funds, tax exempt: HB 429, SB 5521
 Vocational technology center: *SB 5996, CH 492

NONPROFIT ORGANIZATIONS

Camping, conferences, recreation services, money received, tax exempt: HB 597,
 SSB 6002
 Open public meetings act: HFR 4651, SSB 5492
 Property tax exemption modified: HB 475
 Property tax exemption, performance arts, leased or rented property: *HB 1087,
 CH 468
 Student loan guarantee agencies, tax exemption: *HB 1090, CH 433

NORDIC HERITAGE MUSEUM

Capital budget: *SHB 327, CH 6 E1

NOTARIES

Disabled persons, notaries to make acknowledgement: *SB 5327, CH 76

NOXIOUS WEEDS

Provisions modified: *SHB 648, CH 438

NUCLEAR ATTACK

Evacuation preparation, emergency management duty: HB 687

NUCLEAR MEDICINE TECHNOLOGISTS

Certifying: SSB 5064, *SHB 134, CH 412

NUCLEAR POWER (See also HAZARDOUS MATERIALS)

BPA, prohibiting sale: *SJM 8005
 Conservation, source of electrical energy, joint operating agencies: HB 269, *HB
 541, CH 376
 Department of nuclear safety: SHB 639
 Energy facility site evaluation: HB 381
 Energy facility site evaluation, suspension of construction: SSB 5213
 Transfer of plant to federal government, impact report: HB 270

NUISANCES

Burning permits, fire districts may revoke: *SSB 5318, CH 21
 Crack houses, abatement: SSB 5070
 Drug houses: SHB 692

NURSERY DEALERS

Assessments modified, northwest nursery fund revisions: HB 979, *SSB 5170, CH 35
 License fee modified: HB 979, *SSB 5170, CH 35

NURSES

Child abuse, nurses to provide intervention services: 2SHB 586
 Nurse/patient privilege extended, osteopathic physicians: *SB 5412, CH 198

NURSING HOMES

Abuse of adult dependent persons, classes of abuse: HB 981
 Assault on adult dependent persons: SSB 5065, *2SHB 586, CH 503
 Closure, operation requirements modified, receivership: HB 479
 Criminal mistreatment classified: *HB 753, CH 224
 Employees, DSHS to establish wage scale: HB 700, SSB 5544
 Hospital beds, excess for nursing home care, Congress petitioned: SJM 8007
 Licenses, violations, penalties: HB 479
 Long-term care ombudsman, study office, requirements: *SHB 697, CH 158
 Long-term care, demonstration projects: *2SSB 5453, CH 409
 Malicious reporting of abuse, penalties imposed: SHB 608
 Nursing services, revisions: *2SHB 1006, CH 476
 Overpayment of benefits, vendors and recipients, recovery modified: *SHB 274,
 CH 283
 Receiverships, petition process: HB 479, *2SHB 1006, CH 476

NURSING HOMES—cont.

- Reimbursement, enhancement cost center: HB 700, SSB 5544
- Reimbursement, homes for the mentally retarded: SHB 970
- Renovation and replacement, rate adjustments: *2SHB 1006, CH 476
- Respite care services, enhanced: SHB 524, *2SSB 5453, CH 409
- Retirement care communities, regulating: HB 1200, SSB 5854
- Wages, certain standards: *2SHB 1006, CH 476
- Wages, DSHS appropriation for nonadministrative wages and benefits enhancements: *HB 1260, CH 1 E2

OCEAN BEACHES

- Pedestrian use: HB 1009

OCEAN RESOURCES

- Assessment, preparation of an ocean resource assessment: SHB 733, *SSB 5533, CH 408
- Marine and ocean resources, joint committee created: SHCR 4407, SCR 8406
- Oil and mineral exploration, study, operating budget: *SHB 1221, CH 7 E1
- Study, coast and shoreline: SHB 733, SSB 5533

OFFICE OF FINANCIAL MANAGEMENT

- Capital budget: *SHB 327, CH 6 E1
- Capital budget plan reviews: SSB 6055
- Community college salary review, operating budget: *SHB 1221, CH 7 E1
- Corrections standards board duties transferred, OFM, DSHS, corrections department: *SHB 738, CH 462
- Economic analysis, capital construction projects, lease-development versus ownership: HB 908
- Exempt positions revised: HB 521
- Operating budget: *SHB 1221, CH 7 E1
- School facilities, inventory, operating budget: *SHB 1221, CH 7 E1

OIL AND GAS

- Arctic national wildlife refuge coastal plain, opened to exploitation: SJM 8015
- Coastal exploration, study by UW, operating budget: *SHB 1221, CH 7 E1
- Tax on storage, oil pollution cleanup and prevention: HB 1147

OIL PRODUCTS

- Delivery trucks to have meters and supply receipts: SHB 718, *SSB 5565, CH 42
- Environmental excellence awards, labelling of products: *SB 5051, CH 67
- Hazardous materials, site cleanup responsibility: *SB 6085, CH 2 E3
- Recycling: HB 74
- Tax on storage, fund oil pollution cleanup and prevention: HB 1147

OIL SPILLS

- Coast guard priority requested: HJM 4015
- Damage assessment study, methods and costs: *2SSB 5986, CH 479
- Damage assessment study required: HB 961, HB 1013
- Funding, comprehensive program requested: HJM 4016, *SJM 8008
- Model contingency plan: *2SSB 5986, CH 479
- Provisions for treating spills established: HB 1147
- Study by department of ecology, operating budget: *SHB 1221, CH 7 E1
- Tax on storage, fund oil pollution cleanup and prevention: HB 1147
- UW, study, methods of assessing damages: HB 1147

OKANOGAN COUNTY

- Winter recreation, operating budget: *SHB 1221, CH 7 E1

OLYMPIA

- Postmark, preservation urged: HJM 4022

OLYMPIC NATIONAL PARK

- Keystone Spit land exchange: *SHB 1098, CH 274

OMNIBUS APPROPRIATIONS ACT

Adopting: SHB 527

Operating budget adopted: *SHB 1221, CH 7 E1

OPEN PUBLIC MEETINGS

Boundary review boards: HB 636

Nonprofit organizations, study citizen review opportunities: HFR 4651, SSB 5492

Secret ballot prohibited: HB 974

Western library network, limited exemption: *HB 135, CH 389

OPERATING BUDGET

Budget adopted: *SHB 1221, CH 7 E1

OPTOMETRY

Drugs, use, education prerequisite modified: SHB 1102

Inmate work programs, optometric goods: HB 761

Pharmacists may fill optometrists' prescriptions: SHB 1102

ORCAS ISLAND

DNR lands, certain transferred to parks and recreation commission: SHB 550

OREGON

Puget Island-Westport ferry, reimbursement formula: *SB 5159, CH 368

Teacher certification, reciprocity: *SB 5433, CH 40

Washington-Oregon joint committee: HCR 4412

ORGAN DONATIONS

AIDS, donee may waive liability for becoming infected: HB 1216

AIDS test: HB 1112, HB 1216

Directed donations shall be accepted, procedure: HB 1112, HB 1216

UCC, no implied warranty: *SSB 5830, CH 84

ORGANIZED CRIME ADVISORY BOARD

Member qualification revised: *SSB 5106, CH 65

OSBORN BAY

DNR lands, certain transferred to parks and recreation commission: SHB 550

OUTDOOR RECREATION

Interagency committee for outdoor recreation, extending: HB 43, *SB 5035, CH 425

PACIFIC CELEBRATION

Fund established: HB 735

PACKWOOD TRUST PROPERTY

DNR lands, certain transferred to parks and recreation commission: SHB 550, *SSB 5439, CH 466

PAINTS

Environmental excellence awards, labeling of products: *SB 5051, CH 67

EPA, marine environment, educate on antifouling paints: HJM 4019

Tributyltin, ban TBT-based paint: HJM 4017

Tributyltin regulated: SHB 349, *SSB 5978, CH 334

PARENTING

At-risk family groups, pilot project, grant program: HB 613

Better parenting through literacy: HB 579, *2SHB 456, CH 518

Children and family services division, accountability boards established: 2SSB 5659

Children and family services pilot project: 2SSB 5553, *2SHB 586, CH 503

Foster parent training: *2SHB 586, CH 503

Foster parents, stipends, severe or multiple disorders: HB 949

Provisions revised: *SHB 48, CH 460

PARK DISTRICTS

Cities, population threshold for creation removed: HB 627

Commissioner terms reduced: *SHB 313, CH 53

PARK DISTRICTS—cont.

- Deannexation of metropolitan park districts: HB 165, HB 193
- Loans from public agencies: *SHB 263, CH 19
- Metropolitan park districts, conversion of parks and recreation district: HB 627
- Metropolitan park districts, indebtedness limitation: HB 195
- Metropolitan park districts, treasurer designation: *HB 194, CH 203

PARKS AND RECREATION COMMISSION

- Boating safety assessment: *SSB 5846, CH 427
- Camping clubs regulated: HB 791
- Capital budget: *SHB 327, CH 6 E1
- Day-use fee for frequently used parks: HB 715
- DNR lands, certain transferred to commission: SHB 550, *SSB 5439, CH 466
- Milwaukee road corridor, definition changed: HB 182
- Milwaukee road under DNR control, recreational trail: HB 183
- Nonprofit organizations, use of parks: *SSB 5104, CH 225
- Ocean beaches, pedestrian use: HB 1009
- Olympic peninsula, Keystone Spit, land exchange: *SHB 1098, CH 274
- Operating budget: *SHB 1221, CH 7 E1
- Parks improvement account created: *SSB 5104, CH 225
- Senior citizen's passes authorized: HB 714

PARTNERSHIPS

- Limited partnerships, revisions: *SHB 393, CH 55

PASCO

- Diversify economy: *SHB 1132, CH 501

PATERNITY

- Administrative determination: *SHB 419, CH 441

PEER REVIEW BOARDS

- Liability limited: HB 1141, *SB 5972, CH 269

PERSONAL PROPERTY

- Tangible personal property, in/outside of the state, clarifying taxation: SB 5238, *HB 204, CH 27
- Tangible personal property, operator for charge, sales tax modified: HB 207, SB 5241
- Unclaimed, disposition modified: HB 685, SB 5667

PERSONAL SERVICE CONTRACTS

- Consultant services limited: HB 800
- Lobbyists' contracts during session: SB 5783
- Open competition: *SHB 88, CH 414
- Open competition, legislative review: SHB 88, HB 367, HB 501, SSB 5365

PERSONNEL APPEALS BOARD

- Operating budget: *SHB 1221, CH 7 E1

PERSONNEL, DEPARTMENT OF

- Automated insurance eligibility system, operating budget: *SHB 1221, CH 7 E1
- Operating budget: *SHB 1221, CH 7 E1

PESTICIDES

- Applicator licensing, revisions: *SSB 5144, CH 45
- Disposal by farmers: SSB 6010
- Environmental excellence awards, labelling of products authorized: *SB 5051, CH 67
- Hazardous materials, site cleanup responsibility: *SB 6085, CH 2 E3
- Information on application contract, on file with DOE: HB 70
- Landlords to notify tenants of pesticide application: HB 73
- Material safety data sheets provided to applicator customers: HB 71
- Penalties increased for violations: HB 69

PESTICIDES—cont.

- Poison information centers regulated: HB 1135
- Regulation by cities and counties authorized: HB 72
- Residential areas to receive notice: HB 69
- Structural pest inspection, false statements: *SSB 5144, CH 45
- Waste disposal: *SB 6085, CH 2 E3

PHARMACIES

- Legend drugs: HB 792, HB 845
- Location of drugs, records exempt from public disclosure: HB 830
- Optometric prescriptions: SHB 1102
- Out-of-state pharmacies, dispensing of drugs restricted: HB 891
- Records kept for 3 versus 5 years: SHB 829
- Samples, possession, storage, and distribution controlled: HB 1171
- Samples, manufacturer responsible for representatives actions: HB 829
- Samples, manufacturers to pay registration fee to distribute: HB 830
- Samples, possession and distribution of legend drugs: *SHB 931, CH 411
- Side effects of medication, explanation required: HB 1134
- Substitution, equivalent drugs versus generic drugs, authority removed: HB 966

PHARMACY, BOARD OF

- Administrative provisions transferred, department of licensing: SHB 449
- Operating budget: *SHB 1221, CH 7 E1
- Poisons, DOE regulatory authority, delegate to pharmacy board: *SB 5160, CH 236

PHYSICAL THERAPISTS

- Treatment authority revised: HB 405, SB 5382

PHYSICIANS

- Abortions, information given by doctor to woman: HB 869
- Drugs prescribed by out-of-state physicians legal: *HB 235, CH 144
- Impaired physician program: *SSB 5857, CH 416
- Limited licenses, visiting teachers, researchers, or fellowship holders: *HB 699, CH 129
- Medical injury recovery act: HB 956
- Medicare, consumer protection: HB 32, HB 190, HB 496, HB 930
- Medicare violations, consumer protection: INT 92
- Peer review boards, liability limited: HB 1141, *SB 5972, CH 269
- Physician-patient privilege, accelerated waiver: *SSB 6048, CH 212
- Physician-patient privilege, waiver revised: HB 878
- Physicians' assistants, scope of practice extended: HB 1113
- Self-insurers, physicians to examine industrial insurance claimants: HB 155, SB 5282
- Side effects of medication, explanation required: HB 1134

PIERCE COUNTY

- Special hotel/motel tax: *SSB 6064, CH 483

PILOTS (BOATS)

- Attorney general, criminal or civil suit: *SHB 630, CH 485
- Continuing education: SHB 624, *SSB 5650, CH 264
- Discipline, board's authority expanded: *HB 629, CH 392
- High speed small passenger vessels, exempt: HB 625
- Licensing revisions: SHB 624, *SSB 5650, CH 264
- Passenger vessels or yachts: HB 1025, *SB 5861, CH 194
- Physical exams, review by board: SHB 624, *SSB 5650, CH 264
- Pilot excess liability threshold increased: HB 630
- Pilotage commissioner board membership altered: *SHB 630, CH 485
- Special pilotage license, high-speed passenger vessels: HB 421
- Specific pilots may be blacklisted by individual companies: *SHB 630, CH 485
- Transferring board of pilotage commissioner duties to WSDOT: HB 818

PILOTS—cont.

Transportation budget: *SSB 6076, CH 10 E1

Vessel simulator training: SHB 624, *SSB 5650, CH 264

PLANTS

Endangered species conservation act: 2SHB 210

PLATS (See also LAND USE PLANNING; REAL PROPERTY)

Administrative approval process modified, binding site plan: *SHB 116, CH 354

Boundary discrepancies, rectification prior to plat approval: SB 5040

Short plats, revisions allowed within 5 year period: *SB 5822, CH 92

Vacation and alteration, procedures provided: SHB 118

PLUTONIUM PRODUCTION

Safety responsibility : HJM 4001

PODIATRY

Sunset review: HB 1223

POINT LAWRENCE TRUST PROPERTY

DNR lands, certain transferred to parks and recreation commission: SHB 550, *SSB 5439, CH 466

POISON CONTROL CENTERS

Revisions: *SHB 237, CH 214

POISONS

DOE regulatory authority, delegate to pharmacy board: *SB 5160, CH 236

Environmental excellence awards, labelling of products: *SB 5051, CH 67

Licensing for sale and manufacture: HB 58, *SB 5105, CH 34

Poison information centers regulated: HB 1135

Poison register required for sales: HB 58, *SB 5105, CH 34

POLLUTION (See also AIR POLLUTION)

Agriculture, nonpoint activity: SHB 543

Air contaminant sources: HB 478, HB 693

Air pollution, toxic contaminants, emission control plans: HB 14, HB 414

Aquaculture: HB 616

Arctic national wildlife refuge coastal plain, opened to exploitation: SJM 8015

Disposable diapers regulated: HB 673

Ecology procedures simplification act: HB 481, *SB 5427, CH 109

Everett home port, land conveyance for dredge spoils: SHB 745, *SSB 5604, CH 271

Incinerator residues, municipal wastes, classified: *SSB 5570, CH 528

Incinerators in unincorporated areas: SHB 1053

Kern River pipeline, FERC approval requested: SJM 8011

Motor vehicle emission testing program, King County, terminated: HB 504

Noise pollution, local government requirements revised: *SSB 5389, CH 103

Ozone depletion, chlorofluorocarbons: HJM 4004

Pesticides, notice to residential areas, violations: HB 69

Pollution prevention pays program, hazardous waste reduction and recycling: *SB 6085, CH 2 E3

Regarding collection of charges: *HB 843, CH 184

Salmon net pens, EIS, Puget Sound: HB 850

Saltwater net pen facilities: HB 40, SSB 5122

Saltwater net pens, taxing: HB 54

Water pollution violations, class C felony: HB 516

Wood stoves regulated: *2SHB 16, CH 405

POLLUTION CONTROL FACILITIES

Financing provided, service agreements: *SHB 523, CH 436

Water quality account, extended grant payment contracts: *HB 1205, CH 516

POLLUTION CONTROL HEARINGS BOARD

Aquatic lands, appeal of actions on state-owned lands: SSB 5443
Ecology procedures simplification act: HB 481, *SB 5427, CH 109

PORNOGRAPHY

Public display to minors prohibited: HB 886
Sexual exploitation of minors, provisions revised: HB 887

PORT DISTRICT COMMISSIONERS

Life insurance coverage authorized: *SB 5146, CH 50

PORT DISTRICTS

Creation of local improvement districts, uniform procedure: HB 35
Essential rail banking account, distribution to rail and port districts: SSB 5391
Flight pattern alteration, local government approval: HB 925
Loans from public agencies, loan agreements and debtor/creditor obligations set forth: *SHB 263, CH 19
Moorage facilities, charges which reflect private facility costs: HB 1103
Mortgage authority, industrial development facilities: *SSB 6023, CH 289

PORT OF ENTRY

Radioactive wastes: SSB 5222, *SHB 385, CH 86

POSTMARKS

Olympia postmark, preservation urged: HJM 4022

POWS

Hunting and fishing licenses free: HB 619
License plates to spouses of deceased POWs: *SSB 5047, CH 98

PRECIOUS METALS

Commodity brokers, license revisions: *SB 5178, CH 243

PREGNANCY

Abortions, information given to woman by doctor: HB 869
AIDS testing for persons seeking prenatal care: HB 1112, HB 1219
Assault, second degree, unborn quick child: HB 752, *SB 5546, CH 324
Family or medical leave: SHB 565, 2SHB 565
Prenatal care program provided: 2SHB 477, HB 525, 2SSB 5452
Prenatal test laboratories licensed: SSB 5378

PREMARITAL AGREEMENT

Uniform premarital agreement act: HB 491, SB 5033

PRESIDENTIAL ELECTORS

Operating budget: *SHB 1221, CH 7 E1

PRESIDENTIAL PRIMARY

Preference primary: HB 547

PREVAILING WAGE

Labor and industries, compliance and investigation: *SHB 465, CH 172
Locality definition revised: HB 497
Required on out-of-state public contracts: HB 101
State agencies prohibited from renting, leasing, or purchasing new facilities unless contractor follows law: *SHB 95, CH 321

PRINTING

Colleges and universities, revisions: SHB 342, *SSB 5179, CH 72
OFM, private printing threshold: *SSB 5179, CH 72
Out-of-state printing facilities, awards of state contracts: HB 1164
Private printing, small jobs: SHB 342, *SSB 5179, CH 72
Public print jobs by private enterprise: HB 1149

PRISONERS/PRISONS (See also CORRECTIONS, DEPARTMENT OF; JAILS)

AIDS testing: HB 1112, HB 1219
Inmate work programs: HB 761

PRISONERS/PRISONS—cont.

Institutional industries program reorganized: SHB 1024

Jails, two-prisoner cells: HB 1130

PRIVACY

Adoption, information disclosure, procedures provided: HB 141

Drugs, wire-tapping, one-party consent law changed: HB 236, HB 446, HB 822,
SSB 5070

Drug-testing regulated: SHB 1063

Involuntary commitment procedures revised: *2SSB 5074, CH 439

Motor vehicle, disclosure of owner's name, prior written consent: HB 1218

Release of records, privacy and violation of privacy defined: *SHB 4, CH 403

Utility information, marketing of customer information regulated: SHB 244, HB 993,
SSB 5143

PRIVATE ACTIVITY BONDS

Ceiling, allocation: *SHB 739, CH 297

PRIVATE INVESTIGATORS

Licensing: HB 1079, SSB 5504

PRIVATE SCHOOLS

Buses, private students, public buses: HB 382, SSB 5334

Colleges and universities, grant program for needy students: HB 943

Colleges and universities, independent, state contracts for instructional services:
HB 387, SHB 1021

Teachers, certification modified: HB 27

Vocational schools, tuition recovery fund: SHB 1044, *SSB 5880, CH 459

Washington scholars award, waivers for independent colleges and universities:
SB 5558

PROBABLE CAUSE

Minors possessing or consuming alcohol, arrest without warrant: *SHB 42, CH 154

Traffic infractions, information from another officer: *SB 5062, CH 66

PROBATE (See also ESTATES)

Affidavit of debt owed to deceased, revenue claim notice: *SHB 489, CH 157

PRODUCT LIABILITY

Firearms or ammunition, grounds specified: HB 662

Motor vehicle warranties, enforcement provisions: SHB 703, *SSB 5502, CH 344

PRODUCTIVITY BOARD

Incentives for state employees modified: *HB 91, CH 387

PUBLIC ASSISTANCE (See also MEDICAL ASSISTANCE)

Alcoholism, drug addiction treatment, shelter program: *SHB 646, CH 406

Dental services for adults, funds provided: HB 1174

Family independence program established: *2SHB 448, CH 434

General assistance payment managers, drug, alcohol abusers, mentally ill: HB
849

Health care access act of 1987: *2SHB 477, CH 5 E1

Lifeline telephone service: SHB 518, *SB 5097, CH 229

Long-term study of public assistance recipients: HB 910, SSB 5132

Operating budget: *SHB 1221, CH 7 E1

Overpayment of benefits to vendors and recipients, recovery: *SHB 274, CH 283

Physicians liability limited for services to recipients: HB 1039

Rent payments directly to landlord, study, pilot project: SHB 932

SSI, pilot supplemental security income referral program: *SHB 665, CH 177

SSI, state supplement of federal cost-of-living adjustments limited: SSB 5723

PUBLIC BROADCASTING STATIONS

Funding providing: HB 679, *SSB 5285, CH 308

Operating budget: *SHB 1221, CH 7 E1

PUBLIC BROADCASTING STATIONS—cont.

State-wide video telecommunications network, study, operating budget: *SHB 1221, CH 7 E1

PUBLIC DISCLOSURE COMMISSION (See also CAMPAIGNS; ELECTIONS)

Advertising, false political advertising prohibited: SHB 657

Campaign financing reformed: HB 581

Contributions from persons outside of district: HJR 4216

Election campaign financing trust fund: HB 580

Financial, commercial information supplied by businesses during application for loans or program services, private: *SHB 324, CH 337

Lobbyists, reporting requirements, expenditures: *SHB 782, CH 423

Minority and women's business enterprises, disclosure of financial affairs: HB 334

Motor vehicle registration information, disclosure action to vehicle owner: *SHB 244, CH 299

Operating budget: *SHB 1221, CH 7 E1

PUBLIC EMPLOYEES RELATIONS COMMISSION

Operating budget: *SHB 1221, CH 7 E1

PUBLIC EMPLOYMENT REVIEW BOARD

Created: SHB 530

PUBLIC INDECENCY

Terms redefined: *SB 6012, CH 277

Warrantless arrests: HB 1019

PUBLIC LANDS, COMMISSIONER OF (See NATURAL RESOURCES, DEPARTMENT OF)**PUBLIC LANDS (See STATE LANDS; NATURAL RESOURCES, DEPARTMENT OF)****PUBLIC PURCHASES**

Competitive bidding, purchases without, threshold increased: SHB 123, *SSB 5180, CH 81

Institutions, purchasing contracts for health care programs: *SB 5161, CH 70

Printing, private for small jobs: SHB 342, *SSB 5179, CH 72

PUBLIC RECORDS

Commercial use prohibited: HB 842

Release of records, privacy and violation of privacy defined: *SHB 4, CH 403

PUBLIC UTILITIES (See also UTILITIES)

Annexation of territory, elections: SSB 6058

Billing errors, customer liability limited: HB 363, SSB 5572

Budgets, WUTC objection period extended, public service company budgets: HB 526, *SB 5069, CH 38

Cable television systems owned and operated by municipal entities as public utilities: HB 1182

Confidentiality of information filed with UTC: *SSB 5679, CH 107

Energy efficiency investments are acquisition: HB 214

Energy facility site evaluation, suspension of construction: SSB 5213

Energy improvements by utilities, tax credits or deductions allowed: HB 213

Joint public utilities authorized: HB 9

Privacy of utility information, marketing regulated: SHB 244, HB 993, SSB 5143

Public counsel office created: HB 528

Public utility and transportation corridors, repealing authority: HB 286

Securities, issuance by public service companies: *SB 5668, CH 106

Sewer and water, financing for replacement, rehabilitation, maintenance: HB 921

Tax reduction for cities limited, B & O tax: HB 951

Termination of utility service, revisions: *HB 992, CH 356

Unfair business practices, rates for unregulated activities: HB 967

PUBLIC UTILITY DISTRICTS

Annexation, service areas redefined: HB 1012, SSB 6058, *SHB 1012, CH 292
 Creation of local improvement districts, uniform procedure: HB 35

PUBLIC WORKS

Agencies, competitive bid and advertisement threshold modified: *SB 5522, CH 218
 Bids, threshold increased for competitive bid requirement: *SHB 186, CH 120
 Capital budget: *SHB 327, CH 6 E1
 Contracts, authorized retention percentage increased: HB 568
 Improvements, maintain, attract industry, response to growth: *SHB 743, CH 422
 Loans to municipal corporations, loan agreements and debtor/creditor obligations explained: HB 263, *SHB 263, CH 19
 Prequalification of contractors by municipalities: HB 864
 Real estate sales, excise tax, public works assistance account: *SSB 5911, CH 472
 Single craft or trade involved, street signalization or street lighting, exceptions to competitive bidding requirements: *SHB 186, CH 120
 Single-source purchases, services, or market conditions, direct negotiation: *SHB 186, CH 120
 Small works roster, threshold increased: HB 314, HB 1047, *SB 5522, CH 218

PUBLIC WORKS BOARD

Appropriations for projects recommended by public works board: *SSB 5022, CH 5
 CERB transferred to the PWB: HB 502

PUBLICATIONS

Requirements for agencies modified: *SHB 25, CH 505
 State publications distributed to legislature through state publications center: HB 577

PUGET ISLAND-WESTPORT FERRY

Revising the reimbursement formula: *SB 5159, CH 368

PUGET SOUND

Aquaculture, moratorium: HB 616
 Aquatic land dredged material disposal site account created: *2SSB 5501, CH 259
 Bottom trawling gear unlawful, Hood Canal, Puget Sound: SB 5422
 Everett home port, land conveyance for dredge spoils: SHB 745, *SSB 5604, CH 271
 Marine and ocean resources, joint committee created: HCR 4407, SHCR 4407, SCR 8406
 PSWQA, operating budget: *SHB 1221, CH 7 E1
 Puget Sound institute created: HB 1096
 Salmon net pens, EIS: HB 850
 Saltwater net pens, interim guidelines: SHB 40
 Saltwater net pens, local authority: SHB 40
 Secondary treatment, compliance schedules, local factors: HB 609, SHB 609
 Tributyltin, ban on salmon produced with: HJM 4018

PUYALLUP EXTENSION COMMUNITY COLLEGE

Capital budget: *SHB 327, CH 6 E1

QUEETS RIVER

Salmon, benefits study: *SHB 1221, CH 7 E1

RADAR DETECTORS

Ban: HB 762, HJM 4008

RADIOACTIVE WASTES (See HAZARDOUS MATERIALS)**RADIOLOGICAL TECHNOLOGISTS**

Certifying: SSB 5064, *SHB 134, CH 412

RADIOS

- Ham radio operators, lease of state lands authorized: SSB 5055
- Local public broadcasting funding: HB 679
- Public broadcasting funding: *SSB 5285, CH 308

RAILROADS

- Acquisition by WSDOT, railroads are abandoned: HB 1196
- Caboosless trains: HB 371
- Essential rail bank account: HB 1196 SSB 5391
- First aid training, engineers, conductors, and yard foremen: HB 370
- Fund transfer, grade crossing protective fund to motor vehicle fund: *HB 1123, CH 257
- Locomotives, facilities for comfort, health and safety: HB 500
- Public utility and transportation corridors, repealing authority: HB 286
- Rail development account: *HB 1034, CH 428
- Rail development commission created: *SHB 1035, CH 429
- Rail development commission, transportation budget: *SSB 6076, CH 10 E1
- Short-line railroads, proof of financial responsibility: HB 369
- Short-line railroads regulated: HB 368

REAL PROPERTY

- Affidavits, real estate tax affidavits: HB 126
- Appraisals, certified, requirements established: HB 34, HB 1109
- Broker's trust account board created: *2SHB 164, CH 513
- Condominium definition includes parking stalls: HB 1092, *SSB 5825, CH 383
- Condominiums, revisions to plans that must be filed: *SSB 5825, CH 383
- Condominiums, horizontal property act: *SSB 5825, CH 383
- Conveyance tax collection procedures modified: SHB 208
- Current use valuation: HB 888
- Discriminatory covenants, procedure to remove from deeds: *SSB 5371, CH 56
- Foreclosure, class of restricted buyers modified: SB 5054
- Homestead exemption and award in lieu increased: SB 5531
- Homestead, foreclosure, fair value, upset price provisions deleted: SB 5500
- Judgments, enforcement revised: *SHB 927, CH 442
- Land development act revised: HB 789
- Mortgage broker registration act: HB 336
- Mortgage brokers regulated via mortgage brokers practices act: *SHB 80, CH 391
- Mortgage brokers regulated via state board of registration: HB 266
- Plat approval, administrative approval process modified: *SHB 116, CH 354
- Plat approval, rectification of boundary discrepancies: SB 5040
- Plats, vacation and alteration, procedures provided: SHB 118
- Real estate broker accounts, fund housing trust fund: *2SHB 164, CH 513
- Real estate brokers, agent's commission: HB 1118
- Real estate excise tax proceeds to conservation area account and public works assistance account: *SSB 5911, CH 472
- Real estate licenses, DOL authority modified: HB 592, *SSB 5510, CH 332
- Real estate licenses, higher education program: HB 592, *SSB 5510, CH 332
- Real estate licenses, inactive, state employees: *HB 435, CH 514
- Real estate, regulation increase, process: *HB 435, CH 514
- Real estate sales excise tax, additional time period for payment: HB 343
- Rule against perpetuities, statutory rule provided: HB 105
- Short plats, revisions allowed within 5 year period: *SB 5822, CH 92
- Timeshares regulated: *SHB 790, CH 370
- Vesting of real property permit rights: HB 185, HB 428, *SSB 5519, CH 104

RECORDS (See also PUBLIC DISCLOSURE)

- Criminal history records act: HB 104
- State employees, untrue information expunged from records: HB 893

RECREATION

Nonprofit organizations, money received for camping, conferences, recreational services, tax exempt: HB 597, SSB 6002

Winter recreation commission reestablished: *SSB 5081, CH 526

RECYCLING

Contracts, garbage collection, provide for recycling: HB 1248

Dangerous wastes, exchange between industries: HB 332, SHB 332

Garbage and refuse companies must let people recycle: HB 1246

Incineration contracts conditioned on waste reduction through recycling: HB 1245

Litter assessment increased, recyclables exempted: HB 1247

Litter control program, ecology youth corps: SHB 793

Local comprehensive solid waste plans: HB 1244

Multimaterial recycling encouraged: SHB 793

Paper products, recycled, priority for state use: HB 514, SSB 5376

Plastic beverage containers prohibited: HB 606

Pollution prevention pays program, hazardous waste reduction and recycling:

*SB 6085, CH 2 E3

Public and private balance: HB 793, SHB 793

Transfer stations, siting revised: HB 1253

Used oil: HB 74

REFERENDUM 41

Challenging the delegation of authority to create money: *SB 5444, CH 246

REFUSE COLLECTION BUSINESSES

B & O tax clarified: HB 206, HB 916

Contracts, garbage collection, recycling: HB 1248

Recycling must be allowed by company: HB 1246

REGIONAL HEALTH COUNCILS

Created, monitor effects of health care financing and delivery at local levels: HB 837

RENT

Mobile home rental space availability, senior citizen impact: SB 5076

Multiple-unit downtown area housing, property tax exemption: SHB 968

Public assistance, rent payments to landlords: SHB 932

Rehabilitated residential rental property, limited tax exemption: SHB 969

REPORTS (See also PUBLIC DISCLOSURE COMMISSION)

Agencies, publication requirements modified: *SHB 25, CH 505

Developmentally disabled persons, report of abuse required: *SHB 153, CH 206

Government misconduct reports by public employees, protection: HB 1082

Protection, employees reporting improper activity to legislators: SSB 5031

RESEARCH AND DEVELOPMENT

Tax deferral, program extended: HB 1161

Tax exemption, equipment: HB 1150

RESPIRATORY CARE PRACTITIONERS

Regulating, advisory care committee established: *SHB 767, CH 415

RESPIRE CARE

DSHS report, cost-comparisons: *2SSB 5453, CH 409

Licensing: SSB 5404

Long-term care services, enhanced: SHB 524, *2SSB 5453, CH 409

Revisions of DSHS authority: *2SSB 5453, CH 409

RETIREMENT AND PENSIONS

Actuarially equivalent options revised: *HB 1067, CH 143

Boards, committees, commissions, credit provisions revised: *HB 406, CH 146

City employees' retirement system, transfer of service credit: *HB 10, CH 417

Community colleges, part-time teachers: HB 466, *SHB 1128, CH 265

RETIREMENT AND PENSIONS—cont.

- Cost-of-living adjustments: HB 724, HB 1104
- Cost-of-living adjustments, TRS and PERS: HB 442, HB 705, *SB 5380, CH 455
- Cost-of-living adjustments, \$14 per month minimum: HB 1091
- Deferred annuities, teachers: HB 802
- Execution, attachment, seizure, pension money, other employee benefits exempt, exceptions: *SB 5080, CH 64
- Firefighters, city pension fund levy limitation for certain annexations: *HB 772, CH 319
- Higher education, leaves of absence: *SB 5483, CH 448
- Higher education, supplemental pension benefits: SHB 63
- Institutions, early retirement, state-operated institutions provided for: HB 299
- Judicial retirement provisions revised: HB 216, SHB 359
- LEOFF, directors of public safety included: *SHB 47, CH 418
- LEOFF, local responsibility transferred to state, firefighters pension fund created: HB 620
- Local elected officials, restoration of withdrawn contributions: *SB 5402, CH 88
- Local elected officials, retirement provisions revised: *SHB 440, CH 379
- Maintenance, mandatory assignment of divided benefit payments: SHB 472, *SSB 5511, CH 326
- Military benefits, community property distribution, modification of judgments: HB 538
- Military retirement pay, community property: SSB 5278
- Military service, revising credit determination: HB 320
- Operating budget: *SHB 1221, CH 7 E1
- Optional public retirement allowances revised: HB 441
- Overpayment of benefits: *HB 3, CH 490
- PERS, cost-of-living adjustments: HB 442, HB 443, *SB 5380, CH 455
- PERS, duty disability retirement recipients: *HB 865, CH 118
- PERS I, limited service credit, authorized leaves of absence: HB 1163
- PERS II, aligning certain provisions with PERS I: HB 319
- PERS service credit, restoration, certain educational employees: HB 1203
- Policy, joint committee on pension policy: SB 5359, *HB 358, CH 25
- Political committee dues, deductions from retirement allowance authorized: SHB 632
- Portability: HB 271, *SSB 5150, CH 192
- Restoration of pre-1977 contributions to returnees: *SSB 5512, CH 384
- School bus drivers employed by contract, retirement benefits: HB 1198
- School district employees, service credit for prior service, retroactive: *SHB 424, CH 136
- Schools, former employees on contract: SSB 6001
- State patrol, interest rate: *SB 5513, CH 215
- State patrol memorial fund, deductions from retirement allowance: HB 531, *SB 5418, CH 63
- State patrol, restoration: *SB 5513, CH 215
- State patrol, retirement allowance, surviving spouses: *HB 248, CH 173
- Teachers, cost-of-living adjustments: HB 442, HB 443, *SB 5380, CH 455
- Teachers, increasing benefits for those not receiving social security: SHB 1070
- Teachers, military service, out-of-state teaching service, retirement credit: HB 176
- Teachers, retired teachers, teach 90 days before benefits reduced: HB 360
- Teachers' retirement allowance adjustments: HB 583, HB 584
- Teachers, special early retirement: HB 556
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- Unfunded system liability, revisions: SB 5579

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Diversify economy: *SHB 1132, CH 501

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Indian tideland and river bed claims: HB 997, SSB 5973

Scenic river systems, committee membership modified: *SB 5536, CH 57

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Approach roads on state rights of way: HB 398, *SB 5735, CH 227

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County road fund diversions, revisions: HB 986

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Future, transportation in the future symposium sponsored: HCR 4411

Horses, red warning lights for horses, mules, and ponies: HB 1008

Improvement projects, DOT/ real estate owners, financing: *HB 395, CH 261

Improvement projects, rights of way donations: HB 397, *SB 5732, CH 267

Improvements, maintain and attract industry, in response to growth: *SHB 743, CH 422

I-90, freeway access ramps to central district: HB 17

Kennels, information panels on highway signs: HB 1116

Limited access facilities, requirements altered: *SB 5416, CH 200

Model traffic ordinance updated: *SB 5034, CH 30

Motor vehicle fund uses, chip-sealing, seal-coating: *HB 825, CH 234

Oversize load permittees, allowing smaller loads: HB 977

Pilot program, road and maintenance project costs: *SHB 1160, CH 424

Prequalification of highway contractors: HB 1122

Priority programming modified, category h: *HB 352, CH 179

Radioactive wastes, port of entry: SSB 5222, *SHB 385, CH 86

SR 161 designated as enchanted parkway: *SB 5666, CH 520

State routes updated: *SB 5413, CH 199

Surface transportation assistance act: *HJM 4000

Transportation benefit board, cooperation between public and private sectors: HB 394, SB 5731

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State folk song designated: *SSB 5081, CH 526

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Rural businesses, economic development and marketing needs: SHB 1189

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Divestment, public pension funds, banks and businesses with connections to USSR:
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ating budget: *SHB 1221, CH 7 E1
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Queets River, benefits study, operating budget: *SHB 1221, CH 7 E1
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- LEAP study, state-wide reporting system, operating budget: *SHB 1221, CH 7 E1
- Learning assistance program: 2SHB 728, *SSB 5632, CH 478
- Learning disabilities, curriculum-based assessment procedures: *SHB 325, CH 398
- Levies, additional regular property tax levy authorized: HB 78, SHB 889, HJR 4215
- Levies, base year levy percentage reduction, incremental reduction modified: HB 726
- Loan program for teachers: HB 386, SB 5937
- Master teacher recognition program, paid leave: HB 946
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- Nonresident districts, student requests for transfer: HB 331
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- Pay equity and job analysis assessment project: HB 178
- Primary block education programs: SSB 5479
- Principals, preparation program: SHB 457, HB 727, *SSB 5479, CH 525
- Private school teachers, certification modified: HB 27
- Provisional certificated employees, evaluation: HB 945, HB 1188
- Quality instruction incentive program: HB 513
- Readiness to learn program: *2SHB 456, CH 518
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- Retirement benefits, bus drivers employed by contract: HB 1198
- Retirement benefits, those not receiving federal old age or disability benefits: HB 1139
- Retirement, cost-of-living adjustments: *SB 5380, CH 455
- Retirement credit for employees, PERS, prior service, retroactive: HB 176, *SHB 424, CH 136
- Retirement, early, provided for: HB 556
- Retirement, part-time teachers revised: HB 466, *SHB 1128, CH 265
- Retirement, retired teachers, teach 90 days before benefits reduced: HB 360
- Sabbaticals for teachers: HB 38
- Salaries, major revisions: *2SHB 455, CH 2 E1
- Salaries, operating budget: *SHB 1221, CH 7 E1
- Salaries, teachers, appropriation modified: *HB 1264, CH 1 E3
- Salary increases, food service workers: HB 1178
- Salary increases, above state level, responsibility of the districts: HB 133
- School involvement program, community, private businesses, public support: *2SHB 456, CH 518
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- Small districts, criteria to remain separate districts: HB 252
- Smoking by students and staff prohibited: SHB 875, HB 1042
- Spouses in 2nd class districts may be hired 1/2 time: SB 5480
- Staff ratios revised: *2SHB 455, CH 2 E1
- Student teacher ratio: HB 241, HB 731, HB 775
- Student teacher supervision program: HB 180
- Task force on schools for 21st century: *SSB 5479, CH 525
- Tax exemption, personal property donated for instructional purposes: SHB 456
- Taxes, additional tax: *SHB 1197, CH 413
- Teacher certification, other states' methods, reciprocity: *SB 5433, CH 40
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- Teacher preparation, exit examination from college: HB 485, *SSB 5479, CH 525
- Teacher training in economics: HB 1121
- Teacher visitation pilot program created: HB 229
- Teachers, administrators, standards review program: *SB 5247, CH 39
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- Teachers, in-service training, drug and alcohol abuse: HB 600
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- Teachers, pilot program to enhance student teaching: SB 5152
- Teachers, professional teacher preparation degree program: SHB 457, HB 727, *SSB 5479, CH 525
- Teachers, recruitment from underrepresented groups, SPI pilot program, grants: HB 730, SB 5631
- Telecommunications network: *SSB 5977, CH 279
- Training requirements, teacher's aide experience, credits: *SHB 982, CH 464
- Transportation contracts, competitive bidding: SB 5662, *HB 827, CH 141
- Tuition endowment fund, incentive to complete high school: SHB 650
- Voter registration programs in high school: SHB 804
- Wellness program pilot project, school employees: HB 821
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- Banned from state highways, eradication program, transportation budget: *SSB 6076, CH 10 E1

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- Commission created: HB 19

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- Insurance rates, safety belts and passive restraint usage: HB 81, HB 920, *SSB 5113, CH 310

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- First avenue south bridge, study, revenue bonds authorized: *SB 5129, CH 510
- I-90, freeway access ramps to central district: HB 17

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- Discharge permits, monitoring power, administrative revision: SHB 447
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- Nonprofit corporations and charities, study, correlate with federal income exemption: *SSB 5717, CH 190
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- Voter registration, informational package regarding registration: HB 674

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 Claims, self-insurers may select physicians to examine claimants: HB 155, SB 5282
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Bogs, marshes, and swamps included in wetland and shoreline definition: HB 948

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Kennels, information panels on highway signs: HB 1116

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- Supplemental security income referral pilot project: *SHB 1221, CH 7 E1

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- DNR lands, certain transferred to parks and recreation commission: SHB 550

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- Compliance with local solid waste management plans, businesses regulated by WUTC: *SHB 238, CH 239
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- Drinking water near landfills, monitoring and filtration: HB 285
- Incinerators in unincorporated areas, conditional use permits: SHB 1053
- Landfills restricted for use in 1992: SHB 509
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 Child abuse and neglect, primary prevention program: *2SSB 5252, CH 489
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- Hops shipped out of state, tax exempt: HB 1146, *SSB 6033, CH 495
- Multiple activities, interstate and intrastate, modifications: *SB 6078, CH 3 E2
- Nonprofit organizations, money received for camping, conferences, recreational services, tax exempt: HB 597, SSB 6002
- Pearl barley manufacturing tax lowered: SB 5169, *HB 66, CH 139
- Refuse collection business clarified: HB 206, HB 916
- Reporting and taxation system, unified system for business identification, reporting, compliance: *HB 148, CH 111
- Seed conditioning, exempting seed for out-of-state sales from tax: SB 5183, *HB 67, CH 493
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- Tourism, public funds received by nonprofits, tax exempt: HB 429, SB 5521
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- Comprehensive excise tax revisions: HB 820
- Hotel/motel tax, revisions: HB 1145
- Idaho residents working in bordering Washington counties: SB 5956
- Low-income housing owned by public corporations, exempt from excise tax: HB 284, *HB 1137, CH 282
- Saltwater net pens, taxing: HB 54

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- Common carriers who cross state lines, tax revisions requested: SSJM 8012
- Fraternal benefit societies, discrimination precludes society from tax exemptions: SB 5411, *HB 432, CH 366
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- Gross income tax, revenues dedicated to childrens' programs and services: HB 926
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- New system created: HJR 4206
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- Irrigation systems, classified as real or personal: *HB 772, CH 319
- Junior taxing districts, order of reduction as necessary to meet statutory levy limitations: SHB 166, HB 1138, *HB 1185, CH 255
- Kidney dialysis, outpatient facilities, tax exempt: *SB 5009, CH 31
- Library district levy: SHJR 4201
- Limitations revised regarding county classification: HB 350
- Low-income housing, lower property tax: SB 5321
- Low-income housing, owned by public corporations, exempt from excise tax: HB 284, *HB 1137, CH 282
- Mobile homes, collection of taxes, clarification: *HB 44, CH 155

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- Overpayment of taxes, counties may credit to other tax years: HB 895
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- Student loan guarantee agencies, tax exemption: *HB 1090, CH 433
- Taxing districts may withdraw areas from their boundaries: HB 1186
- Unconventional heating, cooling, or electrical systems, valuation provisions extended: HB 211
- Valuation appeal, process modified: HB 539
- Valuation dispute, subject to appeal, extension and collection of taxes modified: *HB 96, CH 156

TAXES - SALES

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- Comprehensive excise tax revisions: HB 820
- Diesel fuel, commercial fishing vessel, exempt from sales/use tax: *HB 628, CH 494
- Distribution of sales/use tax to counties/cities, monthly basis: HB 333, HB 637
- Donations of personal property to schools and colleges, instructional purposes, tax exemption: SHB 456
- Ferry fuel, sales and use tax exempt: HB 181
- Food stamp purchases, tax exemption extended to food stamp eligible foods: SB 5267, *HB 282, CH 28
- Medical care, free, exempting from tax items used: HB 423
- Military bases, remove prohibition on sales tax: HJM 4020
- Mobile homes, collection by dealers and agents: *SSB 5858, CH 89
- Nonprofit organizations, money received for camping, conferences, recreational services, tax exempt: HB 597, SSB 6002
- Real estate sales excise tax, additional time period for payment: HB 343
- Research and development, tax exemption for equipment: HB 1150
- Ride-sharing, sales and use tax exemption extended: HB 212
- Services, major revision of excise taxes: SHB 404
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For hire vehicle definition and licensing revised: HB 708

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Information services department created: HB 562, *2SSB 5555, CH 504

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Infrastructure planning, WUTC to develop a data base: HB 323

Joint select committee on telecommunications extended: *HCR 4401

Long distance services, consumer disclosure: HB 79

Mandatory local measure telephone service, revisions: SHB 458, *SB 5097, CH 229

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TELEPHONES

Drugs, wire-tapping, one-party consent law changed: HB 236, HB 446, HB 822, SSB 5070

Hearing impaired access: *2SHB 221, CH 304

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Business assistance center, reporting system, operating budget: *SHB 1221, CH 7 E1
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Capital projects office, assist businesses in international competition: SB 5832
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TRAFFIC SAFETY COMMISSION

Transportation budget: *SSB 6076, CH 10 E1

TRANSPORTATION BUDGET

- Adopted: SHB 427, *SSB 6076, CH 10 E1
- Aeronautics: *SSB 6076, CH 10 E1
- Capital facilities needs study: *SSB 6076, CH 10 E1
- Economic importance of attracting new development: *SSB 6076, CH 10 E1 (197)
- Improvements necessitated by planned economic development: *SSB 6076, CH 10 E1
- Minority workers, on-the-job training programs: *SSB 6076, CH 10 E1
- Noise abatement: *SSB 6076, CH 10 E1
- Portage bay bridge widening: *SSB 6076, CH 10 E1
- Recreational vehicle sanitary disposal systems: *SSB 6076, CH 10 E1
- Scotch broom banned, eradication program participation: *SSB 6076, CH 10 E1
- Search and rescue: *SSB 6076, CH 10 E1
- Seasonal cash shortfalls, interfund loans: *SSB 6076, CH 10 E1
- Snow and ice control study: *SSB 6076, CH 10 E1
- Supplemental transportation budget: *SSB 5456, CH 270

TRANSPORTATION, DEPARTMENT OF (See also FERRIES)

- Advertising, on-premise sign restriction: HB 219
- Agricultural product, marketing, public highways: HB 8
- Agricultural products, highway advertising controls revised: *SSB 5123, CH 469
- Aircraft registration, excise tax collection responsibility to WSDOT: *HB 403, CH 220
- Approach roads on rights of way, permit process revised: HB 398
- Approach roads on state rights of way, construction permit standards revised: *SB 5735, CH 227
- Appropriation, alleviate negative impact of no federal funding: SSB 6020
- Budget adopted: SHB 427, *SSB 6076, CH 10 E1
- Budget, supplemental budget: *SSB 5456, CH 270
- Capital budget: *SHB 327, CH 6 E1
- Consultants, planners, technical staff, retained by commission: *HB 338, CH 364
- Diamond lanes: HB 224 HB 494
- Ferry employees, salary survey comparison, public and private employees: SHB 175
- Ferry system funding, ferry revenues and motor vehicle funds: HB 308
- Future, transportation in future symposium sponsored: HCR 4411
- Improvement projects, participate with real estate owners in financing: *HB 395, CH 261
- Improvements, maintain, attract industry, in response to growth: *SHB 743, CH 422
- I-90, freeway access ramps to central district: HB 17
- Kennels, information panels on highway signs: HB 1116
- Limited access facilities, requirements altered: *SB 5416, CH 200
- Maple street toll bridge: SHB 859
- Model traffic ordinance updated: *SB 5034, CH 30
- Oversize load permittees, allowing smaller loads: HB 977
- Pilotage commissioner board duties, transferring to WSDOT: HB 818
- Prequalification of highway contractors: HB 1122
- Priority programming modified, category h: *HB 352, CH 179
- Rights of way, donations encouraged for transportation improvements: HB 397, *SB 5732, CH 267
- Rights of way, vesting in city or town: *SB 5415, CH 68
- SR 161 designated as enchanted parkway: *SB 5666, CH 520
- State routes updated: *SB 5413, CH 199
- Transportation benefit board created, enhance cooperation between public and private sectors: HB 394, SB 5731

TRI-CITIES

- Diversify economy: *SHB 1132, CH 501

TROPHY HUNTING

- Elk: HB 1166

TROPHY HUNTING—cont.

Trophy hunting, post-mature males from special herds: *2SHB 758, CH 506

TRUCKING

Motor freight carriers, regulating: HB 267

Motor freight carriers, UTC safety regulation jurisdiction removed: HB 615

Trucking regulations, reduce duplication: *SCR 8408

TRUCKS

Dormant trucking authorities, restricting protests: HB 1191

Duplication reduced, trucking regulation and enforcement: HCR 4408

Hazardous materials, special training for drivers: HB 801

Loads escaping, liability: HB 1073

Oversize load permittees, allowing smaller loads: HB 977

Overweight trucks, exempting when scales are inaccessible: HB 704

Parcel transportation, small vehicles and parcels, deregulating: HB 1193

Truck weight, safety regulation, consolidated in state patrol: HB 1152

TRUSTS

Income tax, 1% gross income tax on corporations, estates, individuals, and trusts:
HB 623

Tuition trust fund, baccalaureate education system trust: HB 317

TWIN FALLS TRUST PROPERTY

DNR lands, certain transferred to parks and recreation commission: SHB 550

UNDERWATER NAVAL WARFARE MUSEUM

Capital budget: *SHB 327, CH 6 E1

UNEMPLOYMENT

Local reemployment centers: HB 913, 2SSB 5441

Local reemployment centers, operating budget: *SHB 1221, CH 7 E1

Services for unemployed, funding: *SHB 656, CH 171

Study of underemployment by DCD: SHB 1155

Timber industry employment, jobs in new industries: SHB 811

UNEMPLOYMENT COMPENSATION (See also WORK)

Agriculture labor covered: HB 655

Appeal time extended: *SB 5410, CH 61

Backpay, benefit impact: SHB 653

Base years, benefit years, modifications: HB 914, *SSB 5232, CH 278

Benefit year, requirements for establishment altered: *SSB 5392, CH 256

Claims, retaliation by employer for claims prohibited: HB 36

Contribution rate tax schedule modified: *SHB 656, CH 171

Experience rating, employee contributions: *HB 654, CH 213

Health care access act of 1987: *2SHB 477, CH 5 E1

Lockouts, conditions: HB 923

Lockouts, offensive lockouts, unemployment authorized: HB 372

Lockouts, unemployment compensation, nondisqualifying lockout: *SHB 445, CH 2

Multiple employers, provisions revised: SSB 5436

Overpayments, procedures and penalties modified: SHB 653

Predecessor-successor employer contribution rates: SB 5294

Reporting and taxation system, unified system: *HB 148, CH 111

UNICAMERAL LEGISLATURE

Establishing: HJR 4217

UNIFIED BUSINESS IDENTIFICATION

Authority: *HB 148, CH 111

Governor's operating budget: *SHB 1221, CH 7 E1

UNIFORM COMMERCIAL CODE

Fees revised: *SB 5194, CH 189

Leases, amending the UCC on leases: HB 384

UNIFORM DISCIPLINARY ACT

Revisions, jurisdiction, unlicensed practice: *SHB 563, CH 150

UNIFORM LAWS

Criminal history records act: HB 104
 Dormant mineral interest act: HB 108
 Fraudulent transfer act: *HB 94, CH 444
 Insanity defense and post-trial disposition: HB 107
 Model traffic ordinance: *SB 5034, CH 30
 Premarital agreement act: HB 491, SB 5033
 Statutory will act: HB 106

UNIFORM LEGISLATION COMMISSION

Operating budget: *SHB 1221, CH 7 E1

UNION STATION

Capital budget: *SHB 327, CH 6 E1

UNIVERSITY OF WASHINGTON

Capital budget: *SHB 327, CH 6 E1
 Center for participatory management created: HB 575
 Child day care, operating budget: *SHB 1221, CH 7 E1
 Day care for employees: SHB 605, SSB 5682
 Gifted students attending UW, support: HB 901
 Highly capable students, early college entrance: *2SHB 456, CH 518
 Laboratory equipment donated, maintenance matching funds: SHB 1001
 Mediation, committee created, natural resource disputes: SHB 12
 Metropolitan tract, revenue bonds, capital projects: HB 519, SB 5437
 Oil and mineral exploration off coast, study, operating budget: *SHB 1221, CH 7 E1
 Operating budget: *SHB 1221, CH 7 E1
 Puget Sound institute created: HB 1096
 Revenue bonds, capital projects: HB 519, SB 5437
 Rural health office established: HB 824
 Video display terminals, study, health and safety hazards, operating budget: *SHB 1221, CH 7 E1

URANIUM/THORIUM MILLS

Regarding collection of charges: *HB 843, CH 184

URBAN ARTERIAL BOARD

Renamed transportation improvement board: SHB 1037
 Transportation budget: *SSB 6076, CH 10 E1
 Urban arterial trust fund, apportionment provisions revised: *HB 748, CH 360

UTILITIES

Cable television systems, owned and operated as public utilities: HB 1182
 Combined utility systems authorized: *SHB 9, CH 18
 Double amendment to RCW 35.92.070 corrected: *HB 545, CH 145
 Energy efficiency investments are acquisition: HB 214
 Energy improvements by utilities, tax credits or deductions: HB 213
 Privacy of utility information, marketing of customer information regulated: SHB 244, HB 993, SSB 5143
 Public utility and transportation corridors, repealing authority: HB 286
 Public utility billing errors, customer liability limited: HB 363, SSB 5572
 Securities, issuance by public service companies: *SB 5668, CH 106
 Termination of utility service, revisions: *HB 992, CH 356

UTILITIES AND TRANSPORTATION COMMISSION

Budgets, WUTC objection period extended for review of public service company budgets: HB 526, *SB 5069, CH 38
 Confidentiality of information filed with UTC: *SSB 5679, CH 107
 Dormant trucking authorities, restricting protests: HB 1191

UTILITIES AND TRANSPORTATION COMMISSION—cont.

Energy facility site evaluation, suspension of construction: SSB 5213
 Mandatory local measure telephone service, revisions: SHB 458, *SB 5097, CH 229
 Motor freight carriers, regulating: HB 267
 Motor freight carriers, UTC safety regulation jurisdiction removed: HB 615
 Operating budget: *SHB 1221, CH 7 E1
 Parcel transportation, small vehicles and parcels, deregulating: HB 1193
 Permits, action after notice and hearing: *HB 250, CH 209
 Public counsel office created: HB 528
 Refuse companies, regulating authority to counties: HB 356
 Solid waste management, compliance with local plans required of businesses regulated by WUTC: *SHB 238, CH 239
 Telecommunications infrastructure, study: HB 323, *SHB 373, CH 293
 Weekly docket hearings authorized: HB 1192

UTILITY LOCAL IMPROVEMENT DISTRICTS

Creation, public hearing: *HB 86, CH 315
 Forced signing of petitions prohibited: SB 5307
 Improvements limited: HB 553, *SSB 5520, CH 340
 Sewer or water facilities, finance, notice modified: *HB 86, CH 315

VANPOOLS

Revisions: *HB 559, CH 175

VETERANS

Advisory committee membership increased: HB 1120, *SB 5403, CH 59
 Assault of institutional care employees, reimbursement: HB 307, *SSB 5288, CH 102
 Capital budget: *SHB 327, CH 6 E1
 Definition of veteran revised: HB 303, HB 1148, SSB 5292
 Honorable discharge, recording by county auditor, revisions: HB 128
 Hunting and fishing licenses, disabled veterans and POWS: HB 619
 Institutions, purchasing contracts for health care programs: *SB 5161, CH 70
 License plates, spouses of deceased POWS: *SSB 5047, CH 98
 License plates, veteran plates: HB 401
 MIAs, asking congress to discover location: HJM 4002
 Operating budget: *SHB 1221, CH 7 E1
 Retired veterans, employment preference modified: HB 1148, SSB 5292
 Walla Walla medical center, full service center: *SJM 8017

VETERINARIANS

Livestock liens, possession of livestock until lien expires: *SB 5976, CH 233
 Veterinary biologics, sale, distribution, use regulated: *HB 374, CH 163

VICTIMS/WITNESSES OF CRIMES

Benefit thresholds: SHB 710, SSB 5634, *SB 5172, CH 281
 Constitutional rights of victims, trial rights: HJM 4011
 Counseling included in restitution: HB 884, *SB 5172, CH 281
 Funding modified: HB 884, *SB 5172, CH 281
 Motor vehicle victims, compensation revisions: SHB 710, SSB 5634, *SB 5172, CH 281, SSB 5634
 Rights of victims, survivors of victims, witnesses revised: HB 540 E1

VIDEO DISPLAY TERMINALS

Study, UW, health and safety hazards of video display terminals, operating budget: *SHB 1221, CH 7 E1
 Work conditions, L & I to regulate: 2SHB 375

VISITATION

Child custody or visitation disputes, mediation: HB 228, HB 535
 Custodial interference statute: SSB 5088
 Interference prohibited: HB 416
 Mediating certificate: HB 493, HB 535

VITAL RECORDS .

Fees modified, state registrar duty revisions: *SHB 258, CH 223

Vital statistics advisory committee created: SHB 834

VOCATIONAL EDUCATION

Curriculum, model curriculum guidelines: *SB 5248, CH 197

Educational services office created, advisory board established: SHB 451

Industrial arts service areas within SPI: HB 720

Model vocational programs, demonstrations, operating budget: *SHB 1221, CH 7 E1

Operating budget, functions of commission: *SHB 1221, CH 7 E1

Private schools, tuition recovery fund: SHB 1044, *SSB 5880, CH 459

Reconstituting and changing commission: HB 696

Schools, capital projects, vocational technical institutes: HB 1197

Student teacher ratio revised: HB 412, SB 5263

Vocational excellence award recipients, tuition and fee waivers: SB 5203, *SHB 138, CH 231

Vocational technology center, public nonprofit corporation to be formed by governor: *SB 5996, CH 492

VOCATIONAL REHABILITATION

Joint select committee established: HCR 4405

VOCATIONAL TECHNOLOGY CENTER

Capital budget: *SHB 327, CH 6 E1

VOLUNTEER FIRE FIGHTERS

DNR liability limited: SSB 5311

Immunity, revisions: *SSB 6048, CH 212

Operating budget: *SHB 1221, CH 7 E1

Respiratory disease, occupationally related: *SSB 5801, CH 515

VOLUNTEERS

Citizen assessment, public information volunteer staff within DCD: HB 340

Public disclosure, addresses and telephone numbers are private: HB 244, *SSB 5143, CH 404

School involvement program, volunteer program: SHB 456

VOTING (See also ELECTIONS)

Absentee voters, uniformity and clarity: *SHB 614, CH 346

Canvassing and recount procedures revised: *SSB 5045, CH 54

Challenges, voter challenge procedures revised: *SHB 291, CH 288

Employers ensure employees have time to vote: HB 874, *SB 5693, CH 296

Registration by mail: HB 253, SHB 554

Registration, invalid, county auditor: *SHB 773, CH 359

Registration periods, revisions: SHB 22, HB 192

Registration programs in high schools: SHB 804

Restoration of civil rights: SHB 757

Voter registration, secretary of state, informational package: HB 674

WAGES (See also PREVAILING WAGE)

Agriculture workers, wage and hour laws: HB 444

Backpay, unemployment compensation benefit impact: SHB 653

Labor and industries, compliance and investigations: *SHB 465, CH 172

Minimum wage tied to federal poverty level: SHB 709

Nursing home services, minimum wage adjustments: *2SHB 1006, CH 476

Nursing homes, appropriation for wages and benefits enhancements: *HB 1260, CH 1 E2

Operating budget, wage increase for certain DSHS services: *SHB 1221, CH 7 E1

Study, minimum wage of 90% of federal poverty level: *SHB 1221, CH 7 E1

Tips, wages only for income tax purposes: HB 461

WALLACE FALLS TRUST PROPERTY

DNR lands, certain transferred to parks and recreation commission: SHB 550

WAREHOUSES

B & O tax: HB 917

Grain indemnity fund created: HB 1125, *SB 5571, CH 509

WARRANTIES

Motor vehicles, enforcement provisions: SHB 703, *SSB 5502, CH 344

New motor vehicle arbitration board established: SHB 703, *SSB 5502, CH 344

WASHINGTON SCHOLAR'S AWARD

Tuition and fee waivers: SB 5558, *SB 5110, CH 465

WASHINGTON STATE HISTORICAL SOCIETY

Capital budget: *SHB 327, CH 6 E1

Magnificent voyagers exhibit, operating budget: *SHB 1221, CH 7 E1

Operating budget: *SHB 1221, CH 7 E1

WASHINGTON STATE UNIVERSITY

Capital budget: *SHB 327, CH 6 E1

Horse racing, drug education program: HB 18

Laboratory equipment donated, maintenance matching funds: SHB 1001

Operating budget: *SHB 1221, CH 7 E1

Rural health office established: HB 824

Wine and grape research, liquor revolving fund: SSB 5070, *HB 1228, CH 458

WASTE DISPOSAL

Incinerator residues, municipal wastes, classified special: *SSB 5570, CH 528

Radioactive waste, high-level, income tax on disposing waste: HB 357

Service agreements, financing provided: *SHB 523, CH 436

Site cleanup responsibility: *SB 6085, CH 2 E3

Waste water permits, incorporate conditions for methods to control toxics: *SHB 499, CH 500

WASTEWATER

Chehalis River, municipal discharge, credit for substances removed: *SHB 571, CH 399

Columbia River, municipal discharge, credit for substances removed: *SHB 571, CH 399

Cowlitz River, municipal discharge, credit for substances removed: *SHB 571, CH 399

Lewis River, municipal discharge, credit for substances removed: *SHB 571, CH 399

Permits, incorporate conditions for methods to control toxics: *SHB 499, CH 500

Secondary treatment, compliance schedules, local factors: SHB 609

Skagit River, municipal discharge, credit for substances removed: *SHB 571, CH 399

Testing laboratories, DOE to certify labs: *SHB 644, CH 481

Wastewater treatment facilities, certification of workers: *SHB 388, CH 357

WATER

Bogs, marshes, and swamps included in wetland and shoreline definition: HB 948

Discharge permits, monitoring power, administrative revisions: SHB 447

Domestic water suppliers, delinquent, receivership, provisions: SSB 5599

Drought forecast for 1987, planning: *2SSB 5993, CH 343

Hook up by county resident to city system authorized: HB 1077

Publicly owned sewer and potable water facilities, financing: HB 921

Violations of water pollution statutes: HB 516

Wastewater discharge requirements modified: HB 92

Well construction, reconstruction, and abandonment, penalties, license revisions: *SHB 231, CH 394

WATER DISTRICTS (See also IRRIGATION DISTRICTS)

Absent commissioner, replacement process: *SHB 2, CH 449
 Annexation of unincorporated contiguous area: *SHB 2, CH 449
 Board membership, increased, process created: *SHB 2, CH 449
 Canada adjacent to territory, contract authority: *SHB 2, CH 449
 Competitive bidding: HB 717, *SSB 5514, CH 309
 Connection charge repayment period lengthened: *SHB 2, CH 449
 Creation of local improvement districts, uniform procedure provided: HB 35
 Foreclosure, local improvement assessments: *SHB 2, CH 449
 Formation or reorganization, petition to specify proposed assessment: *SB 5019,
 CH 33
 Privately financed extensions, plans: *SSB 5514, CH 309
 Revenue bond authority, include other corporate purposes: *SHB 2, CH 449
 Sale of property, no purchasers for appraised value: SHB 97
 Street lighting creation decision, objection period shortened: *SHB 2, CH 449
 Transfer parts of district to adjacent district: *SHB 2, CH 449

WATER POLLUTION CONTROL FACILITIES

Financing provided: *SHB 523, CH 436
 Water quality account, extended grant payments: HB 1194

WATER QUALITY

Agriculture, nonpoint activity, procedures to investigate and remedy: SHB 543
 Agriculture products, protection from wastes: HB 1140
 Discharge permits, monitoring power, administrative revisions: SHB 447
 Drinking water, enforcement provisions: HB 285, HB 1054
 Everett home port, land conveyance for dredge spoils: SHB 745, *SSB 5604, CH
 271
 Hazardous waste disposal near ground water prohibited, setbacks established:
 HB 950
 Lewis River, revisions: *SHB 571, CH 399
 Liens, delinquent aquifer protection fees: *HB 1016, CH 381
 Metropolitan municipal corporation councils, pollution abatement modified: HB
 85
 Municipal discharge from treatment plant into certain specified rivers: SHB 571
 Paint, protect marine environment, educate on antifouling paints: HJM 4019
 Saltwater net pen facilities, licensing: HB 40
 Saltwater net pens, demonstration and study by DNR: SSB 5122
 Saltwater net pens, taxing: HB 54
 Secondary treatment, compliance schedules, local factors: SHB 609
 Service agreements, financing provided: *SHB 523, CH 436
 Skagit River, revisions: *SHB 571, CH 399
 Violations of water pollution statutes, class C felony: HB 516
 Wastewater discharge requirements modified: HB 92
 Wastewater permits, incorporate conditions for methods to control toxics: *SHB
 499, CH 500
 Wastewater treatment facilities, certification of workers: *SHB 388, CH 357
 Water quality account, extended grant payments: HB 1194
 Water quality account, percentage to state conservation commission: *HB 326,
 CH 527
 Water quality account, water pollution control facilities: *HB 1205, CH 516

WELLS

Construction, reconstruction, and abandonment, penalties, license revisions: *SHB
 231, CH 394

WESTERN LIBRARY NETWORK

Procedures modified, civil service exemptions provided: *HB 135, CH 389

WESTERN WASHINGTON UNIVERSITY

Capital budget: *SHB 327, CH 6 E1

WESTERN WASHINGTON UNIVERSITY—cont.

Educational attainment of students, value-added testing, operating budget: *SHB 1221, CH 7 E1

Operating budget: *SHB 1221, CH 7 E1

WESTPORT-PUGET ISLAND FERRY

Revising reimbursement formula: *SB 5159, CH 368

WILDLIFE

Arctic national wildlife refuge coastal plain, opened to exploitation: SJM 8015

Breeding of captive wildlife authorized: HB 1227

Cropping, killing, harvesting, management, and family life regulated: HB 1210

Department created, game department abolished: HB 817, HB 1169, HB 5251,
*2SHB 758, CH 506

Elk trophy hunting: HB 1166

Endangered species conservation act: 2SHB 210

Game ranching: HB 1168

Hunting of game animals, economic benefits, trophy hunting stressed: HB 1226

Scientific permits, scope of use of animals expanded: HB 1227

Trapping, placement on private property regulated: *SHB 542, CH 372

Trapping prohibited, private property, without written permission: SB 5938

Trophy hunting, post-mature males from special herds: *2SHB 758, CH 506

Wildlife management on private lands: HB 1167

WILLS

Affidavit of debt owed to deceased, revisions: *SHB 489, CH 157

Natural death act, revisions: HB 582

Personal representative's filing of receipts, retention period modified: *SHB 217,
CH 363

Premarital agreement act: HB 491, SB 5033

Statutory will act: HB 106

WINE

Fortified wine retailer's license: SHB 1066, *SHB 1158, CH 386

Poet laureate appointment authorized, wine salary granted: HB 1022, HCR 4414

Research, liquor revolving fund: SSB 5070, *HB 1228, CH 458

Tax, additional for wine commission: 2SHB 569

Washington wine commission established: *2SHB 569, CH 452

WINTER RECREATION

Commission reestablished: *SSB 5081, CH 526

Operating budget: *SHB 1221, CH 7 E1

Operating budget, technical assistance to Okanogan County: *SHB 1221, CH 7 E1

WOOD STOVES

Emissions regulated, performance standards: *2SHB 16, CH 405

Wood stove education account: *2SHB 16, CH 405

WORK

Age discrimination, persons over 70 protected: HB 618

Drug-testing regulated: SHB 1063

Employee buyouts, tax deferrals and credits: HB 604

Employee cooperatives authorized: HB 587, *SHB 430, CH 457

Family independence program established: *2SHB 448, CH 434

Family or medical leave: 2SHB 565

Grocery stores, study of work environment: HB 1007

Hours, nonstandard, hazard information: HB 1209

Hours, 11 p.m. to 6 a.m., security measures required: SHB 473

Local reemployment centers: HB 913, 2SSB 5441

Older workers, long-term unemployed, priority for unemployment services: HB
912, *SSB 5393, CH 284

Safety and health violations, employees may sue for repeated violations: HB 939

Smoking in workplace regulated: SHB 13

WORK—cont.

- Timber industry employment, jobs in new industries: SHB 811
- Underemployment, study by DCD: SHB 1155
- Unjust discharge, arbitration procedures established: HB 1133

WORKERS' COMPENSATION

- Agriculture labor covered: HB 467, *SHB 677, CH 316
- Appeal of orders, revisions: HB 159
- Appeals, injured worker, benefits during appeal: HB 940
- Appeals modified, assessment revisions: *SHB 677, CH 316
- Architects and design professionals, recovery against: *SSB 6048, CH 212
- Asbestos, industrial insurance benefits: SHB 1015
- Assessment notices, appeals, revisions: HB 468, SHB 677
- Causes of action, compromises, settlements, or stipulated resolutions process: HB 751
- Corporations, modifications: HB 467, *SHB 677, CH 316
- Death, benefits modified: HB 941
- Disability benefit rates modified: SHB 400
- Fees and medical charges, interest, revisions: *SHB 677, CH 316
- Fire fighters, respiratory disease, occupationally related: *SSB 5801, CH 515
- Fraud appeals, evidence introduction changed: *HB 187, CH 151
- Health care access act of 1987: *2SHB 477, CH 5 E1
- Hospital in-patient services, cost-effective payment methods: *HB 462, CH 470
- Immunity, third-party contractors: *SSB 6048, CH 212
- Investment, excess industrial insurance funds: HB 1108
- Judgments, employer immunity: HB 781
- Law enforcement, heart disease, occupationally related: SSB 5801
- Lost payments, duplicate issuance authorized: HB 958
- Medical dispute, opinion of attending physician conclusive: HB 934
- Medical fees, deferred during beneficiary's appeal: HB 1032
- Medical services, examination by panel, fee limited: HB 934
- Obsolete references removed: HB 1045, *SHB 1069, CH 185
- Occupational disease, preexisting condition, revisions: HB 158
- Ombudsperson to assist employers and claimants: HB 938
- Penalties for misrepresentation, revisions: HB 470, HB 677, *SSB 5584, CH 221
- Permanent total disability benefits modified: HB 941
- Physicians, injured worker has right to choose: HB 934
- Premiums, repeals building industry/rate base computation: *HB 399, CH 210
- Public notice of major policy changes: HB 936
- Reimbursement of L & I and self-insurers from 3rd person recoveries limited: HB 1224
- Release of medical information, department discretion eliminated: HB 157, SB 5343
- Reopening claims, revisions: HB 1107
- Safety and health violations, employees may sue for repeated violations: HB 939
- Self-insured employers' funds, state benefits applicable: HB 345, SB 5788
- Self-insureds, pay hospital bills within a certain time period: HB 463
- Self-insurers, forwarding of claims and documentation: *SHB 937, CH 290
- Self-insurers, physicians to examine industrial insurance claimants: HB 155, SB 5282
- Self-insurers, unit to manage industrial insurance: SHB 935
- Suspension of award, refusal to comply with medical exam or treatment: HB 160
- Temporary total disability benefits modified: HB 941
- Third parties, actions against, lien by department: *SSB 6048, CH 212

WPPSS

- BPA, prohibiting sale: *SJM 8005
- Conservation, source of electrical energy, joint operating agencies: HB 269, *HB 541, CH 376
- Energy facility site evaluation: HB 381, SSB 5372

WPPSS—cont.

Purchase and contracting authority: *HB 541, CH 376

Transfer of plant to federal government, impact report required: HB 270

YAKIMA RIVER

Yakima River basin enhancement project, new permits: *SHB 978, CH 517

YOUTH EMPLOYMENT

Age eligibility revisions: *SHB 706, CH 167

Conservation corps coordinating council sunset extended: *HB 707, CH 367

Distressed areas, 60% of funds: *SHB 706, CH 167

Education incentives: *SHB 706, CH 167

Youth employment exchange, duties increased: *SHB 706, CH 167

Youth employment exchange renamed, Washington service corps: *SHB 706, CH 167

